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UNIVERSITY OF CALIFORNIA  
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GIFT OF  
Bureau of  
Governmental Research

*W. H. Stone*







THE  
DONGAN CHARTER  
AND  
PRESENT CHARTER,  
TOGETHER WITH  
LAWS OF THE STATE OF NEW YORK  
APPLICABLE TO THE  
CITY OF ALBANY  
AND THE  
CITY LAWS AND ORDINANCES  
OF THE  
CITY OF ALBANY.

---

CHARTER REVISED TO CONFORM TO AMENDMENTS THERETO UP TO  
JANUARY 1, 1806, AND LAWS COMPILED AND ARRANGED BY  
WILLIAM P. RUDD, *Corporation Counsel*.

ALDEN CHESTER, *Assistant Corporation Counsel*.

CHARTER INDEXED BY HENRY A. MALOY, *Clerk of Common Council*.

STATE LAWS INDEXED BY JAMES J. FARREN, *Asst. Corporation Counsel*.

CITY LAWS AND ORDINANCES COMPILED BY HENRY A. MALOY.

REVISED AND ARRANGED BY JOHN A. DELEHANTY, *Corporation Counsel*.

AND JAMES J. FARREN, *Assistant Corporation Counsel*.

INDEXED BY HENRY A. MALOY.

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ALBANY  
THE ARGUS COMPANY, PRINTERS.  
1896.

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# AUTHORITY FOR COMPILATION.

In Common Council, July 2, 1894.

Resolved, That the Corporation Counsel be and he hereby is requested to compile and report to this Board, the charter of the city of Albany, striking therefrom all parts that have been repealed and inserting in their proper places all amendments that have been made thereto since the same was passed, April 23, 1883.

That in connection therewith he also report any and all laws of the State of New York specially applicable to the city of Albany.

A true record,

WILLIAM W. DENNIN,  
Clerk Common Council.

Approved July 7, 1894.

OREN E. WILSON,  
Mayor.

---

In Common Council, July 2, 1894.

Resolved, That the Clerk be and hereby is requested to compile and present to this Board the ordinances of the city of Albany now in force.

A true record,

WILLIAM W. DENNIN,  
Clerk Common Council.

Approved July 7, 1894.

OREN E. WILSON,  
Mayor.

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In Common Council, November 19, 1894.

Office of Corporation Counsel,  
Albany, November 19, 1894.

To the Honorable the Common Council:

In accordance with a resolution adopted by your honorable body July 2, 1894, in which you request the Corporation Counsel to

compile and report to this Board the charter of the city of Albany, together with all the laws of the State of New York, especially applicable to the city of Albany, I desire respectfully to state that we have complied with the request contained in such resolution, and have compiled all the laws as they now exist which make up the charter of this city, and also all the laws of the State which are especially applicable to this city.

This compilation has been made without any expense to the city of Albany, and I would respectfully suggest that, at a future time, a resolution be adopted by your honorable body providing for the proper printing of this compilation.

Yours respectfully.

WILLIAM P. RUDD,  
Corporation Counsel.

A true record.

WILLIAM W. DENNIN,  
Clerk Common Council.

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In Common Council, June 3, 1895.

Resolved, That the Printing Committee be and hereby is directed to cause to be printed the compilation of the charter and State laws relating to the city of Albany, which has been made by the Corporation Counsel and the city ordinances, as prepared by the Clerk of this Common Council.

Resolved, That said committee be directed to obtain competitive bids for the doing of such work.

A true record.

WILLIAM W. DENNIN,  
Clerk Common Council.

Approved June 13, 1895.

OREN E. WILSON,  
Mayor.

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PART I.

---

Containing the Dongan Charter  
and Charter of 1883,

WITH AMENDMENTS TO JANUARY 1, 1896.

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# The Dongan Charter of the City of Albany.

---

Granted on the Twenty-second day of July, in the Year of our Lord  
One Thousand Six Hundred and Eighty-Six.

---

**Thomas Dongan, Governor.**

1. THOMAS DONGAN, Lieutenant and Governor of the Province of NEW-YORK, and Dependencies in AMERICA, under his most sacred Majesty, JAMES the Second, by the Grace of God, of ENGLAND, SCOTLAND, FRANCE and IRELAND, King, Defender of the Faith, and so forth, the Supreme Lord and Proprietor of the said Province of NEW-YORK, and its Dependencies :

*To all persons to whom these Presents shall or may come, or in any wise concern, SENDETH GREETING :*

## **Recital of certain grants.**

2. WHEREAS the town of ALBANY is an ancient town within the said Province, and the inhabitants of the said town have held, used and enjoyed, as well within the same as elsewhere within the said Province, divers and sundry *Rights, Liberties, Privileges, Franchises, Free Customs, Preheminences, Advantages, Jurisdictions, Emoluments and Immunities*, as well by prescription, as by *Grants, Confirmations and Proclamations*, not only by divers Governors and Commanders-in-Chief in the said Province under his said Majesty; but also of several Governors, Generals and Commanders-in-Chief of the *Nether Dutch* nation, whilst the same was or has been under their power and subjection, AND WHEREAS divers lands, tenements, and hereditaments, jurisdictions, liberties, immunities and privileges, have heretofore been given and granted to the inhabitants of the said town, sometimes by the name of the Commissaries of the town of *Beverwyck*; sometimes by the name of the Commissaries of the town of *Albany*; sometimes by the name of *Schepenen* of *William-Stadt*; and sometimes by the name of *Justices of the Peace* for the town of *Albany*; and by divers other names, as by their several grants, writings, records and minutes, amongst other things, may more fully appear. AND WHEREAS the

inhabitants of the said town have erected, built and appropriated, at their own proper cost and charges, several public buildings, accommodations and conveniences, for the said town, as also certain pieces or parcels of ground for the use of the same, *that is to say*, the town-hall or stadt-house, with the ground thereunto belonging; the church or meeting place, with the ground about the same; the burial place, adjoining to the palisades, at the south-east end of the town; the watch-house and ground thereunto belonging; a certain piece or parcel of land, commonly called or known by the name of pasture, situate, lying and being to the south-ward of the said town, near the place where the old fort stood, and extending along *Hudson's River*, till it comes over against the most northerly point of the island, commonly called *Martin Gerritsen's Island*, having to the east *Hudson's River*, to the south, the manor of *Rensselaerwick*, to the west the highway leading to the town, the pasture late in the tenure and occupation of *Martin Gerritsen*, and the pasture late in the tenure and occupation of *Casper Jacobse*, to the north the several pastures late in the tenure and occupation of *Robert Sanders*, *Myndert Harmense* and *Evert Wendell*, and the several gardens late in the tenure and occupation of *Dirk Wessels*, *Killian Van Rensselaer* and *Abraham Staast*, with their and every of their appurtenances; and also have established and settled one ferry from the said town to *Greenbush*, situate on the other side of *Hudson's River*, for the accommodation and conveniency of passengers, the said citizens and travellers: AND WHEREAS several of the inhabitants of the town do hold from and under his most sacred Majesty, respectively, as well by several and respective patents, grants and conveyances, made and granted by the late Governors and Commanders-in-Chief of the said Province, as otherwise, several and respective messuages, lands, tenements and hereditaments in the town of ALBANY aforesaid, and that the said inhabitants of the said town of ALBANY, and their heirs and assigns respectively, may hold, exercise and enjoy, not only such and the same liberties, privileges, franchises, rights, royalties, free customs, jurisdictions and immunities, as they anciently have had, held, used and enjoyed, but also such public buildings, accommodations, conveniences, messuages, lands, tenements and hereditaments in the said town of ALBANY, which, as aforesaid, have been by the inhabitants erected and built, or which have, as aforesaid, been held, enjoyed, granted and conveyed unto them, or any of them, respectively.

**Privilege granted.—Title of corporation.—Proviso.—Powers of Corporation.—Proviso.**

3. KNOW YE THEREFORE, That I, the said *Thomas Dongan*, by virtue of the commission and authority unto me given and power in me presiding, at the humble petition of the Justices of the Peace of the said

town of ALBANY, and for divers other good causes and considerations me thereunto moving, HAVE given, granted, ratified and confirmed, and by these presents, for and on behalf of his most sacred Majesty aforesaid, his heirs and successors, do give, grant, ratify and confirm unto the said inhabitants of the said town, herein after agreed to be called by the name or names of the *Mayor, Alderman and Commonalty of the City of ALBANY*, all and every such and the same liberties, privileges, franchises, rights, royalties, free customs, jurisdictions and immunities, which they have anciently had, held and enjoyed : PROVIDED ALWAYS, That none of the said liberties, privileges, franchises, rights, free customs, jurisdictions or immunities, be inconsistent with, or repugnant to, the laws of his Majesty's kingdom of *England*, or other the laws of the general assembly of this Province : and the aforesaid public buildings, accommodations and conveniences, pieces or parcels of ground in the said town, *that is to say*, The said town-hall or stadt-house, with the ground hereunto belonging ; the said church or meeting-place, with the ground about the same ; the said burying-place, the watch-house and ground thereto belonging ; the said pasture and the afore-mentioned ferry, with their and every of their rights, members and appurtenances, together with all the profits, benefits and advantages that shall or may accrue or arise at all times hereafter, for anchorage or wharfage in the harbor, port or wharf of the said city, with all and singular the reuts, issues, profits, gains and advantages which shall or may arise, grow or accrue by the said town-hall or stadt-house, and the ground thereunto belonging; church or meeting place, with the ground about the same; burying-place, watch-house, pasture, ferry, and other the above mentioned premises, or any of them, and also all and every the streets, lanes, highways and alleys, within the said city, for the public use and service of the said Mayor, Alderman and Commonalty of the said city, and of the inhabitants of the places adjacent, and travellers there; together with full power, license and authority to said Mayor, Alderman and Commonalty and their successors forever, to establish, appoint, order and direct the establishing, making, laying out, ordering, amending and repairing of all streets, lanes, alleys, highways and bridges, water-courses and ferries, in and throughout the said city, or leading to the same, necessary, needful and convenient for the inhabitants of the said city and the parts adjacent, and for travellers there. PROVIDED ALWAYS, That the said license so as above granted for the establishing, making and laying out streets, lanes, alleys, highways, ferries and bridges, be not extended or construed to extend, to the taking away of any person or persons right or property, without his or their consent, or by some known law of the said Province. AND for the consideration aforesaid, I do likewise give, grant, ratify and confirm unto all and every the respective inhabitants of the said city of ALBANY, and their several and respective heirs and assigns, all and every the

## 10 *DONGAN CHARTER OF THE CITY OF ALBANY.*

several respective messuages, lands, tenements and hereditaments, situate, lying and being in the said city, to them severally and respectively granted, conveyed and confirmed by any the late Governors, Lieutenants, or Commander-in-Chief of the said Province, or by the Commissaries or Justices of the Peace, or other Magistrates of ALBANY aforesaid, or otherwise howsoever: To HOLD to their several and respective heirs and assigns forever.

### **Waste land, etc.**

4. AND I do, by these presents give and grant to the said Mayor, Alderman and Commonalty of the said city of ALBANY, all the waste, vacant, unpatented and unappropriated land lying and being within the said city of ALBANY, and the precincts and liberties thereof, extending and reaching to the low water mark, in, by and through all parts of said city; together with all rivers, rivulets, coves, creeks, ponds, water-courses, in the said city, not heretofore given or granted by any of the former Governors, Lieutenants or Commanders-in-Chief, under their or some of their respective hands and seals, or the seal of the Province, to some respective person or persons, late inhabitants of the said city, or of other parts of the said Province; and also the royalties of fishing, fowling, hunting, hawking, mines, minerals and other royalties and privileges belonging or appertaining to the city of ALBANY, gold and silver mines only excepted.

### **Privilege of fishing in Hudson's river.—Manor of Rensselaerwyck.**

5. AND I do, by these presents, give, grant and confirm unto the said Mayor, Aldermen and Commonalty of the said city of ALBANY, and their successors, forever, full and free license and liberty of fishing in *Hudson's River*, not only within the limits of the said city, but without, even so far northward and southward as the river does extend itself, within the said county of ALBANY, together with free liberty, license and authority, to and for the said Mayor, Alderman and Commonalty of the said city of ALBANY aforesaid, and their successors, at all time and times hereafter, for and during the space of one and twenty years, from and after the fourth day of *November*, last past, to be accomplished, and fully to be complete and ended, to cut down and carry away, out of any part of the manor of *Rensselaerwyck*, (provided it be not within any fenced or enclosed land) such firewood and timber, for building and fencing, as to them shall seem meet and convenient.

### **Strays.**

6. AND I do, by these presents, grant unto the said Mayor, Alderman and Commonalty of the city of ALBANY, and their successors forever



hereafter, all such strays as shall be taken within the limit, precincts and bounds of the said city.

**To purchase lands of Indians.**

7. AND I do, by these presents, give and grant unto the said Mayor, Alderman and Commonalty, of the city of ALBANY, and their successors, full liberty and license, at their pleasure, to purchase from the *Indians*, the quantity of five hundred acres of low or meadow land, lying at a certain place, called or known by the name of *Schaaghtecogue*, which quantity of five hundred acres shall and may be, in what part of *Schaaghtecogue*, or the land adjacent, as they, the said Mayor, Alderman and Commonalty of the city of ALBANY, shall think most convenient.

**Annual quit-rent.**

8. AND I do, by these presents, give and grant unto the said Mayor, Alderman and Commonalty, full power and license at their pleasure, likewise to purchase from the *Indians*, the quantity of one thousand acres of low or meadow land, lying at a certain place, called or known by the name of *Tionnondoroge*, which quantity of one thousand acres of low or meadow land, shall and may be, in what part of *Tionnondoroge*, or the land adjacent on both sides of the river, as they the said Mayor, Alderman and Commonalty of the said city of ALBANY, shall think most convenient; which said several parcels of low or meadow land, I do hereby, in behalf of his said Majesty, his heirs and successors, give, grant and confirm unto the said Mayor, Alderman and Commonalty of the city of ALBANY aforesaid, to be and remain to the use and behoof of them and their successors forever. TO HAVE AND TO HOLD, all and singular the premises, to the said Mayor, Alderman and Commonalty of the said city of ALBANY, and their successors forever, RENDERING and paying therefor unto his most sacred Majesty, his heirs, successors and assigns or to such officers or receiver, as shall be appointed to receive the same, yearly, forever hereafter, the annual quit-rent or acknowledgement of one beaver skin, in ALBANY, on the five and twentieth day of *March*, yearly and forever.

**Bounds of city.**

9. AND moreover, I will, and by these presents, for his said Majesty, his heirs and successors, grant, appoint, and declare, that the said city of ALBANY, and the compass, precincts, and limits thereof, and the jurisdiction of the same, shall from henceforth extend and reach itself, and shall and may be able to reach forth and extend itself, as well in length and breadth, as in circuit, on the east by *Hudson's River*, so far as low water mark: to the south, by a line to be drawn from the southernmost end of the pasture, at the north end of the said island, called *Martin*

*Gerritsen's Island*, running back into the woods, sixteen *English* miles due northwest, to a certain kill or creek, called the *Sand Kill*; on the north, to a line to be drawn from the post, that was set by Governor *Stuyvesant*, near *Hudson's River*, running likewise, northwest sixteen *English* miles; and on the west by a straight line, to be drawn from the points of the said north and south lines; wherefore by these presents, I do firmly enjoin and command for and on behalf of his said Majesty, his heirs and successors, that the aforesaid Mayor, Aldermen and Commonalty of the city aforesaid, and their successors, shall and may freely and quietly have, hold, use and enjoy the aforesaid liberties, authorities, jurisdictions, franchises, rights, royalties, privileges, advantages, exemptions, lands, tenements, hereditaments and premises, aforesaid, in manner and form aforesaid, according to the tenure and effect of the aforesaid grants, patents, customs, and these letters patent of grant and confirmation, without the let, hindrance or impediment of any of his Majesty's Governors, Lieutenants, or other officers whatsoever; and that the said Mayor, Aldermen and Commonalty of the city aforesaid, and their successors or any of them, in the free use and enjoyment of the premises, or any of them, by the Lieutenants or Governors of his said Majesty, his heirs and successors, or by any of them, shall not be hindered, molested, or in any wise disturbed.

#### Officers of city.

10. AND also, I do, for and on the behalf of his most sacred Majesty, his heirs and successors, ordain and grant to the Mayor, Aldermen and Commonalty of the city of ALBANY, and their successors, by these presents, that for the better government of the said city, liberties and precincts thereof, there shall be forever hereafter, within the said city, a Mayor, Recorder, Town-Clerk, and six Aldermen and six Assistants, to be appointed, nominated, elected, chosen and sworn, as hereinafter is particularly and respectively mentioned, who shall be forever hereafter, called the *Mayor, Aldermen and Commonalty of the city of ALBANY*, and that there shall be forever, one Chamberlain, or Treasurer, one Sheriff, one Coroner, one Clerk of the Market, one High-Constable, three Sub-Constables, and one Marshal or Sergeant at Mace, to be appointed, chosen and sworn in manner hereinafter mentioned.

#### Corporation to be a body politic and corporate.

11. AND I do, by these presents, for and on behalf of his most sacred Majesty, his heirs and successors, ordain, declare, constitute, grant and appoint, that the Mayor, Recorder, Aldermen and Assistants of the said city of ALBANY, for the time being, and their successors forever hereafter, be and shall be, by force of these presents one body corporate and politic, in deed, fact and name, by the name of *The Mayor, Aldermen and Commonalty of the city of ALBANY*; and them by the name of the *Mayor, Aldermen*

and Commonalty of the city of ALBANY, one body corporate and politic, in deed, fact and name; and I do really and fully create, ordain, make, constitute and confirm, by these presents, and that by the name of *The Mayor, Aldermen and Commonalty of the city of ALBANY*, that they may have perpetual succession, and that they and their successors, forever by the name of the *Mayor, Alderman and Commonalty of the city of ALBANY*, be and shall be, forever hereafter, persons able, and in law capable to have, get, receive and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple or for term of life, lives or years, or otherwise: and also goods and chattels, and also other things of what nature, quality or kind soever; and also to give, grant, let, set and assign the said lands, tenements, hereditaments, goods and chattels, and to do and execute all other things in and about the same by the name aforesaid; and also that they be, and forever shall be, persons able in law, capable to plead, and be impleaded, answer and be answered unto, defend and be defended, in all or any of the courts of his said Majesty, and other places whatsoever, and before any Judges, Justices, and other person or persons whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, of what nature, kind, or quality soever, in the same, and the like manner and form as other people of this Province, being persons able and in law capable, may plead and be impleaded, answer and be answered unto, defend and be defended, by any lawful ways or means whatsoever; and that the said Mayor, Aldermen and Commonalty of the city of ALBANY, and their successors, shall and may forever hereafter, have one common seal to serve for the sealing of all and singular their affairs and business, touching or concerning the said corporation. And it shall and may be lawful to and for the said Mayor, Aldermen and Commonalty of the said city of ALBANY, and their successors, as they shall see cause, to break, change, alter and new make their said common seal, and as often as to them shall seem convenient.

#### Certain officers appointed.

12. AND FURTHER KNOW YE, that I have assigned, named, ordained and constituted, and by these presents, do assign, name, ordain and constitute, *Peter Schuyler*, to be the present Mayor of the said city of ALBANY, and that the said *Peter Schuyler* shall remain and continue in the office of Mayor there, until another fit person shall be appointed and sworn in the said office, as in and by these presents, is hereafter mentioned and directed. And I have assigned, named, ordained and constituted, and by these presents do assign, name, ordain and constitute, *Isaac Searleton* to be the present Recorder of the said city, to do and execute all things, which unto the office of Recorder of the said city doth, or may any way apper-

tain or belong. And I have assigned, named, ordained and constituted, and by these presents do ordain, constitute, create and declare, *Robert Livingston*, Town Clerk of the said City; to do and execute all things which unto the office of Town Clerk, doth or may belong. And also I have named, assigned, constituted and made, and by these presents do assign, constitute and make *Dirk Wessels, Jan Jans Bleecker, David Schuyler, Johannis Wendell, Lucius Van Schaick,* and *Adrain Garritse*, citizens and inhabitants of the said city of ALBANY, to be the present Aldermen of said city. And also I have made, assigned, named and constituted, and by these presents do make, assign, name and constitute, *Jochim Staats, John Lansing, Isaac Verplanck, Lawrence Van Ale, Albert Ryckman,* and *Melgert Winantse*, citizens and inhabitants of the said city, to be the present Assistants of the said city. Also I have assigned, chosen, named and constituted, *Jan Bleecker*, citizen and inhabitant of the said city, to be the present Chamberlain or Treasurer of the city aforesaid. And I have assigned, named, constituted and appointed, and by these presents do assign, name, constitute and appoint, *Richard Pretty*, one of the said citizens there, to be the present Sheriff of the said city. And I have assigned, named, constituted and appointed, and by these presents do assign, name, constitute and appoint, *James Parker*, one other of the said citizens, to be the present Marshal of the said city.

#### **Powers of Common Council.—Duration of city laws.**

13. AND I do, by these presents, grant to the said Mayor, Aldermen and Commonalty of the said city of ALBANY, and their successors, that the Mayor, Recorder, Aldermen and Assistants of the said city, for the time being, or the Mayor and any three or more of the Aldermen, and any three or more of the Assistants, of the said city, for the time being, be, and shall be called, *the Common Council of the said city*, and that they or the greater part of them, shall or may have full power and authority, by virtue of these presents, from time to time to call and hold Common Council, within the Common Council House, or City Hall of the said city; and there, as occasion shall be to make laws, orders, ordinances, and constitutions in writing; and to add, alter, diminish, and reform them, from time to time, as to them shall seem necessary and convenient, (not repugnant to the prerogative of the King's Majesty, his heirs or successors, or to any laws of the kingdom of *England*, or other the laws of the General Assembly of the Province of *New York* aforesaid) for the good rule, oversight, correction, and government of the said city, and liberties of the same, and of all the officers thereof, and of the several tradesmen, victuallers, artificers, and of all other people and inhabitants of the city, liberties and precincts aforesaid, and for the preservation of government, the *Indian* trade, and all other commerce and dealing, and for disposal of all the lands, tenements, and hereditaments, goods and

chattels of the said corporation; which said laws, ordinances, and constitutions shall be binding to all the inhabitants of the said city, liberties, and precincts aforesaid; and which laws, orders, ordinances, and constitutions, so by them to be made as aforesaid, shall be and remain in force, for the space of one year, and no longer, unless they shall be allowed and confirmed by the Governor and Council, for the time being.

**Power to make laws.**

14. AND FURTHER, I will and grant to the said Common Council of the said city, for the time being, as often as they make, ordain, and establish such laws, orders, ordinances, and constitutions aforesaid, shall or may make, ordain, limit, provide, set, impose, and tax, reasonable fines and amerciaments, against and upon all persons offending against such laws, orders, ordinances, and constitutions as aforesaid, or any of them, to be made, ordained, and established as aforesaid, and the same fines and amerciaments shall and may require, demand, levy, take, and receive, by warrants, under the common seal, to and for the use and behoof of the Mayor, Aldermen and Commonalty of the said city, and their successors, either by distress and sale of the goods and chattels of the offenders therein, if such goods and chattels may be found within the said city, liberties, and precincts thereof, rendering to such offender and offenders the overplus, or by any other lawful ways or means whatsoever.

**Time when Mayor, etc., to be appointed.**

15. AND I do, by these presents, for the King's Majesty, his heirs and successors, approve and ordain the assigning, naming and appointing of the Mayor and Sheriff of the said city, that it shall be as followeth, (*viz.*) upon the feast day of *St. Michael*, the arch angel, yearly, the Lieutenant-Governor or Commander-in-Chief, for the time being, by and with the advice of his council, shall nominate and appoint such a person as he shall think fit, to be Mayor of the said city, for the year next ensuing; and one other person of sufficient ability in estate, and capacity in understanding, to be Sheriff of the said city of ALBANY, for the year next ensuing; and that such person as shall be assigned, named and appointed Mayor, and such person as shall be assigned, named and appointed Sheriff of the said city as aforesaid, shall on the 14th day of October, then next following, in the City Hall or Stadt-House aforesaid, take the several and respective corporal oaths before the Recorder, Aldermen and Assistants, or any three of the Aldermen and four of the Assistants of the said city, for the time being, for the due execution of their respective offices as aforesaid; and that the said Mayor and Sheriff, so to be nominated and appointed as aforesaid, shall remain and continue in their respective offices until another fit person

shall be nominated, appointed, and sworn in the place of Mayor, and one other person shall be nominated, appointed, and sworn in the place of Sheriff of the said city, in manner aforesaid; which oaths the said Recorder, Aldermen, and Assistants, or any three or more of the Aldermen, shall and may lawfully administer, and have hereby power to administer to the said Mayor and the said Sheriff, so nominated and appointed, from time to time, accordingly.

**Recorder and Town Clerk, how appointed.**

16. AND FURTHER, That according to usage and custom, the Recorder and Town Clerk of the said city, shall be persons of good capacity and understanding, such as his most sacred Majesty, his heirs and successors, shall in the said respective offices of Recorder and Town Clerk, respectively appoint and commissionate; and for defect of such appointment, and commissionating, by his most sacred Majesty as aforesaid, his heirs and successors, to be such persons as the said Governor, Lieutenant or Commander-in-Chief of the said Province, for the time being shall appoint or commissionate; which persons so commissionated to the said office of Recorder and office of Town Clerk respectively, shall have, hold and enjoy the said offices respectively according to the tenor and effect of the said respective commissions, and not otherwise.

**Officers to take an oath.**

17. AND FURTHER, I will, that the Recorder, Town Clerk, Aldermen, Assistants, Chamberlain, High-Constables, Petty-Constables, and all other officers of the said city, before they, or any of them shall be admitted to enter upon and execute the respective offices, shall be sworn faithfully to execute the same, before the Mayor, or any three or more of the Aldermen, for the time being. And I do, by these presents, for and on behalf of his said Majesty, his heirs and successors, grant and give power and authority to the Mayor and Recorder of the said city, for the time being, to administer the same respective oaths to them accordingly.

**Mayor, etc., to be justices of the peace.**

18. AND FURTHER, I will, and by these presents, do grant for and on behalf of his most sacred Majesty, his heirs and successors, that the Mayor, Aldermen and Recorder of the said city, for the time being, shall be justices and keepers of the peace of his said Majesty, his heirs and successors, and justices to hear and determine matters and causes within the said city, liberties and precincts thereof, and that they or any three or more of them, shall and may forever hereafter have power and authority, by virtue of these presents, to hear and determine all and all manner of petty larcenies, riots, routs, oppressions, extortions, and all other trespasses and offenses whatsoever, within the said city of ALBANY.

and the limits, precincts and liberties thereof, from time to time, arising and happening, and which shall arise or happen, and any way belong to the office of justice of the peace, and correction and punishment of the offenders aforesaid, and every of them, according to the laws of *England*, and the laws of the said Province: and to do and execute all other things in the said city, liberties and precincts as aforesaid, so fully and in as ample a manner as to the commissioners assigned, and to be assigned for the keeping of the peace in the said city and county of ALBANY, doth or may belong.

**Election of Aldermen, Assistants and Chamberlain.—First Town Clerk.**

19. AND MOREOVER, I do, by these presents, for his majesty, his heirs and successors, will and appoint that the Aldermen and Assistants, within the said city, be yearly chosen on the feast day of *St. Michael* the archangel, forever, (*viz.*) two Aldermen and two Assistants for each respective ward, in such public place in the said respective wards, as the Aldermen for the time being, for each ward, shall direct and appoint, and that by the majority of voices of the inhabitants of each ward; and that the Chamberlain shall be yearly chosen, on the said feast day, in the city-hall of the said city, by the said Mayor, Aldermen and Assistants of the said city, or by the Mayor or three or more of the Aldermen and three or more of the Assistants of said city, for the time being. And I do, by these presents, constitute and appoint *Robert Livingston* to be the present Town Clerk, Clerk of the Peace, and Clerk of the Court of Pleas, to be holden before the Mayor, Recorder and Aldermen within the said city, and the liberties and precincts thereof.

**Duty of Sheriff, etc.**

20. AND FURTHER, I do, by these presents, for his said Majesty, his heirs and successors, require and straightly charge and command that the Sheriff, Town Clerk, Clerk of the Peace, High-Constable, Petty-Constable, and all other subordinate officers in the said city, for the time being, and every of them respectively, jointly and severally, as causes shall require, shall attend upon the said Mayor, Recorder and Aldermen of the said city for the time being, and every or any of them, according to the duty of their respective place, in and about the executing of such the commands, precepts, warrants and process of them, and every of them as belongeth and appertaineth to be done or executed.

**Mayor, etc., to commit offenders.**

21. AND that the aforesaid Mayor, Recorder, and Aldermen, and every one of them, as justices of the peace, for the time being, by their

or any of their warrants, all and every person or persons, for high treason or petty treason, or for suspicion thereof, and for other felonies whatsoever, and all malefactors and disturbers of the peace, and other offenders for any other misdemeanors, who shall be apprehended within the said city or liberties thereof, or without the same in any part within the said county, shall and may send and commit, or cause to be sent and committed to the common gaol of the said city, there to remain and be kept in safe custody by the keeper of the said gaol, or his deputy for the time being, until such offender and offenders shall be lawfully delivered thence.

#### **Duty of keeper of gaol.**

22. AND I do, by these presents, for his said Majesty, his heirs and successors, charge and require the keeper and keepers of the said gaol for the time being, and his and their deputy or deputies, to receive and take into safe custody, to keep all and singular such person or persons so apprehended or to be apprehended, sent and committed unto the said gaol, by warrant of the said justices, or any of them as aforesaid, until he or they so sent and committed to the said gaol, shall from thence be delivered by due course of law.

#### **Licenses to tavern-keepers, etc.**

23. AND FURTHER, I grant and confirm, for his said Majesty, his heirs and successors, that the said Mayor of the said city for the time being, and no other, shall have power and authority to give and grant licenses annually, under the public seal of the said city, to all tavern-keepers, inn-keepers, ordinary keepers, victuallers, and all public sellers of wine, strong waters, cider, beer, or any other sort of liquors by retail within the city aforesaid, or the liberties and precincts thereof, or without the same in any part or the said county and that it shall and may be lawful to and for the said Mayor of the said city for the time being, to ask, demand and receive for each license by him to be given and granted as aforesaid, such sum or sums, of money, as he and the person to whom such license may be given or granted shall agree for, not exceeding the sum of thirty shillings, current money of this country for each license; all which money, as by the Mayor shall be so received, shall be used and applied to the public use of the said Mayor, Aldermen and Commonalty of the said city of ALBANY, without any account thereof to be rendered, made or done to his said Majesty, his heirs, successors or assigns, or any of his Lieutenants or Governors of the said Province, for the time being, or any of their deputies.



**Mayor to be Clerk of Market.**

24. AND FURTHER, I do grant for his said Majesty, his heirs and successors, that the said Mayor of the said city for the time being, and no other, be and forever shall be Clerk of the market within the said city aforesaid and the liberties and precincts thereof; and that he, and no other shall and may forever do, execute and perform all and singular acts, deeds and things whatsoever, belonging to the office of Clerk of the market within the city aforesaid, and the liberties and precincts thereof, to be done, executed and performed. And that the said Mayor of the said city, for the time being, and no other person or persons, shall or may have assize or assay of bread, wine, beer and wood, and other things to the office of Clerk of the market belonging or concerning, as well in the presence as in the absence of his said Majesty, his heirs and successors, or his or their Lieutenants or Governors here.

**Mayor to be Coroner.**

25. ALSO, I will and grant for his said Majesty, his heirs and successors, unto the Mayor, Aldermen and Commonalty of the said city for the time being, and their successors for ever, that the Mayor of the said city aforesaid, for the time being, during the time that he shall remain in the said office of Mayor, and no other, be, or shall be coroner of his said Majesty, his heirs and successors, as well within the city aforesaid, and the liberties and precincts thereof, as without the same, within the limits or bounds of the said county; and that he and no other, shall do or cause to be done and executed, within the said city, limits and precincts thereof, or without the same, within the limits and bounds of the county, all and singular matters and things to the said office of Coroner belonging, there to be done. And that the said Mayor of the said city for the time being, shall take his corporal oath before the Recorder, or any three or more of the Aldermen of the said city, well and duly to execute the said office of Clerk of the market and Coroner of the said city and county, before he take upon him the execution of either of the said offices.

**Fines for not serving as officers.**

26. AND ALSO, I do, by these presents, grant unto the Mayor, Aldermen and Commonalty of the said city of ALBANY, that if any of the citizens of the said city, or inhabitants within the limits and precincts thereof, that shall, after being elected, nominated, or chosen to the office of Mayor, Aldermen, Assistants, Sheriff, or Chamberlain of the said city as aforesaid, and have notice of his or their election, shall refuse or deny to take upon him or them to execute that office to which they shall be so chosen or nominated; that then, and so often as it shall

and may be lawful for the Mayor, Recorder, Alderman, and Assistants of the said city, for the time being, or the Mayor, or any three of the Aldermen, and three or more of the Assistants of the said city, for the time being, to tax, assess, and impose upon such person or persons so refusing or denying, such reasonable or moderate fines or sums of money as to their discretion shall be thought most fit, so as the said fine, penalty or sum for refusing or denying to hold and execute the office of Mayor of the said city, do not exceed the sum of *twenty pounds*, current money of this country; and the fines for refusing or denying to hold and execute the place of an Alderman, do not exceed the sum of *ten pounds*, like current money; and the fine for denying or refusing to hold and execute the place of Chamberlain, Assistant, or sheriff, the sum of *five pounds*, like current money.

**Election of such to be annulled.**

27. AND I do, by these presents, for his said Majesty, his heirs and successors, authorize the Mayor, Recorder, Aldermen, and Assistants of the said city, for the time being, and the Mayor, and three or more of the Aldermen, and three or more of the Assistants there for the time being, to frustrate and make void the election of such person or persons so refusing or denying as aforesaid; and then, and in such cases, any other fit and able person and persons, citizen and citizens of the said city, or inhabiting within the liberties and precincts thereof, in convenient times, to elect anew in the manner aforesaid, directed and prescribed to execute such office and offices so denied or refused to be executed as aforesaid; and that if it shall happen that such person or persons so to be elected anew, shall refuse or deny to take upon him or them any of the said office or offices unto which he or they shall be chosen and elected as aforesaid; then and in such case, the Mayor, Recorder, Aldermen, and Assistants of the said city, for the time being, or the said Mayor, or three or more of the said Aldermen, and three or more of the Assistants of the said city for the time being, shall or may set and impose upon them so denying or refusing, such and the like moderate fines as is before set down in like cases to the respective offices, with such limitations as aforesaid; and also in such and the like manner as aforesaid, to continue and make void such election and elections, and make new elections as often as need shall be and require; all which said fines so set and imposed, I do by these presents, for and on behalf of his said Majesty, his heirs, successors, and assigns, grant to be, and shall be and remain, and belong unto, and shall be put into the possession and seizen of the Mayor, Aldermen and Commonalty for the time being, and their successors, to be levied and taken by warrant under the common seal, and by distress and sale of the goods and chattels of the several persons so refusing or denying as aforesaid, if such goods and chattels may be found within the said city, liberties and precincts

thereof, rendering to the parties the overplus, or by any other ways or lawful means whatsoever, to the only use of the said Mayor, Aldermen, and Commonalty of the city of ALBANY, and their successors, without any account to be rendered, made or done to the said King's Majesty, his heirs, successors, or assigns for the same.

**Freedom of the city.—None but freemen to trade in city.—  
Proviso.**

28. AND KNOW YE, that for the better government of the said city, and for the welfare of the citizens, tradesmen, and inhabitants thereof, I do, by these presents, for his said Majesty, his heirs and successors, give and grant to the said Mayor, Aldermen, and Commonalty of the said city, and their successors, that the Mayor, Recorder, and Aldermen, or the Mayor or any three or more of the Aldermen for the time being, shall from time to time, and at all times hereafter, have full power and authority, under the common seal, to make free citizens of the city and liberties thereof; and no person or persons whatsoever, other than such free citizens, shall hereafter use any art, trade, mystery, or manual occupation within the said city, liberties and precincts thereof, saving in the times of fairs there to be kept, and during the continuance of such fairs only. And in case any person or persons whatsoever, not being free citizens shall hereafter use or exercise any art, trade, mystery, or manual occupation, or shall by himself, themselves, or others, sell or expose to sale any manner of merchandise or wares whatsoever, by retail, in any house, shop or place or standing within the said city, or the liberties or precincts thereof, no fair being then kept in the said city, and shall persist therein after warning to him or them given or left, by the appointment of the Mayor of said city, for the time being at the place or places where such person or persons shall so use and exercise any art, trade, mystery, or manual occupation, or shall sell or expose to sale any wares or merchandise as aforesaid by retail; then it shall be lawful for the Mayor of the said city, for the time being, to cause such shop windows to be shut, and also to impose such reasonable fine for such offense, not exceeding *twenty shillings* for every respective offense; and the same fines so imposed, to levy and take, by warrant, under the common seal of the said city for the time being, by distress and sale of the goods and chattels of the person or persons so offending in the premises, found within the liberties and precincts of the said city, rendering to the parties the overplus, or by any other lawful ways or means whatsoever, to the only use of the said Mayor, Aldermen, and Commonalty of the said city of ALBANY, and their successors, without any account to be rendered, made, or done to his Majesty, his heirs and successors, or to his or their Lieutenants, Governors, or Commanders-in-Chief for the same. PROVIDED ALWAYS, That no person or persons shall be made free as aforesaid, but such as are his Majesty's natural

born subjects, or such as shall be first naturalized by act of the General Assembly, or have obtained letters of denization, under the hand of the Lieutenant or Governor, or Commander-in-Chief for the time being, and the seal of the said Province; and that all persons to be made free as aforesaid, shall and do pay for the public use of the said Mayor, Aldermen, and Commonalty of the said city, such sums of money as such person or persons so to be made free, shall respectively agree for, not exceeding the sum of *three pounds twelve shillings* for the admission of each merchant or trader; and the sum of *six and thirty shillings* for the admission of each handicraft or tradesman.

#### To regulate trade with Indians.

29. AND WHEREAS, amongst the other rights, privileges, preeminences, and advantages which the citizens and freemen of the said city of ALBANY, and their predecessors, have for many years last past held, used and enjoyed the privileges, preeminences, and advantages of having within their own walls the sole management of the trade with all the *Indians* living within and to the eastward, northward, and westward of the said county of ALBANY, within the compass of his said Majesty's dominion here, which hath been from time to time confirmed to them, and their said predecessors, as well by prescription as by divers and sundry grants, orders, confirmations, and proclamations, granted, ordered, confirmed, and issued forth, not only by and from divers Governors and Commanders-in-Chief in the said Province, since the same hath been under his said Majesty's dominion, but also of several Governors, Generals, and Commanders-in-Chief of the *Nether Dutch Nation* whilst the same was or has been under their power and subjection, which has always been found by experience to be of great advantage, not only to the said city in particular, but to the whole Province in general; and that by the care, caution and inspection of the magistrates of the said city, to the well and orderly management and keeping the trade with the *Indians* within their walls, it hath returned vastly to the advancement of trade and the increase of his Majesty's revenue, and been the sole means, not only of preserving this Province in peace and quiet, whilst the neighboring colonies were imbrued in blood and war, but also of putting an end to the miseries those colonies labored under from the insulting cruelty of the *Northern Indians*. Whereas, on the other hand, it has been no less evident, that whenever there has been any slackness or remissness in the regulation and keeping the Indian trade within the walls of the said city, occasioned by the encroachment of some persons trading with the *Indians* in places remote, some clandestinely, others upon pretence of hunting passes, and the like, the trade not only of the said city, but the whole Province, has apparently decreased, the King's revenue has been much impaired, and

not only so, but this government has lost much of the reputation and management amongst the *Indians*, which it otherwise had and enjoyed; wherefore, for and on behalf of his said Majesty, his heirs and successors, I have given, granted, ratified, and confirmed, and by these presents do give, grant, ratify and confirm unto the Mayor, Aldermen and Commonalty of the said city of ALBANY, and their successors forever, the right, privilege, preheminance, and advantage of the sole and only management of the trade with the *Indians*, as well within this whole country, as without the same, to the east, ward, northward, and westward thereof, so far as his Majesty's dominion here does or may extend, to be managed and transacted only by the freemen, being actual inhabitants within the said city, and within the now walks and stockades thereof, and not elsewhere. And I do hereby, for his said Majesty, his heirs and successors, absolutely forbid and prohibit all and every the inhabitants of the said Province of *New York*, (the inhabitants of the said city of ALBANY only excepted,) to trade or traffic with any of the five nations of *Indians*, called the *Senecas*, *Cayonges*, *Onondages*, *Oneydes*, and *Maqueas*, who live to the westward, or with any other *Indian* or *Indians* whatsoever, within the county of ALBANY, or to the eastward, northward, or westward thereof, so far as his said Majesty's dominions here do or may extend or to have or keep in their houses or elsewhere, any *Indian* goods or merchandize, upon the pain and penalty of the forfeiture and confiscation of all such *Indian* commodities, whether the same be beavers, peltry, or other *Indian* commodities whatsoever, except Indian corn, venison, and dressed deer skin, to trade for, and upon pain and penalty of the forfeiture and confiscation of all such *Indian* goods and merchandize, as guns, powder, lead, duffels, rum, and all other *Indian* goods and merchandize, which shall at any time hereafter be found, concealed, or kept in any house or place without the walls of the said city, and within the said county of ALBANY, and the other limits and boundaries hereinbefore set forth and prescribed; and in case any person or persons whatsoever shall at any time hereafter, out of the walls of the said city, and within the said county, or the other limits and boundaries hereinbefore set forth and prescribed trade or traffic with any *Indian* or *Indians*, for any beavers, peltry, or other *Indian* commodities, (except as before excepted,) or there shall conceal or keep any *Indian* goods, wares, or merchandize in any house or place as aforesaid, then it shall and may be lawful for the Mayor, Recorder, or any of the Aldermen for the time being, by warrant, under their or any of their hands, to cause such *Indian* commodities so traded for, and such goods and merchandize so kept and concealed without the walls of the said city, wheresoever they shall be found within the said city and county, as without the same within the limits and boundaries before expressed, to be seized, and the same to be condemned and confiscated, in the court of pleas or

common pleas in the said city, or any other court of record within the said city or Province, one-third part to the Mayor of the city for the time being, one-third part to such person or persons as shall inform or sue for the same, and the other third part to the use of the Mayor, Aldermen and Commonalty of the said city of ALBANY, and their successors forever. And also, that it shall and may be lawful to and for the Mayor, Recorder and Aldermen of the said city for the time being, by a warrant under their or any of their hands or seals, to cause such person or persons, as shall presume to trade or traffic with the *Indians*, contrary to the form and effect of these presents, to be apprehended wherever they shall be found, within the limits and boundaries hereinbefore prescribed, to answer the same at the court of pleas and common pleas in the said city, or any other court of record within the said city or Province, where being legally convicted thereof, such person or persons, over and besides the forfeiture and confiscation of such goods, merchandise and commodities as aforesaid, shall be fineable, and fined in such sum or sums of money, (not exceeding *twenty pounds*, current money of this country,) as at the discretion of such court, before whom he or they shall be prosecuted, shall be thought reasonable and convenient; which said fines shall be one-third part to the person who shall inform and prosecute for the same, and the other two-thirds to the use of the Mayor, Aldermen and Commonalty, and their successors forever.

#### License to hunt in the county of Albany.

30. AND FURTHER, I do, by these presents, for and on behalf of his said Majesty, his heirs and successors, grant and declare to the said Mayor, Aldermen and Commonalty of ALBANY, and their successors, that his Majesty, his heirs and successors, nor any of his or their Governors, Lieutenants, Commanders-in-Chief or other officers, shall not or will not from henceforth forever hereafter, grant unto any person or persons whatsoever, any license or licenses to hunt within the said county of ALBANY, or to the eastward, northward or westward, so far as his said Majesty's dominion here doth or may extend, without the consent and approbation of the Mayor, Aldermen and Commonalty of the said city of ALBANY, for the time being, by the said person or persons first to be had and obtained.

#### May purchase lands, etc.

31. AND FURTHER, I do, by these presents, for his said Majesty, and his successors, grant to the said Mayor, Alderman and Commonalty of the said city, that they and their successors be forever, persons able and capable, and shall have power to purchase, have, take and possess in fee simple, lands, tenements, rents, and other possessions, within or without the same city, to them and their successors forever, so as the

same exceed not the yearly value of one thousand pounds per annum, the statute of *mortmain*, or any other law to the contrary notwithstanding; and the same lands, tenements, hereditaments and premises, or any part thereof to demise, grant, lease, set over, assign and dispose at their own will and pleasure, and to make, seal and accomplish any deed or deeds, lease or leases, evidences or writings for or concerning the same or any part thereof, which shall happen to be made and granted by the said Mayor, Aldermen and Commonalty of the said city for the time being.

#### Market days.

32. AND FURTHER, for and on behalf of his said Majesty, his heirs and successors, I do, by these presents, grant to the said Mayor, Aldermen and Commonalty, that they and their successors shall and may forever hereafter hold and keep within the said city, in every week in the year, two market days, the one upon *Wednesday*, and the other upon *Saturday*, weekly forever.

#### Public weigh-house.—Right to lands to extend to low water mark.

33. AND ALSO, I do by these presents, for and on behalf of his said Majesty, his heirs and successors, grant to the said Mayor, Aldermen and Commonalty of the said city, that they and their successors and assigns shall and may at any or all times hereafter, build a public weigh-house in such part of the said city, as to them shall seem convenient; and that they the said Mayor, Aldermen and Commonalty shall and may receive, perceive, and take to their own proper use and behoof all and singular the issues and profits therefrom or thereby arising or accruing; as also, that the said Mayor, Aldermen and Commonalty of the said city of ALBANY, their heirs and successors, shall and may at any time or times hereafter, when it to them shall seem fit and convenient, to take in, fill and make up, and lay out all and singular the grounds and lands within limits and precincts of the said city, and the same to build upon and make use of in other manner or way as to them shall seem fit, as far into the river that passeth by the same as low water mark as aforesaid.

#### City Court.

34. AND FURTHER, for and on behalf of his said Majesty, his heirs and successors, I do, by these presents, give and grant unto the aforesaid Mayor, Aldermen and Commonalty of the said city of ALBANY, and their successors, that they and their successors shall and may have, hold and keep within the said city, liberties and precincts thereof, once every fortnight in every year forever, upon *Tuesday*, one court of common pleas for all actions of debt, tres-pass upon the case, detinue,

ejectment, and other personal actions, and the same to be held, before the Mayor, Recorder and Aldermen, or any three of them, (whereof the Mayor or Recorder to be one,) who shall have power to hear and determine the same pleas and actions, according to the rules of the common law, acts of the General Assembly of the said Province, and the course of other corporations in the like nature.

**Mayor to determine certain actions.**

35. AND FURTHER, for and on the behalf of his said Majesty, his heirs and successors, I do, by these presents, give and grant to the said Mayor, Aldermen and Commonalty of the said city of ALBANY, their successors forever, that the Mayor of the said city for the time being, shall and may determine all and all manner of actions, or causes whatsoever, to be had, moved or depending between party and party, so always as the same exceed not the value of forty shillings, current money of this Province.

**Mayor, etc., to sit in courts.**

36. AND FURTHER, for and on behalf of his said Majesty, his heirs and successors, I do grant to the said Mayor, Aldermen and Commonalty of the said city, and their successors forever, that the Mayor, Recorder and Aldermen of the said city shall always be, so long as they shall continue in their respective offices, Justices of the peace for the said county, and as such shall and may sit in the courts of sessions, or county courts, and courts of oyer and terminer, that shall from time to time be held and kept within the said county; and that the Mayor, Recorder, or some one of the Aldermen of the said city for the time being, shall and may always preside in or be president of such county courts, or courts of sessions, to be held within the said county as aforesaid, and that the Sheriff of the said city for the time being, shall always be Sheriff of the said county; also that the Town Clerk of the said city for the time being, shall always be the clerk of the peace, and Clerk of the court of Sessions, or county courts for the said county.

**Former grants secured.—Proviso.**

37. AND FURTHER, I do, for and on behalf of his said Majesty, his heirs and successors, by these presents grant to the said Mayor, Aldermen and Commonalty of the said city of ALBANY, and their successors, that the said Mayor, Aldermen and Commonalty of the said city, and their successors, shall have and enjoy all the privileges, franchises, and power that they have and use, or that any of their predecessors, at any time within the space of twenty years last past, had, took, or enjoyed, or ought to have had, by reason, or under pretense of any further charter, grant, prescription, or any other right, custom or usage, although the same have been forfeit or lost, or hath been ill used, or not used,



or abused, or discontinued, albeit they be not particularly therein, under any pretense whatsoever, not only for their future, but the present enjoyment thereof; PROVIDED ALWAYS, That the said privileges, franchises and powers be not inconsistent with, or repugnant to, the laws of his Majesty's kingdom of *England* or other the laws of the General Assembly as aforesaid, and saving to his heirs, successors and assigns, and his Commander-in-Chief, Lieutenants, Governors and other officers under him or them in his FORT ALBANY, in or by the city of ALBANY, and in all the liberties, boundaries, extent and privileges thereof, for the maintenance of the said fort and garrison there, all the right, use, title, and authority, which his said Majesty, or any of his said Commanders-in-Chief, Lieutenants and other officers have had, used or exercised here (excepting the said pasture hereinbefore granted, or mentioned to be granted, to the said Mayor, Aldermen and Commonalty of the city of ALBANY aforesaid,) and saving to all other persons, bodies politic and corporate, their heirs, successors and assigns, all such rights, title and claims, possession, rents, services, commons, emoluments and interests, of, in and to anything that is theirs, save only the franchises as aforesaid, in as ample manner as if this charter had not been made.

**Certain lands not to be wasted.**

38. AND FURTHER, I do appoint and declare, that the incorporation to be founded by this charter shall not at any time hereafter do or suffer to be done, any thing by which the lands, tenements or hereditaments, stock, goods or chattels thereof, or in the hands, custody or possession of any of the citizens of the said city, such as have been set, let, given, granted, or collected, to and for pious and charitable uses, shall be wasted or misemployed, contrary to the trust or intent of the founder or giver thereof. And that such and no other construction shall be made hereof, than that which may tend most to advance religion, justice, and the public good, and to suppress all acts and contrivances to be invented or put in use contrary thereto. *In witness* whereof, I have to these presents set my hand, and thereto have affixed the seal of the said Province, and caused the same to be enrolled in the Secretary's office of the said Province, this two and twentieth day of *July*, in the second year of his said Majesty's reign, and in the year of our *Lord* one thousand six hundred and eighty-six.

THOMAS DONGAN.



# THE CHARTER OF THE CITY OF ALBANY.

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## CHAPTER 298, LAWS OF 1883.

An Act to provide for the Government of the "City of Albany."  
Passed April 23, 1883, three-fifths being present.

### TITLE I.

#### TITLE AND GENERAL POWERS OF CORPORATION.

##### **Title.**

Section 1. The corporation now existing and known by the name of the "City of Albany" shall continue to be a body politic and corporate, in fact and in name, by that name, and shall have perpetual succession, with all the grants, powers and privileges heretofore had by the said "The City of Albany" and "The Mayor, Aldermen and Commonalty of the City of Albany," and be subject to all the restrictions and conditions and possess all the powers of municipal corporations under and by virtue of the general statutes of this State.

##### **Property rights.**

§ 2. The corporation of the city of Albany shall continue to own, hold and possess all the property, rights, privileges and franchises now owned, held and possessed by the corporation heretofore known as the City of Albany, and the mayor, aldermen and commonalty of the city of Albany.

##### **Ferries.**

§ 3. The right of ferry granted by the charter of the said city to the mayor, aldermen and commonalty thereof, shall be so construed as to vest in the said city of Albany the sole and exclusive right of establishing, licensing and regulating all ferries on each side of the Hudson river leading from Greenbush opposite the east bounds of the original four wards of the said city to the said city, and from the four said original wards of the said city to Greenbush.

## TITLE II.

## BOUNDARIES OF CITY AND WARDS.

**Boundaries of city.**

Section 1. The boundary lines of the city of Albany shall be as follows: Beginning at the northwesterly corner of the east abutment of the Albany and Susquehanna railroad bridge over the Albany and Bethlehem turnpike, and running thence north fifty-one degrees forty-six minutes west true, through a white marble monument about twelve hundred feet west of the above-mentioned abutment, and continuing north fifty-one degrees forty-six minutes west true, to a white marble monument on the west line of Delaware avenue; thence northerly along the west line of Delaware avenue, for a distance of seven hundred and nine and forty-five-hundredths feet, to a stone monument; thence continuing along the west line of Delaware avenue for a distance of six hundred and fifty feet to a white marble monument; thence north thirty-eight degrees fourteen minutes east true, for a distance of fifteen hundred and forty-one and eighty-three-hundredths feet, to a white marble monument; thence north fifty-one degrees forty-six minutes west true, for a distance of about seventy-three hundred and ninety feet, to a white marble monument; thence north thirty-eight degrees fourteen minutes east true, for a distance of twenty-nine hundred and seventy feet, and passing through a white marble monument on the south side of the Albany, Schoharie and Reusselaerville plank-road, to a white marble monument, said last-mentioned monument being one hundred and thirty-two feet west of the west line of Allen street; thence north fifty-one degrees forty-six minutes west true, to the intersection with the north line of Western avenue; thence north thirty-eight degrees fourteen minutes east true, for a distance of about fifty-eight hundred and sixty feet, to the old north city line; thence south fifty-one degrees forty-six minutes east true, through an old sandstone monument marked "Albany, 1800 S. D." and continuing on the same course for a distance of about one hundred and fifteen feet easterly from said monument, to a point which is three-quarters of a mile west of the west line of Allen street; thence north thirty-eight degrees fourteen minutes east true, for a distance of about eight hundred and seventy-six feet, to a white marble monument; thence continuing on the same course to a point about twenty-two hundred and fifty feet north of the old former north line of the city; thence south fifty-one degrees forty-six

minutes east true, to a point on the centre line of Watervliet avenue, which point is two thousand feet north of the north line of Central avenue; thence north thirty-eight degrees fourteen minutes east true, for a distance of four hundred feet; thence south fifty-one degrees forty-six minutes east true, for a distance of fourteen hundred and fifty feet; thence south thirty-eight degrees fourteen minutes west, for a distance of four hundred feet; thence south fifty-one degrees forty-six minutes east true, to a point on the east line of New York Central avenue, produced northerly, which point is about twenty-three hundred feet north of the south line of Clinton avenue; thence continuing easterly to a point about on the east line of Ontario street, produced northerly, which point is thirty-two hundred and seventy feet north of the south line of Clinton avenue; thence north thirty-eight degrees fourteen minutes east true, passing through a white marble monument, and continuing on the same course to a point which is sixty-six hundred and fifty feet north of the south line of Clinton avenue; thence south fifty-one degrees forty-six minutes east true, through a white marble monument, and continuing on the same course for a distance of about six hundred and ninety-seven feet to a white marble monument; thence northerly and parallel with Broadway for a distance of sixteen hundred feet to a white marble monument; thence easterly on a line about at right angles with Broadway through a monument on the west line of Broadway and continuing easterly on the same course to the center of the main channel of the Hudson river; thence southerly and continuing through the center of the main channel of the Hudson river to a point which, measuring at right angles with Quay street, is opposite the face of the dock on the south side of the island creek; thence westerly, along the face of said dock and southerly along the east low-water line of the Island creek, to a point about two thousand three hundred feet from the north-westerly corner of the east abutments of the Albany and Susquehanna railroad bridge over the Albany and Bethlehem turnpike, measured on a course south fifty-one degrees, forty-six minutes east true, from the said corner of said abutment; thence north fifty-one degrees, forty-six minutes west true, for a distance of about two thousand three hundred feet, to the said corner of said abutment, the place of beginning. All territory not comprised within the limits of the city of Albany as herein described shall be regarded as being within the limits of the adjacent townships. The said city of Albany as above described shall hereafter be divided into nineteen wards as follows:

The First Ward to be comprehended within the following limits, namely: Beginning at the intersection of the center line of Gansevoort street prolonged to the east, with the east bounds of the city; running thence westerly along the centre of Gansevoort street and its easterly prolongation, to the center of South Pearl street; thence northerly along the center of South Pearl street to the center of Fourth avenue; thence westerly along the center of Fourth avenue to the center of Elizabeth street; thence southerly along the center of Elizabeth street to the center of Third avenue; thence westerly along the center of Third avenue to the center of Hawk street; thence northerly along the center of Hawk street to the center of Morton street; thence westerly along the center of Morton street to the center of Delaware avenue; thence southerly along the center of Delaware avenue to the southernmost boundary line of the city; thence running on the last-named line easterly to the east low-water line of the Island creek; thence northerly and easterly along said low-water line, and along the face of the dock on the south side of the Island creek, to the Hudson river; thence at right angles with Quay street, to the east line of the city; thence northerly along said city line to the place of beginning.

The Second Ward, within the following limits, namely: Beginning at the intersection of the center line of South Pearl street and Fourth avenue; thence running westerly along the center of Fourth avenue to the center of Elizabeth street; thence southerly along the center of Elizabeth street to the center of Third avenue; thence westerly along the center of Third avenue to its intersection with the southerly prolongation of the center line of Eagle street; thence northerly along the center line of Eagle street and its southerly prolongation to the center of Warren street; thence easterly along the center of Warren street to the center of Grand street; thence northerly along the center of Grand street to the center of Arch street; thence easterly along the center of Arch street to the center of South Pearl street; thence southerly along the center of South Pearl street to the center of Fourth avenue, the place of beginning.

The Third Ward within the following limits, namely: Beginning at the intersection of the center line of Gansevoort street prolonged to the east with the east line of the city; thence running westerly along the center of Gansevoort street to the center of South Pearl street; thence northerly along the center of South Pearl street to the center of South Ferry street; thence easterly

along the center of South Ferry street to the center of Franklin street; thence northerly along the center of Franklin street to the center of Westerlo street; thence easterly along the center of Westerlo street to the center of Church street; thence southerly along the center of Church street to the center of John street; thence easterly along the center of John street to the east bounds of the city; thence southerly along the east bounds of the city to its intersection with the easterly prolongation of the center line of Gansevoort street, the place of beginning.

The Fourth Ward, within the following limits, namely: Beginning at the intersection of the easterly prolongation of the center line of John street with the east bounds of the city; thence running westerly along the center of John street and its easterly prolongation, to the center of Church street; thence northerly along the center of Church street to the center of Westerlo street; thence westerly along the center of Westerlo street to the center of Franklin street; thence southerly along the center of Franklin street to the center of South Ferry street; thence westerly along the center of South Ferry street to the center of South Pearl street; thence northerly along the center of South Pearl street to the center of Hudson avenue; thence easterly along the center of Hudson avenue, and through a point four hundred feet north of the south end of the pier, to the east bounds of the city; thence southerly along the east bounds of the city to its intersection with the easterly prolongation of the center line of John street, the place of beginning.

The Fifth Ward, within the following limits, namely: Beginning at the intersection of the center line of Arch street with the center line of South Pearl street; thence running westerly along the center of Arch street to the center of Grand street; thence southerly along the center of Grand street to the center of Warren street; thence westerly along the center of Warren street to the center of Eagle street; thence northerly along the center of Eagle street to the center of Beaver street; thence easterly along the center of Beaver street to the center of South Pearl street; thence southerly along the center of South Pearl street to the center of Arch street, the place of beginning.

The Sixth Ward, within the following limits, namely: Beginning at a point on the east line of the city, and opposite a point four hundred feet north of the south end of the pier; thence running westerly through said point four hundred feet north of the south end of the pier and along the center of Hudson avenue to

the center of South Pearl street; thence northerly along the center of South Pearl street to the center of Beaver street; thence westerly along the center of Beaver street to the center of Eagle street; thence northerly along the center of Eagle street to the center of Canal street; thence easterly along the center of Canal street to the center of Chapel street; thence northerly along the center of Chapel street to the center of Clinton avenue; thence westerly along the center of Clinton avenue to the center of Ten Broeck street; thence northerly along the center of Ten Broeck street to the center of Livingston avenue; thence easterly along the center of Livingston avenue and its easterly prolongation to the east bounds of the city; thence southerly along the east bounds of the city to a point opposite a point four hundred feet north of the south end of the pier, the place of beginning.

The Seventh Ward, within the following limits, namely: Beginning at the intersection of the center line of Clinton avenue with the center line of Ten Broeck street; thence running westerly along the center of Clinton avenue to the center of Knox street; thence northerly along the center of Knox street to the center of Third street; thence easterly along the center of Third street to the center of North Swan street; thence northerly along the center of North Swan street to the center of Livingston avenue; thence easterly along the center of Livingston avenue to the center of Ten Broeck street; thence southerly along the center of Ten Broeck street to the center of Clinton avenue, the place of beginning.

The Eighth Ward, within the following limits, namely: Beginning at the intersection of the center line of Livingston avenue with the center line of Broadway; thence running westerly along the center of Livingston avenue to the center of North Swan street; thence southerly along the center of North Swan street to the center of Third street; thence westerly along the center of Third street to the center of Knox street; thence northerly along the center of Knox street and the northerly prolongation thereof to the center of Patroon's creek; thence easterly along the center of Patroon's creek to the center of Broadway; thence southerly along the center of Broadway to the center of Livingston avenue, the place of beginning.

The Ninth Ward, within the following limits, namely: Beginning at a point in the east bounds of the city, at the intersection with the easterly prolongation of the center line of Livingston avenue; thence westerly along the center line of Livingston avenue and its easterly prolongation to the center of Broadway;



thence northerly along the center of Broadway to the center of Patroon's creek; thence westerly along the center of Patroon's creek and Tivoli lake to a point opposite the angle of intersection of the boundary lines of the city from the west and north; thence northerly and easterly along the said boundary line of the city to the east bounds of the city; thence southerly along the east bounds of the city to the intersection with the easterly prolongation of the center line of Livingston avenue, the place of beginning.

The Tenth Ward, within the following limits, namely: Beginning at the intersection of the center line of Clinton avenue with the center line of Lexington avenue; thence running southerly along the center line of Lexington avenue to the center of Washington avenue; thence easterly along the center of Washington avenue to the center of Lexington avenue to the south; thence southerly along the center of Lexington avenue to the center of State street; thence westerly along the center of State street to the center of Western avenue; thence westerly along the center of Western avenue to the center of Perry street; thence northerly along the center of Perry street to the center of Clinton avenue; thence easterly along the center of Clinton avenue to the center of Lexington avenue, the place of beginning.

The Eleventh Ward, within the following limits, namely: Beginning at the intersection of the center line of Knox street with the center line of Clinton avenue; thence running westerly along the center of Clinton avenue to the center of Quail street; thence northerly along the center of Quail street and Quail street prolonged to the center of Patroon's creek; thence easterly along the center of Patroon's creek and Tivoli lake to a point in the center of Knox street prolonged to the north; thence southerly along the center of Knox street and its northerly prolongation to the center of Clinton avenue, the place of beginning.

The Twelfth Ward, within the following limits, namely: Beginning at the intersection of the center line of Chapel street with the center line of Canal street; thence running westerly along the center of Canal street to the center of Eagle street; thence southerly along the center of Eagle street to the center of Spruce street; thence westerly along the center of Spruce street to the center of Knox street; thence southerly along the center of Knox street to the center of Elk street; thence westerly along the center of Elk street to the center of Lexington avenue; thence northerly along the center of Lexington avenue to the center of

Clinton avenue; thence easterly along the center of Clinton avenue to the center of Chapel street; thence southerly along the center of Chapel street to the center of Canal street, the place of beginning.

The Thirteenth Ward, within the following limits, namely: Beginning at the intersection of the center line of Eagle street with the center line of State street and running thence westerly along the center of State street to the center of Lexington avenue; thence northerly along the center of Lexington avenue to the center of Washington avenue; thence westerly along the center of Washington avenue to the center of Lexington avenue to the north; thence northerly along the center of Lexington avenue to the center of Elk street; thence easterly along the center of Elk street to the center of Knox street; thence northerly along the center of Knox street to the center of Spruce street; thence easterly along the center of Spruce street to the center of Eagle street; thence southerly along the center of Eagle street to the center of State street, the place of beginning.

The Fourteenth Ward, within the following limits, namely: Beginning at the intersection of the center line of Eagle street with the center line of Madison avenue; thence running westerly along the center of Madison avenue to the center of Dove street; thence northerly along the center of Dove street to the center of State street; thence easterly along the center of State street to the center of Eagle street; thence southerly along the center of Eagle street to the center of Madison avenue, the place of beginning.

The Fifteenth Ward, within the following limits, namely: Beginning at the intersection of the center line of Eagle street prolonged southerly, with the center of Third avenue; thence westerly along the center of Third avenue to the center of Hawk street; thence northerly along the center of Hawk street to the center of Morton street; thence westerly along the center of Morton street to the center of Delaware avenue; thence northerly along the center of Delaware avenue to the center of Park avenue; thence easterly along the center of Park avenue to the center of Dove street; thence northerly along the center of Dove street to the center of Madison avenue; thence easterly along the center of Madison avenue to the center of Eagle street; thence southerly along the center of Eagle street and its southerly prolongation to the center of Third avenue, the place of beginning.

The Sixteenth Ward, within the following limits, namely: Beginning at the intersection of the center line of Delaware avenue with the center line of Morton street; thence running southerly along the center of Delaware avenue to its intersection with the present southernmost boundary line of the city; thence northerly and westerly along the boundary line of the city to the center of Lake avenue prolonged southerly; thence northerly along the center of Lake avenue prolonged and Lake avenue to the center of Western avenue; thence easterly along the center of Western avenue to the center of State street; thence easterly along the center of State street to the center of Dove street; thence southerly along the center of Dove street to the center of Park avenue; thence westerly along the center of Park avenue to the center of Delaware avenue; thence southerly along the center of Delaware avenue to the center of Morton street, the place of beginning.

The Seventeenth Ward, within the following limits, namely: Beginning at the intersection of the center line of Quail street with the center line of Clinton avenue; thence running northerly along the center line of Quail street and Quail street prolonged to the center of Patroon's creek; thence westerly along the center of Patroon's creek, to a point opposite the angle of intersection of the boundary lines of the city from the west and north; thence northerly to said angle; thence westerly and southerly along the boundary line of the city to the center of Clinton avenue prolonged westerly; thence easterly along the center of Clinton avenue and the westerly prolongation thereof to the center of Quail street, the place of beginning.

The Eighteenth Ward within the following limits, namely: Beginning at the intersection of the center line of Western avenue with the center line of Lake avenue; thence running southerly along the center of Lake avenue and Lake avenue prolonged to the city line; thence westerly and northerly along the boundary line of the city to the center of Western avenue; thence along the center of Western avenue to the center of Lake avenue, the place of beginning.

The Nineteenth Ward within the following limits, namely: Beginning at the intersection of the center line of Perry street with the center line of Western avenue; thence running westerly along the center of Western avenue to the westernmost boundary of the city; thence northerly and easterly along the boundary line of the city, and easterly along the center line of Clinton avenue and the westerly prolongation thereof to the center of Perry street;

thence southerly along the center of Perry street to the center of Western avenue, the place of beginning.

(As amended by chapter 863, Laws of 1895.)

### TITLE III.

#### THE LEGISLATIVE POWER.

##### Legislative Power.

Section 1. The legislative power of the said corporation shall be vested in a board of aldermen, who shall form the common council of the city of Albany.

##### Aldermen.— Eligibility to Office.

§ 2. The board of aldermen shall consist of nineteen members, one alderman to be elected from each of the nineteen wards and for a citizen to be eligible for election to the office of alderman, he shall, at the time of his election, be an elector of said city, and shall have been a citizen of the United States and a resident of the city for at least three years, and a resident of the ward for at least one year immediately previous thereto.

(As amended by chapter 286, Laws of 1891, sec. 1; chapter 171, Laws of 1892, sec. 1, and by chapter 863, Laws of 1895, sec. 2.)

##### Election of Aldermen.

§ 3. There shall be chosen by the electors of the charter election to be held on the first Tuesday next succeeding the first Monday of November, eighteen hundred and ninety-five, and at the charter election to be held on the same day in every second year thereafter one alderman for each of the nineteen wards to hold office for two years. Those aldermen who were elected at the charter election held on the second Tuesday of April, eighteen hundred and ninety-four, shall hold their office until January first, eighteen hundred and ninety-six.

(As amended by chapter 863, Laws of 1895, sec. 3.)

##### Official term.

§ 4. The aldermen hereafter elected shall enter upon the duties of their respective offices on the first day of January next succeeding their election, and shall hold their offices as hereinbefore prescribed.

(As amended by chapter 806, Laws of 1895, sec. 1.)

**Continuance in office.—Resignations.—Vacancies.—Special election to fill same.**

§ 5. The members of the Common Council shall, unless removed for cause, hold office until their places are supplied by the election of new members, who shall have qualified in the manner provided for by this act. They may resign their respective offices at any time by filing written notice of such resignation with the Clerk of the Common Council, who shall publish a copy of such notice in the official papers of the said city. All vacancies which may occur in said Common Council by reason of death, removal, or resignation of a member or otherwise, shall be filled for the unexpired term by the election of the said Common Council, to be determined by a majority of all the members elected thereto, but the person so elected shall hold office only for the remainder of the unexpired term. In case a majority or any greater number of aldermen shall resign so as to leave less than a quorum of aldermen in office, the Mayor shall then call a special election to supply the vacancy arising in each ward on account of such resignation. The election thus called shall be held on the same day in all of the wards where the vacancies shall exist, and the election shall occur within four weeks after such vacancies exist, and upon notice published in the official papers for ten days.

(As amended by chapter 286, Laws of 1891, sec. 2.)

**Quorum.**

§ 6. A majority of the aldermen elected shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absent members.

**President of Council.—Clerk of Council.—Assistant Clerk.—Meetings of Council.—Powers of Council.—To meet at call of Mayor.**

§ 7. The Common Council shall biennially elect a President from its own body, and in his absence a President for the time being, and biennially appoint its Clerk, who shall receive a salary of two thousand five hundred dollars per annum, payable monthly, and who shall perform such duties as may be prescribed for him. The Clerk so appointed shall also be the City Clerk, and hold his office for two years, unless removed for cause by the Common Council. The City Clerk shall have charge of all the papers and documents of the city, except as in this act otherwise provided,

and except as are by law committed to the keeping and custody of other officers of the city government. The Clerk of the Common Council may appoint an assistant who shall hold office during the pleasure of the Clerk of the Common Council, and receive a salary of one thousand dollars per annum, payable monthly. The Common Council shall hold a regular meeting on the first Tuesday of January in each year, at twelve o'clock noon, for the transaction of general business, and the receipt of the mayor's annual message, and thereafter its regular meeting shall be held on the first and third Mondays of each month, and it may hold special meetings at such other times as it may choose, at the Common Council Chamber. When the day of meeting falls on a legal holiday, then said meeting shall be held on the Thursday following. It shall determine the rules of its own proceedings, except as herein otherwise provided; be sole judge of the qualifications and election of its members; keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules, or declare his seat vacated by reason of absence, provided such absence be continued for the space of two months. But no expulsion shall take place except by the vote of two-thirds of all members elected, nor until the delinquent member shall have an opportunity to be heard in his defense. Said Common Council shall also meet at the call of the Mayor, whenever he shall deem it expedient for the transaction of public business.

(As amended by chapter 44, Laws of 1886; by chapter 286, Laws of 1891, sec. 3; and by chapter 806, Laws of 1895, sec. 2.)

#### Committees, when to report.

§ 8. All committees of said Common Council, to whom has been referred any matter relating to the city, shall report their action on the same at the next regular meeting following, but it shall be unlawful for any committee to report any action taken or decision made by it on the day on which such action is taken or decision made. The Clerk of the Common Council shall be the clerk of all committees, and shall have the custody of all papers intrusted to them.

#### When laws, etc., to take effect.—Proceedings in case of veto.

§ 9. Every law, ordinance or resolution of the Common Council shall, before it takes effect and within five days after its passage, be sent to and left at the Mayor's office, duly certified by the Clerk of the Common Council, of the time of which act on his

part the Clerk shall make a record in a book to be kept by him for that purpose, and such Clerk shall be guilty of a misdemeanor in case he willfully neglects for a longer period than during such five days to deliver any such law, ordinance or resolution at the Mayor's office. If the Mayor approve of such law, ordinance or resolution he shall sign it; in which case it shall take effect as hereinafter provided. If the Mayor does not approve thereof, he shall return it with his objections, and file it, together with such objections, with the Clerk of the Common Council within ten days after it was delivered at his office. The said Clerk shall at the time fixed for the next regular meeting, and in the room where such meetings are authorized to be held, if there be a meeting of the Common Council at such time, read aloud said veto or objections, and enter the same at length upon the journal of the board; and if there be no such meeting, then the clerk shall at such time and place announce the fact of such veto and enter the same upon the journal of the board, and within three days after said objections are so entered, or such announcement made, shall cause such objections or veto to be published one time in the corporation newspapers. Unless two-thirds of all the members elected to the common council shall at the time designated for the first regular meeting after its publication (at which a meeting shall be held) vote to pass said law, ordinance or resolution notwithstanding the objections of the Mayor, it shall not take effect. If said two-thirds shall so vote therefor it shall take effect as if signed by the Mayor. In every case the vote shall be taken by ayes and noes and be entered on the journal. And if any law, ordinance or resolution shall not be returned by the Mayor within ten days after it has been delivered at his office as hereinbefore provided for, it shall become a law and take effect in like manner as if he had signed it; provided, however, that if the Mayor or Clerk of the Common Council shall within such ten days certify in writing to that board, that owing to the sickness or absence from the city of the Mayor he has been unable duly to consider such law, ordinance or resolution, then the time within which such law, ordinance or resolution may be vetoed by the Mayor shall be extended for ten days more.

**When laws, etc., to take effect.—**Publication thereof.

§ 10. All laws, ordinances and resolutions shall take effect upon their being signed by the Mayor. Every law, ordinance and resolution which shall take effect shall be published once within five days after it takes effect, in the corporation newspapers.

**Mayor may object to or reduce any item in tax budget.**

§ 11. The Mayor may object to one or more and to each of the items of the annual budget to be prepared as hereinafter provided for, or may reduce the amount thereof, while approving of the other portions of the budget. In such case he shall append to the resolution of the Common Council, at the time of his signing it, a statement of the items to which he objects, or which he reduces in amount, and any item so objected to shall not take effect, or if reduced, it shall take effect only to the amount to which it is reduced, unless approved by a four-fifths vote of the Common Council as hereinafter provided. The Mayor shall transmit to the Common Council a copy of such statement, and each item objected to or reduced shall be separately considered. If, on such consideration, one or more of such items be approved by four-fifths of all the members elected to such Common Council, the same shall be part of the annual budget, notwithstanding the objections of the Mayor. This section shall apply to the appropriation for each of the city boards and commissions, and for all other purposes.

(As amended by chapter 286, Laws of 1891, sec. 4.)

**Common Council may appoint additional officers.**

§ 12. The Common Council shall have power to appoint such officers in addition to those created by this act as it shall deem proper. It shall prescribe the powers and duties of said officers and regulate their salaries; but no new office shall be created or officer appointed unless the expense thereof has been specifically provided for in the tax budget preceding such creation.

**Official term.**

§ 13. All officers shall continue in office until their successors have been duly appointed and qualified, and nothing in this act shall affect the term of office of any existing officer, unless otherwise specially provided in this act.

**Common Council to be commissioners of highways.**

§ 14. The Common Council are hereby constituted and made commissioners of highways in and for said city, and shall have power to make, continue, modify and repeal such laws, 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 prescribe such penalties for their violation in the matters and for the purposes following, in addition to other powers elsewhere specially granted, viz.:

**To regulate use of streets.**

1. To regulate the use of the streets, highways, roads and public places by foot-passengers, vehicles, railways and locomotives, and by such permissive, restrictive or prohibitory ordinances as it deems proper to regulate, restrain or prohibit the use and occupation of markets for the sale of meats, or fish or vegetables.

**Sidewalks.**

2. To regulate the use of side-walks, building-fronts and house-fronts within the stoop lines.

**Obstructions.**

3. To prevent and remove encroachments upon and obstructions to the streets, highways, roads and public places. But the Common Council shall have no power to authorize the placing or continuing of any encroachments or obstructions upon any street or sidewalk, except the temporary occupation thereof during the erection or repair of a building on a lot opposite the same.

**Opening of streets to tap gas main, etc.**

4. To regulate the opening of street surfaces, the laying of gas or water mains, the building and repairing of sewers, and the erecting of gas or other lights.

**Numbering of houses and naming of streets.**

5. To regulate the numbering of the houses and lots in the streets and avenues, and the naming of the streets, avenues, lanes, alleys, courts and public places, provided that the name of any street, avenue, lane, alley, court or public place shall not be changed except by the unanimous vote of all the members elected to the Common Council, approved by the Mayor; and no street, avenue, lane, alley, court or public place shall be named after or with the name of any living person, and neither the whole nor any part of any street, avenue, lane, square or alley shall be named or designated as a place. Nor shall any house or lot be renumbered, nor the name of any street, avenue or place be changed, excepting between the first days of January and May.

**Ashes, etc.**

6. To regulate or prevent the throwing or depositing of ashes, offal, dirt or garbage in the streets, drains, sewers and vaults.

**Animals running at large.**

7. To regulate or prevent animals running at large, or being ridden, or driven or led through the city.

**Sidewalks, etc.**

8. To regulate the cleaning of the streets, side-walks and gutters, and removing ice, hail and snow from them.

**Signs.**

9. To regulate the use of the streets and side-walks for signs, sign-posts, awnings, awning-posts and horse-troughs.

10. To provide for and regulate street pavements, cross-walks, curb-stones, gutter-stones and side-walks.

**Criers, etc.**

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

**Slaughter-houses.**

12. To regulate the erection, use and continuance of slaughter-houses.

13. In relation to the care and safe-keeping of city property.

14. In regard to the relation between all the officers and employes of the corporation in respect to each other, the corporation and the people.

15. To pass general, permissive, restrictive or prohibitory ordinances.

**Vagrants.**

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

17. In relation to the use of guns, pistols, fire-arms, fire-crackers, fireworks and detonating articles of all description, within the city.

**Storage of explosives.**

18. In relation to the keeping and storage of gunpowder, gun-cotton, oils and other dangerous materials, and also to prevent the taking and spreading of fires.

19. In relation to intoxication, fighting and quarreling in the streets.

**Places of public amusement.**

20. In relation to the regulation of places of public amusement which shall be licensed by the Mayor under such regulations for the safety of the public attending them as the Common Council may by ordinance determine, and on the report of the Chief of the Fire Department that any such place is unsafe for the public gathering therein, by reason of insufficient means of exit therefrom, or other cause, such license, after notice to the owner or lessee, may be revoked by the Mayor, and no new license shall be granted until any defect in the construction or circumstances of such building which thus rendered it unsafe shall be remedied and done away with.

**Advertisements.**

21. In relation to the exhibition of advertisements or hand-bills along the streets.

**Nuisances.**

22. In relation to the public health, and the prevention and removal of nuisances, the regulation and prohibition of interments, the construction, management and occupation of tenement-houses, the business of bone-boiling or bone-grinding, operations or occupations obnoxious to health or comfort, and the removal, keeping and deposit of manure, and also to provide by ordinance in relation to buildings rendered unsafe from fire or other causes, including the right to provide for the immediate pulling down or destruction of such buildings, and the temporary closing or obstructing of the streets rendered dangerous by such buildings.

**Disorderly houses.**

23. In relation to disorderly and gaming-houses, their inmates and frequenters, and suppression of vice and immorality.

**Vaults, etc.**

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

**Fences.**

25. In relation to partition fences and walls.

**Pestilence.**

26. In relation to emergencies of riot, pestilence or invasion.

**Markets, docks, etc.**

27. In relation to the construction, repairs, care and use of the markets, docks, wharves, piers, slips and squares of the city (Washington park and such other city parks as are under the care and control of the Washington park commissioners excepted).

**Licenses.**

28. In relation to the licensing and business of public cartmen, truckmen, hackmen, cabmen, expressmen, ash gatherers, boatmen, pawnbrokers, junk dealers, hawkers, employment bureaus or agencies, peddlers, venders, bootblacks, bill posters, auctioneers, keepers of billiard-rooms, bowling alleys, shooting galleries and common shows, rag dealers, dealers in old clothes, old metals, wastes, brokers and the keeping of dogs.

(As amended by chapter 64, Laws of 1890, sec. 1.)

**Weights and measures.**

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

**Election regulations.**

30. In relation to the notification, regulation and protection of all elections for city offices.

31. In relation to the alms-house.

32. In relation to peace and good order.

**Penalties, collection.**

33. In relation to the mode and manner of suing for, collecting and disposing of the penalties provided for a violation of all city laws and ordinances, and of all State laws, except where otherwise specially provided.

**Vehicle licenses.**

34. The Common Council shall have power to enact ordinances, licensing and regulating the use of all vehicles in the city of Albany, of whatever name, kind or nature, which are drawn by animal power, in the streets of said city, or of any class or classes of them (excepting the cars on the horse railroads in the city), and in granting such license shall exact and receive not less than one dollar nor more than five dollars for each vehicle. All moneys thus received shall be paid over to the Chamberlain of the city, and be by him credited to the street contingent fund.

**Enforcing legislative powers.**

35. And for carrying into effect and enforcing any of the legislative powers, privileges and rights at any time hereafter granted and bestowed upon or possessed by the said corporation.

**Not to affect powers of Board of Health.**

36. This act shall not in any manner affect the powers, duties, rules, ordinances or regulations of the Board of Health in Albany, as they exist under any law of the State.

**Proceedings upon violation of ordinances.**

37. Suits may be prosecuted in the corporate name of the city against any person or persons who shall violate any provisions of any law, ordinance or regulation of the Common Council of said city, or who shall neglect or refuse to perform any act or duty thereby required of him or them; and in every such action it shall be sufficient to state in the complaint, the by-laws, ordinance or regulation, and the section thereof, upon which such action is brought; and proceedings for any violation of the ordinances of the city imposing a penalty, may be commenced by warrant for the arrest of the offender as well as by summons, to be issued by any magistrate or court having jurisdiction in the case, before whom complaint shall be made under oath, and every Police Justice in said city, and the City Court of Albany, shall have jurisdiction in all such cases.

(Added by chapter 286, Laws of 1891, sec. 5.)

**Election districts.**

§ 15. The Common Council shall have power, by resolution, whenever for any cause it shall be necessary so to do, to change the boundaries of election districts or to establish new election districts, provided that each such district shall be wholly within one ward of the city, and shall contain no more voters than provided by law, but no such resolution shall take effect, if passed, within four months before the date of any general or city election.

(As amended by chapter 286, Laws of 1891, sec. 6; by chapter 171, Laws of 1892, sec. 2; and by chapter 806, Laws of 1895, sec. 3.)

**Journal to be printed and distributed.**

§ 16. The journal of the Common Council shall be printed under the direction of its Clerk, and be distributed under the direction of its Clerk, by the City Marshal, within eight days after each

meeting of the Common Council, to the Mayor of the city and to each member of the Common Council, and to each head of a department. Such printing and the binding of the journal shall be done at a price not exceeding the ordinary rates paid for such work.

**Journal of Council; additional copies to be indexed and bound.**

**—Report, etc., in second volume.—Extra reports.**

§ 17. In addition to the number of copies of such journal that may be required by the Clerk of the Common Council for the distribution herein provided for there shall be printed not exceeding five hundred copies, which shall be kept by said printer or Clerk in some safe place; and immediately after the first day of January in each year such copies for the preceding year shall be properly indexed and bound, under the direction of the Clerk of the Common Council, in two separate volumes; one shall contain the minutes of the several meetings of the Common Council, exclusive of the annual message of the Mayor and the annual reports of the several departments, commissions and boards, and of other officers of the city required by law to render a report to the Common Council; and the second volume shall contain such annual message and reports. And such annual message and reports shall not be, nor shall any communication from said departments, commissions or boards be printed or published otherwise, or made public, except as provided in this act. Said second volume shall also contain a list of city officers, committees and other prefatory matter to be prepared by the Clerk, all ordinances adopted in pursuance of section fourteen of this title during the current year, and also all amendments to the charter of the city, and other laws and amendments to laws relating exclusively to the city of Albany enacted by the Legislature during such year, and the same shall be distributed under the direction of the Clerk of the Common Council; this provision shall not, however, prevent any such board or commission from obtaining, at an expenditure to be made out of the appropriation made in the annual tax budget for said board or commission respectively, an extra number of the reports of said board or commission respectively, in pamphlet form; but the number of said reports so obtained for each board or commission shall not exceed five hundred.

(As amended by chapter 114, Laws of 1889, sec. 1; by chapter 286, Laws of 1891, sec. 7; and by chapter 171, Laws of 1892, sec. 3.)

**Sale of, to taxpayers.**

§ 18. Upon payment of ten dollars to the Chamberlain of the city, any taxpayer may have, for one year, a printed copy of the journal of the Common Council, and the printed minutes of the Board of Contract and Apportionment, and of the printed bills hereinafter mentioned, as they are from time to time distributed (and at the times herein prescribed for their delivery to the members of the Common Council), delivered to him by the City Marshal at some place to be designated by him, and within one-quarter of a mile from the place in which the Common Council holds its meetings, and it shall be the duty of the Clerk of the Common Council and the Clerk of the Board of Contract and Apportionment to furnish the City Marshal with copies for that purpose.

**Commissioners of deeds.**

§ 19. The Common Council shall appoint on the joint nomination of the Mayor and Corporation Counsel persons to act as Commissioners of Deeds; the number shall at no time exceed three hundred, and they may discharge the duties thereof at any place within the county of Albany. The Common Council may, by ordinance, provide for the terms of office of the Commissioners of Deeds. The Commissioners of Deeds now in office shall continue to act as such until January tenth, eighteen hundred and eighty-five.

**Official papers.**

§ 20. At the first meeting of the said Common Council to be held after such Common Council shall be elected, it shall, by ballot, designate three daily newspapers in said city, at least one of which shall be an evening paper, to be the official papers of the city of Albany. Each member of the said Common Council shall be entitled to vote for one of said papers, and the three papers having the highest number of votes shall be termed and designated and be the official papers for two years and until others are designated; such papers shall publish all ordinances and other matters required by law or by the ordinances of the city to be published; and it shall not be lawful for said Common Council, or any city officer, to pay or authorize the payment to any other than the official papers for any advertisement whatsoever. In case any paper shall refuse to accept, resign or fail to

perform the duties of such employment, the Common Council may appoint another paper in its place.

**Present papers to be until others are designated.**

§ 21. Should the Common Council at its first meeting fail to designate the official papers as herein required, the then present official papers shall continue as such until others are appointed.

**Unsafe buildings may be ordered taken down.**

§ 22. Whenever, in the opinion of the Common Council, any building, fence or any erection of any kind, or any part thereof, is liable to fall down and endanger persons or property, it may by resolution order any owner or occupant of the premises on which such building, fence or erection stands, after notice shall have been given to him in such manner as the Common Council shall direct, to take down the same, or any part thereof, or to repair or strengthen and make safe the same as it may direct and within such time as it may direct; in case the same is unoccupied and the owner cannot be ascertained, it may direct a notice to be published in the official papers of said city for such time, not less than two nor more than ten days, as may be proper, requiring its removal or repair within a time to be specified; and in case the order be not complied with, and said Common Council shall have determined that the same should be taken down, repaired or strengthened, or made safe, the Street Commissioner of said city, or any person or persons duly authorized by him, shall cause the direction of the Common Council to be complied with at the expense of the owner of the premises, and for the purpose of such removal and repair may reasonably and temporarily enter upon any adjoining premises and use the same in doing the work necessary and required in the taking down or repairing aforesaid, and the Board of Contract and Apportionment shall assess and apportion such expense on the land on which such building, fence or erection stood, in the manner hereinafter provided for in assessing and apportioning the expense of repairs to streets and pavements, and any damage sustained by reason of the entry on such adjoining premises for the purpose aforesaid shall be ascertained, fixed and determined by said Board of Contract and Apportionment, and be a charge against and assessed upon the land upon which such fence, building or erection stood, and be assessed and apportioned in the manner hereinafter specified.



**Street Commissioner to report unsafe buildings.**

§ 23. It shall be the duty of the Street Commissioner to report to the Common Council at once whenever any building, fence or any erection of any kind shall be liable to fall and endanger persons or property, and to give notice to the owner in such manner as the Common Council may direct, that action will be taken by the Common Council in respect thereto.

**Laying out, etc., of streets.**

§ 24. The Common Council shall possess the power of directing and regulating the laying out, opening, extending, straightening, widening or altering any street, road, avenue, lane, alley, court, park, square, wharf or slip in said city, except where jurisdiction in and over the premises is given by law to the Washington Park Commissioners.

**Street improvements, Council may order.—Sprinkling.—Repairing sewers.—Fencing vacant lots.—Street cleaning.—Assessment of expense.—Grades to be fixed and sewers laid before pavement of streets.—Sand foundations.—Public sewers by contract.**

§ 25. It shall be lawful for the said Common Council to order and direct the reducing, excavating, filling, leveling, pitching, grading, planking, paving, repaving, macadamizing, or covering with stone, wood, gravel, sand or other material, any of the streets, sidewalks, wharves, docks, or roads, avenues, open courts, squares, places, alleys or lanes in said city, or the altering, repaving, repairing or regrading of the same, and to order the whole or any part of any street or avenue in said city to be sprinkled with water for such time as they shall deem proper, and to order and direct the making, repairing or cleansing of common sewers, vaults or drains in any street, road, avenue, place, open court, alley, lane or lot, or any private drain leading from any house or lot, and the making or repairing any bridge or bridges, arch or arches over any stream or run of water in said city, and the excavating, filling, reducing, leveling or fencing in any vacant lot or lots in said city, and to order the digging, making and filling in of wells and pumps in any public street or road in said city, and the cleansing of sidewalks, gutters and streets in front of all lots in said city from snow and from all dirt, filth and other obstructions or incumbrances, so as to permit citizens to use the sidewalks and streets in an easy and convenient manner;

and the same shall be completed under the direction of the said city, within such time as to them shall seem proper, and for any of the improvements or work ordered as aforesaid, it shall be the duty of the Board of Contract and Apportionment to estimate, apportion and assess the same and the expense thereof as provided in this act; but no street or avenue shall be paved, nor shall any sidewalk be paved until the level thereof shall be fixed by law, and the same shall be graded in accordance with said level, nor shall any street be paved until a sewer shall have been laid therein, either under the carriageway or sidewalk; such sewer to be composed and constructed of bricks laid in cement or earthen pipe with cement joints (whenever in the opinion of the Common Council an earthenware-pipe sewer is sufficient and proper for the locality), with suitable man-holes or lamp-holes and covers, having also, where the sewer is under the carriageway, earthen-pipe side house drain connections, laid with cemented joints, on each side of said sewer, at such distances as may, in the opinion of the Board of Contract and Apportionment, afford drainage to all houses and vacant lots, and said earthen pipe side sewers shall be at least six inches in diameter and constructed and carried up to the curb lines and one foot inside of the same, provided that such lateral house drains shall not be laid at the time of the construction of the sewer, except where the streets have been graded, and unless the Board of Contract and Apportionment shall approve of such construction. And no pavement of any carriageway or curbstone where the same is to be laid on a sand foundation, shall be laid or set unless there is at least one foot of clean, coarse sand thereunder, and no public sewer affording drainage for more than one house or vacant lot shall be laid otherwise than by virtue of a contract awarded by the Board of Contract and Apportionment.

(As amended by chapter 286, Laws of 1891, sec. 8.)

#### **Protection of school lots.**

§ 26. The Common Council of said city shall have the power to pass such ordinances as it may deem proper and necessary for the protection of the several school lots under the control of the Board of Public Instruction of said city, and to prevent trespassing thereon, and to impose proper penalties for the violation thereof.

§ 27. (Repealed by chapter 286, Laws of 1891, § 37.)

RESTRICTIONS UPON THE POWERS HEREIN GIVEN.

**Members of Common Council or other officers not to be interested in any contract, or in furnishing material, etc.**

§ 28. No member of the Common Council or city officer shall be interested in any contract in which the city is a party, directly or indirectly, either as principal or surety in such contract, nor shall any member of the Common Council, city officer or member of any city board or commission, or salaried employe thereof, or his partner, or any agent, servant or employe of such member, officer or commissioner, or of the firm of which he is a partner, or of his partner, purchase from, or sell to the city, or any officer thereof, any real or personal property, for the use of the city or the almshouse therein, or any board or officer thereof as such, or be interested, directly or indirectly, in any contract with the city or in any sale to or from said city, or to its officers, and no member of the Common Council shall hold any office in the gift of the Mayor or the Common Council. The above provisions shall apply to the Mayor and all other officers and clerks of said city, and of any board or commission thereof elected or appointed. But nothing herein contained shall be so construed as to prevent any officer of said city from holding the office of Commissioner of Deeds, but no officer, commissioner or employe of the city shall be eligible to or hold the office or position of inspector of elections or poll clerk.

**Ordinances for original street improvements to be passed only upon petition.—Proceedings thereunder.—Objections thereto.**

§ 29. No law or ordinance shall be passed by the Common Council for the original excavating, filling, forming, paving, curbing or flagging any street, avenue, court or alley, or any part thereof, unless a petition shall have been presented to the Common Council, duly acknowledged by the several petitioners, or their duly authorized attorneys, asking for the same, signed by one or more persons, owning not less than one-third of the number of feet fronting both sides of that portion of the street, avenue, court or alley to be improved, as shall appear by the last annual tax-rolls on file in the office of the Receiver of Taxes, of which fact the certificate of the City Engineer shall be conclusive evidence. After the presentation of such petition, duly acknowledged, and by the City Engineer duly certified, a notice of such proposed law or ordinance shall be published by the Clerk of the Common Council.

for ten days, in the official newspapers, before its final passage, stating the kind of work and the limits of such improvements, as near as may be embraced in said law or ordinance, and inviting parties interested therein to present their objections, in writing, if any, thereto, and no law or ordinance for the laying and construction of any public drain or sewer or plank-walk in any of the streets, roads, avenues, public places or public courts of said city shall be passed by the Common Council until a notice of such proposed law or ordinance shall be published in the manner and form provided in this section.

(As amended by chapter 286, Laws of 1891, sec. 9, and by chapter 171, Laws of 1892, sec. 4.)

**Repavement.—Repavement without petition.—Provisions applicable thereto.**

§ 30. No street, avenue or public place in the city of Albany which has been once paved with granite block, vitrified paving brick or Trinidad asphalt pavement, and the expense thereof paid for by the owners of adjoining property, by assessment or otherwise, shall hereafter be repaved with any other and different materials at their expense unless such paving or repaving be petitioned for by one or more persons owning not less than one-half the number of feet fronting both sides of that portion of the street, avenue or public place to be so paved or repaved as shall appear by said tax-rolls, of which fact the certificate of the City Engineer shall be conclusive evidence. But nothing in this section shall prevent the Common Council from, at any time, by law, providing for the grading and repaving with granite block, vitrified paving brick or Trinidad asphalt pavement, and suitable cross-walk stones and recurbings, of that portion of Central avenue between the west line of Knox street and the east line of Main avenue, in the city of Albany, or between the west line of Knox street and any point west of the west line of Knox street that may be designated by the Board of Contract and Apportionment of said city, or of any street in that section of the city of Albany which is bounded on the north by Patroon creek, on the east by the Hudson river, on the south by Gansevoort street and the former south boundary line of said city, and on the west by Lark street, and the continuation thereof, and which is now or may hereafter be paved with cobblestones, without any petition being presented therefor; provided, however, that the Board of Contract and Apportionment of the city of Albany shall, in writing, recommend

to the said Common Council such repaving as aforesaid. And in case such street, avenue or public place shall be thus paved and curbed, all the provisions of any amendment of this title which shall provide for the payment for similar work by the issue of bonds of the city of Albany, and for the collection of the assessment therefor in equal annual installments, and shall have been enacted prior to the making of an assessment for the cost of repaving and curbing any such street, avenue or public place as aforesaid, shall be applicable thereto.

(As amended by chapter 114, Laws of 1889, sec. 2; by chapter 171, Laws of 1892, sec. 5; and by chapter 983, Laws of 1895, sec. 1.)

**Mayor may sign petition for city.**

§ 31. Whenever any property the title to which is vested in the city, or the title to which is held for any municipal purpose, by any board, officer or commission fronts upon any street, avenue or public place, the Mayor may sign for the same on behalf of the city, whenever duly authorized so to do by resolution of the Common Council.

**Appropriations to be by two-third vote.**

§ 32. No law or ordinance shall be passed by the Common Council of the city of Albany, nor any resolution adopted involving an appropriation or expenditure of money for any purpose, unless by a vote of two-thirds of all the members elected to said Common Council, to be taken by yeas and nays, which vote shall be entered on their minutes; and no such vote shall be taken except by unanimous consent at the same meeting at which such law, ordinance or resolution shall be offered. No assessment or apportionment shall be released or canceled by the Common Council, except upon payment to the Chamberlain of the amount due thereon; and no payment of money shall be refunded, except for errors made in such assessment or apportionment, nor shall it be lawful for the Common Council to pass any law, ordinance or resolution extending the time for the payment of any assessment or apportionment beyond the date of its confirmation.

**Expenditures for celebrations, etc., to be by three-fourths vote.**

§ 33. No money shall be expended for any celebration, procession or entertainment of any kind or on any occasion, unless it shall first have been authorized and directed by a resolution of the Common Council, adopted by a vote of three-fourths of all the mem-

bers elected thereto, to be taken by yeas and nays, which vote shall be entered upon the minutes and such resolution shall be approved by the Mayor.

**To enact rescind ordinances, etc., two-third vote required.**

§ 34. No ordinance shall be adopted, and no law, ordinance or by-law shall be rescinded or repealed, unless by a two-third vote of all the members elected to the Common Council; nor shall any such adoption or repeal be valid unless notice of such intended action shall have been given at the previous regular meeting of the Common Council.

**Officers not to incur liability on part of city.**

§ 35. No member or committee of the Common Council shall have power to employ any person, incur any expense or purchase any materials for or on behalf of the city, or any of its officers, boards or commissions, with respect to any building, street or place, the care, charge or superintendence of which is by law given to any city officer or other person, but in such case the resolution, law or ordinance of the Common Council authorizing the work, purchase or employment shall direct that it be done by and under the direction of the officer or person having such care, charge or superintendence; and no bill or claim for such work shall be audited or paid unless such officer or person shall first certify, in writing, that the work has been properly done and the materials of the quality and kind and in the quantity in such bill or claim mentioned have been duly furnished and that the price charged is proper.

**Corporation Counsel to approve all laws, deeds, etc.—Report.**

§ 36. All laws and ordinances proposed, before being passed, shall be referred to the Corporation Counsel for revision, and no law or ordinance shall be passed, or deed, conveyance, articles of agreement, covenant, bond or contracts, in writing, shall be entered into under the direction of said Common Council until such law or ordinance shall have been referred to the Corporation Counsel, and his report, or that of his assistant, shall have been made thereon in writing, which report, in the case of all laws requiring petition, shall state that the petition has received the certificate of the City Engineer, or until such deed, conveyance, articles of agreement, covenant, bond or contract shall have been approved as to its form by the Corporation Counsel or his assistant, except

such bonds as are required to be taken by the Street Commissioner under section ten of title eighteen of this act. The Corporation Counsel, or his assistant, shall report within one month upon all matters referred to him under this section.

(As amended by chapter 286, Laws of 1891, sec. 10.)

**Debts not to be contracted except by authority of an act of the legislature, except in case of unforeseen emergency.**

§ 37. It shall be unlawful for the Common Council, or for any officer, commission, board or department of the city of Albany, to contract any debt or loan the credit of the city unless specially authorized so to do by act of the Legislature, or to incur any expense for any purpose after the amount appropriated therefor has been exhausted, and it shall be unlawful to raise by tax any money to pay any debt or expense so incurred, and the members of the Common Council, or of any commission, board or department, knowingly and willfully voting for, and any officer knowingly and willfully incurring the same, shall be personally liable therefor; provided, however, that in case of extraordinary casualty or fire, or any other unforeseen and extraordinary emergency, the Common Council may, on the written recommendation of the Mayor, stating fully the grounds thereof and the amount required, and in detail the manner in which the appropriation for the year has been expended, by a three-fourths vote of all the members elected thereto, authorize the expenditure of an amount by any officer, commission, board or department of the city which shall be absolutely essential to the performance of the duties imposed by law upon such officer, commission, board or department. Such vote shall not be taken until the aforesaid recommendation of the Mayor shall have been once published in the corporation newspapers. Any expenses incurred in pursuance of such resolution shall, if there be no funds applicable thereto, be included in a certificate of indebtedness, to be subscribed by the finance board hereinafter named, or a majority of its members, which certificate shall bear interest at a rate not exceeding six per cent. per annum, be made payable on the second Tuesday of February of the year following its issue, and be negotiated by the board of finance after five days' notice published in the city papers for bids therefor. The amount thereof, with interest, shall be included in the next city tax budget and be raised by tax. For emergencies of the nature above stated, the Fire Commissioners, by a unanimous vote, approved by the Mayor, may issue a certificate

of indebtedness, which shall be provided for in the next budget in the manner above stated.

**Appropriations to provide for necessary expenses, etc.**

§ 38. All appropriations hereafter made in or by the city tax budget for municipal expenses shall provide for the necessary expenses and disbursements of the officer, board, commission or department for which they are made, up to and including the thirty-first day of December, of the year next following the year in which the appropriation is made, and the expenditure of the money appropriated shall be so regulated by the officer, board, commission or department having the control thereof, that it shall cover all expenses incurred up to that time.

**Contracts to be indorsed with certificate that there are funds appropriated sufficient to pay amount named in contract.**

§ 39. All contracts made by any board, commission, department, officer or agent of the city, involving an expenditure of more than two hundred and fifty dollars, when the amount thereof is not directed to be paid by assessment upon property benefited, shall have indorsed thereon a certificate of the Chamberlain of the city or the disbursing officer of such board, commission or department, to the effect that there is in his hands, or has been appropriated, a sum over and above the amount of all certificates previously given applicable to and sufficient to pay the amount in said contract provided to be paid, and said contract shall not take effect until so indorsed, and it shall be the duty of the Chamberlain or other disbursing officer to give such certificate whenever there is in his hands or has been appropriated a sum applicable to and sufficient to pay the amount in said contract provided to be paid. And all persons furnishing supplies or doing work for the city in an amount less than two hundred and fifty dollars may demand of the Chamberlain or other disbursing officer (if the appropriation out of which such claim should be paid is sufficient to pay the same, in addition to all other claims for which like certificates have been given, and the amount provided to be paid by all contracts on which like certificates have been indorsed) a certificate to that effect, and the Chamberlain or other disbursing officer shall reserve from such appropriation a sum sufficient to pay all contracts and claims so certified by him.



## ANNUAL TAX BUDGET.

**Annual tax budget, what to contain.**

§ 40. The Common Council of the city of Albany shall certify in the month of November in each year to the Board of Supervisors of the county of Albany the amount required to be raised for all the expenses of the city, and of its several officers, boards, commissions and departments and each of them for the ensuing year, specifying in writing the several purposes for which the money is to be used, and it shall be the duty of said Board of Supervisors, when served with a certified copy of the resolution of said Common Council passed pursuant to the provisions of the charter of the city of Albany and directing the imposition and collection of such amount, to cause such amount to be levied, laid, assessed and raised upon and from the taxable property of said city in the manner prescribed by law.

## ORDINANCES.

**Power to adopt ordinances.**

§ 41. The Common Council is hereby authorized and empowered to adopt ordinances prescribing additional duties and conferring additional powers (not inconsistent with existing laws) upon the several city officers, boards and commissions thereof, and requiring security to be given by any officer or clerk for the due performance of the duties of his office.

**Penalty for violation.**

§ 42. Every person offending against any ordinance heretofore passed or that may hereafter be passed by the Common Council of the city of Albany shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine and imprisonment, or both, in the discretion of the court before which such conviction shall have been had; provided, however, that such fine shall not exceed the amount of the penalty prescribed in and by any ordinance for the violation of which such person may have been convicted, and that such imprisonment shall not be for a longer time than six months.

**Ordinances and resolutions as evidence.—Affidavit of serving or posting notices, evidence.**

§ 43. All ordinances and resolutions passed by the Common Council of said city, pursuant to the authority vested in it, may be

read and received in evidence in any court in this State, when attested by a certificate of the Clerk of the Common Council to the effect that the same are true copies thereof, and of the whole of the same respectively, or may be read from the volume of ordinances published by order of said Common Council without any other proof of the passage or publication thereof, but such publication shall be only presumptive evidence that the same has been duly published in the official newspapers as required by this act; and whenever it shall be necessary to serve or post any notice under the provisions of this act, the affidavit of the party serving or posting such notice to the effect that it has been done, shall, when attached to or indorsed on a copy of such notice, be prima facie evidence of such serving or posting.

(As amended by chapter 286, Laws of 1891, sec. 11.)

#### **Act, how to be construed.**

§ 44. Nothing contained in this act shall be so construed as to render the city of Albany, or any of its officers, liable in damages or otherwise to any person or persons, or corporation, for any omission to pass any ordinance, regulation or resolution pursuant to the provisions hereof, or for a failure to enforce the same or to do any act herein authorized.

#### **AUDITED CLAIMS.**

#### **Claims against city for injury to person or property.—Limitation.—Law Department.—Report.**

§ 45. All claims against the city for damages for injuries to the person, claimed to have been caused or sustained by defects, want of repair or obstructions from snow or ice, or other causes, in the highways, streets, sidewalks or cross-walks of the city, or because of negligence of the city as to the highways, streets, sidewalks, or cross-walks of the city, and all claims against the city for damages for injuries to property claimed to have been sustained by the negligence of the said city, or any of its officers, agents or servants, in any manner, or for any wrong or injury, shall be presented to the Common Council in writing, within three months after said injury is received. Such writing shall describe the time, place, cause and extent of the injury, so far as then practicable, verified by the oath of the claimant. The omission to present said claim as aforesaid, within three months, shall be a bar to any claim or action therefor against the city; and the Law Department, which shall consist of the Recorder of

said city of Albany, the Law Committee of the Common Council and the Corporation Counsel, shall consider said claim and report thereon to the Common Council within three months from the date of the reference of such claim, but no such claim shall be settled or paid except as prescribed in section ten of title five of this act.

(As amended by chapter 286, Laws of 1891, sec. 12.)

**Claims must be presented in form of accounts and be verified and printed.—Not to be audited until five days after printed.**

§ 46. All claims and demands against the city of Albany exceeding in amount twenty-five dollars, arising upon contract, express or implied, except claims or demands which are to be paid for by assessments upon property benefited, which are to be passed upon, examined, audited or allowed by the Common Council or Board of Audit, or Chamberlain of such city, must be presented to the Clerk of the Common Council in the form of accounts, itemized and verified as hereinafter provided for. Such accounts, after being presented to the Clerk of the board, shall (excepting the verification thereof, and the certificate of the officer certifying thereto, but not excepting the name of such officer) be numbered and printed under the direction of said Clerk, and shall be distributed under his direction to the Mayor of the city, and to the Chamberlain, and to each member of the Common Council and the Corporation Counsel and Street Commissioner within eight days after such accounts have been presented. And no claim or demand against said city, of the character above described, shall be in any manner acted upon, audited or allowed by the Chamberlain, or by the Common Council (except to refer the same to an appropriate committee for examination and report), until five days after such account has been printed and distributed as aforesaid. A willful neglect to have such accounts as are above described, printed or distributed, and the presentation of an account known to the person presenting it to be fictitious, in whole or in part, or without any foundation, shall be a misdemeanor. Such printing shall be done at a price not exceeding the ordinary rates paid for such work.

**What accounts must state.**

§ 47. Each account must state when and where the work was performed or the materials were furnished, and under what contract or under what authority it was performed or the materials

were furnished, and must state, with reasonable detail the character and amount of the work done and materials furnished. The account must contain the names of each person interested in the same, or who makes any claim to any share or portion of the sum to be paid.

#### Verification.

§ 48. Each account against the city of Albany or any of its boards, departments or commissions, whether for twenty-five dollars or less, must be verified by the party, or one, at least, of the parties in whose name the same is presented, if there be more than one, and must be to the effect that the same is presented in the name or names of the real party or parties in interest, and that the contract was not made or the work performed, or materials furnished in the name of one person for the benefit of another; and that no city officer, or member of any board or commission of the city, or salaried employe thereof, or the partner or any agent, servant or employe of such member, officer or commissioner, or of the firm of which he is a partner, or if his partner is or has been directly or indirectly interested therein, either in the doing of the work or the furnishing of the materials, or has been paid or promised anything for the letting of the contract. That the work as charged for was actually done, and the materials specified actually furnished and used at the times and places mentioned, and are of the value charged, or are at the prices specified in the contract. That no bill has been presented or claim made theretofore for the payment for such work, or materials, or for any part or item of such work, or materials, except as therein stated, and if such bill has been theretofore presented, or such claim has been theretofore made for the whole or any part thereof, it shall be stated to whom, or what board, body or commission it was presented or made, the time or times thereof, and the action of such person, board, body or commission thereon, and when such action was taken.

#### Blank forms to be prepared by clerk.

§ 49. The Clerk of the Common Council shall prepare a blank form of verification in accordance with the provisions of the last section, to be approved by the Corporation Counsel, and it shall be printed and furnished by said clerk gratuitously to all persons demanding the same, and who have a claim or demand of the aforesaid character to present to the board, or the Chamberlain

or other officer, and no account, whether for twenty-five dollars or under, shall be presented to the Chamberlain, or any board or commission, or the Common Council, or received or paid, or ordered paid, or acted upon, audited or allowed by him or it, unless the verification is in the form prepared by the said clerk. And in no case shall the account be paid until three days after the meeting of the Common Council at which payment was ordered by it, or the audit by the Chamberlain; and such account shall not be paid by the Chamberlain at all unless the form and verification complies with the provisions of this act. When paid, the original account or bill having the verification attached shall be receipted by the party receiving the money, or his duly authorized agent, and filed with the Chamberlain or other proper officer, and is hereby declared to be a public record in his office. All claims and demands presented, including verification, which shall not be allowed or paid, shall be delivered to and filed with the proper indorsement of the name, date and amount, by the Chamberlain or other proper officer in his office, and shall be public records.

**Certain sections not to apply to salaries of officers.—Nor to employment of counsel.**

§ 50. None of the provisions of sections forty-six, forty-seven, forty-eight and forty-nine of this title of this act shall be held to affect the salaries of officers paid by the city; or the mode or manner in which payment thereof is made, or the wages of the city laborers, nor the disbursements made by the Corporation Counsel in the conduct of the cases brought or defended by or for the city, nor the payment of judgments obtained against the city; nor shall the provisions of this act affect any contract now existing. And none of the provisions of said sections shall apply to the employment of counsel to aid the Corporation Counsel in any legal matters in which the city is interested, when such employment is by authority of the Mayor.

**Actions for recovery of claims.—Costs against claimant.**

§ 51. Nothing in this act contained shall prevent any claimant against the city from bringing an action or suit against the city for the recovery of any alleged claim, provided that the allowance of the Common Council or Chamberlain shall not be accepted; provided further, however, that no action or suit shall be brought or maintained until after the expiration of forty days after the said claim shall have been presented to the said Common Council as

herein provided for; and said Common Council shall have neglected or refused to make any adjustment or payment thereof, nor shall the city be liable, nor shall any recovery be had against it, for any claim not contracted in the manner prescribed by law. In case the claimant in any action brought shall not recover more than the sum allowed by the Common Council or Chamberlain, he shall be charged with the costs, allowances and disbursements of the action, which shall, in case of any recovery by him, be deducted therefrom.

(As amended by chapter 286, Laws of 1891, sec. 13.)

#### IMPEACHMENT OF THE MAYOR.

##### **Impeachment of Mayor.—Proceedings thereupon.**

§ 52. The Common Council shall have power to impeach the Mayor by a resolution, passed by the votes of two-thirds of all the members elected thereto, but such power of impeachment shall not operate to prevent or stay any other action or proceeding against him for misfeasance or nonfeasance in office. In case the Mayor shall be impeached, his assent to the resolution of impeachment shall not be necessary. The court for the trial of the Mayor so impeached shall be the Circuit Court held in and for Albany county, and the proceedings shall be taken in accordance with the rules to be prescribed by the court.

#### STREET IMPROVEMENTS.

##### **Petition for certain street improvements.**

§ 53. Whenever a petition is presented to the Common Council, signed and acknowledged by one or more persons owning not less than one-half of the number of feet fronting both sides of that portion of the street, avenue, court or alley to be improved, as shall appear by the last annual tax-roll on file in the office of the Receiver of Taxes, of which fact the certificate of the City Engineer shall be conclusive evidence, and which petition shall, in other respects, be in the manner and form authorized and required by this act for the grading, filling, forming, curbing, paving or repaving the carriageway, and for the flagging, sodding and setting out of trees on the sidewalk of any street, avenue, court or alley, or any part thereof, with such kind of pavement, except cobble-stone, as shall be set forth in the petition, the entire costs of which proposed work or improvement shall have been estimated

by the City Engineer to be greater than five dollars per front foot along each line of the street proposed to be improved, including the cost of intersection work assessable upon said frontage, of which fact the certificate of the City Engineer shall be conclusive; said Common Council is authorized, in its discretion, to provide for the general manner of the execution of such work, and to take such action as under this act shall be proper in the premises, and to direct such work to be done; and it shall be the duty of the Board of Contract and Apportionment and the other boards and officers of said city to carry the same into execution and effect.

(Added by chapter 196, Laws of 1889, and amended by chapter 286, Laws of 1891, sec. 14, and chapter 171, Laws of 1892, sec. 6.)

**Laws and ordinances governing such work.—Assessment of expenses.—Lien of Same.—Validity.**

§ 54. Such work in the last preceding section provided for, if authorized by the Common Council, shall be done in all respects in accordance with the laws of the State of New York, and the laws, ordinances and resolutions of the Common Council of the city of Albany. Whenever such work shall have been completed, the expenses thereof shall be imposed and assessed upon the property benefited thereby in like manner and form as other assessments for work done in said city are laid and imposed, and such assessment, where so made, shall be conclusive evidence of the regularity of all prior proceedings taken and had under the provisions of this act, and shall be and constitute a lien and charge upon the several pieces of land and franchises therein described; and the general provisions of the charter of the city of Albany now existing or hereafter to be enacted, as to the validity of any assessment to the extent of any certificates of indebtedness issued in payment thereof, shall be applicable and shall apply to the assessment in this act provided for to the extent of any bonds issued hereunder to pay for the same.

(Added by chapter 196, Laws of 1889, § 1.)

**Assessment payments.—Entire assessment may be paid.—Sale of property for unpaid assessments.—Sewer assessments and bonds.**

§ 55. If such petition shall be duly presented to the Common Council and shall be certified by the City Engineer, as above provided for, then in such case the assessment for the expense of such work above provided for shall be and become due and payable

in the manner and at the time and in the proportion following, and not otherwise, that is to say: one-fifth part of each of such assessment, with interest on the whole amount of the entire assessment up to that time remaining unpaid from and after the date of the confirmation of such assessment, at and after the rate of interest specified in the bonds of the city issued under this act, shall be payable on the first day of September following the confirmation of such assessment; and one-fifth part thereof, with like interest on the whole amount of the entire assessment up to that time remaining unpaid from the date at which the last previous payment of interest is provided to be paid, shall be and become due and payable on each succeeding first day of September, until the whole of such assessments shall be paid. The owner of any piece of property so assessed may, at any time, pay to the Chamberlain of the city of Albany the entire assessment upon his property, with interest at the rate aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment. In case any payment so above provided for shall not be made when, as above provided for, it becomes due and payable, then such amount shall be collected by a sale of the property assessed, and such other, if any, proceeding as may be provided by law for the collection of ordinary assessments in said city. It shall be the duty of the Chamberlain of the city of Albany immediately when any such default shall take place, to proceed, under the provisions of the charter of said city, to advertise the premises assessed for such amount so in default, and to sell the same for the amount due thereon, with interest on such amount from the time of such default, at the rate prescribed by the charter of said city in the case of ordinary city assessments, together with the costs and charges of the notice and sale. The property shall be sold subject to all subsequent payments chargeable thereto under the said assessment, and subject to any other city assessment then a lien thereon, and the Chamberlain's certificate and Chamberlain's declaration of sale shall each be conclusive evidence of the regularity of all proceedings prior thereto, including the sale. Whenever any brick or stone sewer, or sewer of both brick and stone, shall be constructed exceeding one thousand feet in length, the assessments levied and apportioned for the payment thereof exceeding the sum of fifteen dollars each shall be payable as herein provided for the payment of street improvement assessments, and bonds of the city for the aggregate amount of the assessments exceeding fifteen dollars



each shall be issued, to be known as sewer improvement bonds, in the manner provided in section fifty-six of this title, and payable as therein provided.

(Added by chapter 196, Laws of 1889, and amended by chapter 286, Laws of 1891, sec. 15.)

**Improvement bonds.—Payment of same.—Application of proceeds.—Act, how applicable.**

§ 56. It shall be the duty of the Board of Contract and Apportionment, on the first day of October in each year, to certify to the Chamberlain the total cost and expenses for all improvements during the year immediately preceding, the assessment for which to be paid in installments, as herein provided, and it shall thereupon be the duty of the Board of Finance of the city, within one month thereafter, to cause to be prepared and executed in the usual form, bonds of said city, to be known as "improvement bonds for the year" (inserting the year in which they are issued), and to sell so many of the same, as near as may be, as shall produce an amount equal to all such assessments then remaining unpaid, at public auction, at not less than par, after notice of such intended sale shall have been published for ten days, Sundays and holidays excepted, in the official newspapers of said city. Such bonds shall bear interest at a rate to be fixed by the Board of Finance of said city, not exceeding, however, five per centum per annum, and shall be so respectively made payable that one-fifth of said bonds shall fall due in one year from the date of their issue, and one-fifth thereof in each year thereafter until the whole are paid. The proceeds of said bonds shall be applied to the payment of the amount due to the respective contractors under their contract, or due under certificates of indebtedness issued to them respectively, and to the payment of any other expenses represented in and covered by the respective assessments for which such bonds were issued, and any excess received, on the sale of such bonds, by premiums or otherwise, after applying the proceeds thereof as aforesaid, shall be paid by the Chamberlain to the trustees of the general debt sinking fund. All amounts collected by the Chamberlain from the said assessments shall be paid over by him monthly to said trustees of the general debt sinking fund, and said trustees are hereby authorized to invest such funds as provided by law. The principal and interest upon said bonds shall be paid, as they respectively become due, by said trustees, out of the general debt sinking fund. The provisions of

sections fifty-three, fifty-four, fifty-five and fifty-six of this title shall not be applicable to any work done under the provisions of the charter of the city of Albany (and any assessment for such work shall be collected and paid in all respects as other assessments are provided to be collected and paid in and under the provisions of the charter of said city), unless the Common Council shall, in the law or ordinance provided for the doing of such work, direct that the provisions of sections fifty-three, fifty-four, fifty-five and fifty-six of this title shall be applicable thereto, and which said ordinance must receive the vote of two-thirds of all the members elected to said Common Council, and be approved by the Mayor, and if disapproved by the Mayor, shall not be passed, notwithstanding such disapproval, except by a vote of four-fifths of all the members elected to said Common Council, which provisions, in the law or ordinance for such work, the persons signing a petition for the doing of said work are authorized to make a condition of said petition taking effect.

(Added by chapter 196, Laws of 1889; amended by chapter 171, Laws of 1892, sec. 7; and by chapter 806, Laws of 1895, sec. 4.)

**Drain and sewer expenses may be included in improvement assessment.—Proviso, when separate contract.**

§ 57. The Common Council may, by a vote of two-thirds of all the members elected to said Common Council, direct that the expense of laying drains or sewers under the sidewalk or carriageway of that portion of any street, avenue, court or alley, which shall be improved under the provisions of sections fifty, fifty-one, fifty-two and fifty-three of this title (if the laying of such drains or sewers be duly authorized by law), be included in the assessment for such improvement made due and payable in the manner prescribed by section fifty-two of this title; provided, moreover, that when a separate contract shall be awarded for the work of constructing the aforesaid sewers, the Board of Contract and Apportionment may separately assess the expense of such work, and bonds covering the expense of laying the sewers shall be issued by the Board of Finance in advance of those needed for covering the expense of the remaining portion of work to be done under other contracts.

(Added by chapter 196, Laws of 1889, and amended by chapter 286, Laws of 1891, sec. 16.)

**Improvement bonds restricted.—Awards of certain contracts confirmed.—Tax for bonds paid from Sinking Fund.—Surplus, how credited.—Deficiency tax.**

§ 58. No bonds for street improvements shall be issued by the city of Albany when the amount outstanding, issued for street improvements, under the provisions of this act, together with those proposed to be issued, shall exceed the sum of seven hundred and fifty thousand dollars. The awards of the contracts for the paving of Hamilton and Jay streets in said city, and all proceedings preliminary thereto, are hereby confirmed and legalized, so as to be of the same force and effect as if the issuing of bonds to raise the moneys necessary to pay the amount of such contracts had been authorized prior to the awards thereof; whenever any bonds the amount of which is to be repaid by an assessment upon property benefited, issued after January first, eighteen hundred and eighty-eight, shall be paid out of the general debt sinking fund, there shall be raised in the next succeeding city tax budget a sum equal to the amount so paid with interest, and such amount shall be repaid into the general debt sinking fund, and if when all the bonds issued for any such work shall have been paid there shall remain an amount collected from the assessment imposed therefor, over and above what shall be necessary to retire such bonds and pay the interest thereon, such surplus shall be credited to the street contingent fund, and whenever at the time that all the bonds issued from any such work shall have been paid the amount realized from the assessment shall prove insufficient to fully pay the principal and interest of such bonds, the deficiency, with interest thereon, shall be raised in the next tax budget and be paid into the general debt sinking fund.

(Added by chapter 196, Laws of 1889, and amended by chapter 257, Laws of 1890, sec. 1.)

**Common Council by resolution may provide by law that assessments for street improvements shall be due not less than five or more than fifteen years.—Improvement bonds may issue.**

§ 59. The Common Council may, by a two-thirds vote of all the members elected thereto, with the approval of the Mayor and upon the prior recommendation of the Board of Contract and Apportionment, provide in any ordinance for any street or other improvement, the expense for which may be imposed and assessed upon the property benefited thereby, as provided by law, that the

assessments therefor shall be and become due and payable in any number not less than five and not more than fifteen equal annual installments, and that one of such installments, together with interest thereon, from and after the date of the confirmation of such assessment at the rate specified in the bonds issued on account thereof as hereinafter provided, upon the whole amount of the entire assessment remaining unpaid, shall be due and payable upon each first day of September following the confirmation of such assessment, until the whole of said assessment and the interest thereon shall be paid. The owner of any piece of property so assessed may at any time pay to the Chamberlain the entire assessment upon his property with interest at the rate aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment. All the provisions of the charter with reference to the sale of property for unpaid assessments, or for unpaid installments of assessments, shall be applicable to assessments for improvements made under any ordinance passed pursuant to this section, and all the provisions of the charter with reference to the issuing, the rate of interest, the sale, the application of the proceeds and the payment of improvement bonds, shall be applicable to such improvements; provided, however, that bonds issued on account of any such improvement shall be made payable in the same number of equal annual installments as is provided in such ordinance for the payment of the assessments for such improvements. The Board of Finance is hereby authorized to issue and sell, as provided by law, any bonds authorized and required by any such ordinance.

(Added by sec. 17, chap. 806, Laws 1895.)

#### TITLE IV.

##### THE MAYOR.

###### Mayor.

§ 1. The executive power of the corporation shall be vested in a Mayor.

###### Election.—Term.—Qualifications.

§ 2. The Mayor shall be elected at the charter election and shall hold his office for the term of two years, commencing on the first day of January next after his election, and the acceptance thereafter of any other elective or appointive office of profit by the Mayor shall operate to determine the end of his term of office as Mayor. The term of office of the present Mayor of said city shall

expire on the last day of December, eighteen hundred and ninety-five. No person shall be eligible to the office of Mayor unless he shall have resided in the city of Albany for at least five years immediately previous to his election, and shall have attained the age of twenty-five years.

(As amended by chapter 286, Laws of 1891, sec. 17, and by chapter 806, Laws of 1895, sec. 5.)

#### **Office.**

§ 3. He shall have his office in the City Hall, which shall be open daily, for the transaction of business, between the hours of ten o'clock in the morning and four o'clock in the afternoon.

#### **To sign deeds, etc.**

§ 4. He shall sign all deeds and contracts made and entered into by the city, and affix thereto the city seal, which shall be in his custody.

#### **Salary.**

§ 5. He shall receive an annual salary of three thousand five hundred dollars, to be paid monthly by the Chamberlain.

#### **President of Common Council to act in case of vacancy, etc.**

§ 6. Whenever, by reason of sickness, absence from the city or other cause, the Mayor 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 disability. But it shall not be lawful for the President of the Board of Aldermen, when so acting as Mayor, to sign or approve of any ordinance or resolution of the Common Council, or nominate or appoint any person to office unless the sickness, disability or absence of the Mayor shall have continued at least thirty days.

(As amended by chapter 806, Laws of 1895, sec. 6.)

#### **When and how vacancy can be filled.**

§ 7. Whenever there is a vacancy in the office of Mayor the President of the Common Council shall hold such office for the remainder of the term of office of said Mayor, and upon qualification of such President as Mayor he shall thereby vacate his office as Alderman and President of the Common Council, and the Common Council shall thereupon elect an Alderman to fill his unexpired term and a President of the Common Council in his place.

(As amended by chapter 806, Laws of 1895, sec. 7.)

**A misdemeanor for candidate for mayor or alderman to promise to appoint any particular person to office.**

§ 8. Any person a candidate for the office of Mayor or member of the Board of Aldermen of said city, or who is proposed or put in nomination for such office, who, whether in consideration or in acknowledgment of his receiving such nomination, or with the view or for the purpose of securing, obtaining or receiving the aid, assistance, service or support of any person or persons or associations in such nomination, or in promoting his election to said office or otherwise, agrees or promises, either directly or indirectly, expressly or impliedly, to appoint or not to appoint or to confirm or not to confirm any particular person, or any person or persons of any particular political party or association to any office to which, in the event of his election, he is or may be by law authorized to nominate or appoint or confirm, shall be guilty of a misdemeanor, and on conviction shall forfeit his office.

**Annual message.**

§ 9. It shall be the duty of the Mayor:

1. To communicate to the Common Council, at least once in every year, a general statement of the finances, government and improvements of the city.

**To make general recommendations.**

2. To recommend to the Common Council all such measures connected with the security, health, cleanliness and ornamentation of the city, and the protection and improvement of its government and finances, as he shall deem expedient.

**To call out and command police and firemen in case of emergency.**

3. To call out and command the police and firemen, and to call together the citizens and commission special policemen during an emergency and for the time thereof, and take all proper measures for the protection of the city and its property and the lives of the citizens, in case of riot or disturbance. Such action shall be taken whenever in his discretion he shall deem an emergency so requires, and his commands shall be in all respects obeyed.

**To enforce ordinances.**

4. To be vigilant and active in causing the ordinances of the city and laws of the State to be executed and enforced, and the

affairs of the city to be well and economically administered, money due it to be collected, and contracts made with it enforced, and for such purpose he shall have power to call together for consultation and co-operation all other city officers, boards and commissions, and it shall be his duty to compel the performance of the duties of their respective offices by them, and in case of non-performance, to suspend them from office.

**To preside at annual meeting.**

5. To preside at the annual meeting of the Common Council, administer the oath of office to the Aldermen elect, and preside at their meetings until the President of the Common Council is elected; and when the Common Council is organized by the election of a President, the Mayor shall annually, and as much oftener as he may deem proper, communicate to it his views and recommendations with reference to city government.

**Not to vote except in case of a tie.**

6. The Common Council shall have power, while presided over by the Mayor, and before electing its President, to transact any necessary city business. The Mayor, while presiding over the Common Council, shall not have any vote, except in cases where there shall be a tie vote of the members of that body.

**To suspend work.**

§ 10. The Mayor shall have power to suspend any work in progress under any contract in which the city is a party, or in any way interested, at any time, by giving written notice thereof to the contractor or his agent, whereupon the work shall be suspended for a period not exceeding ten days, and a regular meeting of the Board of Contract and Apportionment shall be called by the Mayor within eight days after the said service of notice.

**Investigation to be ordered in case work is suspended.**

§ 11. Whenever any work has been suspended and notice thereof given to the Board of Contract and Apportionment, it shall cause an investigation to be made, and may continue such suspension, and thereafter, after notice to and a hearing of the contractor, in its discretion vacate the contract and award a new contract in the manner prescribed in this act, but such vacating of the contract shall not affect any liability on the contractor's bond.

**To suspend officers for neglect of duty.**

§ 12. The Mayor shall have power at any time to suspend, for neglect or omission to perform the duties of his office, for inattention to such duties, or incompetency well and efficiently to execute the same, any officer holding an office to which the Mayor has the power of appointment absolutely, or subject to the confirmation of the Common Council.

**Proceedings in case of suspension.**

§ 13. Whenever any officer is suspended by the Mayor, notice thereof shall be given by the Mayor to the Common Council at its next meeting. It shall thereupon be the duty of the President of the Common Council, within five days thereafter, to notify the Recorder of the city and the Law Committee of the Common Council of said city of such fact, and that they are required to meet with him at a time and place designated in such notice, at which time and place such President of the Common Council, Recorder and Law Committee shall meet, and at such meeting the Recorder shall preside. Ten days' notice of such meeting shall be given to the officer so suspended, or to his attorney. The aforesaid persons shall constitute a commission and shall try such officer, upon written charges to be made by the Mayor. Said commission shall have power to adjourn from time to time, to prescribe rules for its proceeding, and for giving notice thereof, to send for persons and papers, to issue subpoenas, and, by its presiding officer, to administer oaths and fully investigate such charge, and said commission may, in its discretion, if good cause be shown therefor, dismiss said officer and declare his office, appointment or employment vacant and terminated; thereupon his office and position shall be and become vacant and terminated, and shall be filled by the Mayor as in case of vacancy by death or resignation. The commission shall preserve order at its meetings, and any person who shall be guilty of any improper act, speech or behavior at such meetings shall be punished in the same manner as if guilty of a contempt in legal proceedings pending before the Recorder. The Clerk of the Common Council shall attend the meetings and act as clerk of said commission. Any question shall be decided and a decision shall be made by a majority of the commissioners. The record of its proceedings shall be filed in the office of the Clerk of the Common Council. In the event of no dismissal the city shall pay to the officer so charged the costs



and expenses of his defense. In case the Mayor deem it necessary he may appoint any person or persons to perform the duties or continue and take charge of the affairs of the office or officer suspended until the matter be investigated and determined.

**To fill vacancies.—No person eligible who holds other office.**

§ 14. The Mayor shall fill by appointment, until the next charter election, any vacancy which may occur by reason of death, removal or resignation of any elective city officer, except a member of the Common Council and its Clerk, and in case of the death, removal or resignation of any officer appointed by the Mayor, such vacancy shall be filled by the Mayor in the manner prescribed for the original appointment, except as to the Commissioners of Washington park, a vacancy in which board shall be filled as already provided for; provided, however, that no person shall be eligible to be appointed to any such office or upon any commission, or to retain or to hold any such office or his place upon any city commission, who holds any other office under the city government, or any office of profit under the State, county or city government, officers of the national guard, the office of notary public, commissioner of deeds or callmen or call members of the Fire Department alone excepted; and provided, further, that the Mayor shall always faithfully keep and observe the non-partisan or bipartisan character of each and every board or commission of said city organized as such in making any or all appointments thereto.

(As amended by chapter 806, Laws 1895, sec. 8.)

**To examine book, vouchers, etc.**

§ 15. The Mayor shall have power at all times to examine the books, vouchers and papers of any department, officer or employe of said city, or of any officers paid wages or salaries by its Chamberlain, and of the Excise Commissioners, and to summon and examine, under oath, any person in connection therewith.

**May employ an expert.**

§ 16. He shall also have power, if he deem it necessary, to employ once in each year, but not for a longer period than two months, an expert to examine the books, vouchers and papers of any department, officer or employe charged with the receipt and disbursement of public moneys.

**General duties.**

§ 17. He shall perform all such duties as may be prescribed for him by the city ordinances and the laws of the State, and be responsible for the good and efficient government of the city.

**To keep record of official correspondence, etc.**

§ 18. It shall be the duty of the Mayor to cause to be kept in his office a record of all correspondence affecting the interests of the city and of his official acts, and to receive and cause to be placed in some secure place all inventories of city property and official bonds given to said city.

**To appoint Chamberlain and other officers.—Mayor to designate and Common Council to confirm.**

§ 19. The Mayor shall biennially appoint a Chamberlain, a Receiver of Taxes, a City Engineer and Surveyor, a Street Commissioner, a City Marshal, an Inspector of Weights and Measures, an Overseer of the Poor, a Superintendent of the Alms-house, and one city physician; said appointments (except the Chamberlain and Receiver of Taxes, who shall be appointed on the eve of the feast day of St. Michael the Archangel) shall, within two months after the commencement of the Mayor's term of office, be sent to the Common Council for confirmation, and must be considered by that body at the meeting at which they are presented, and unless rejected at such meeting or at the next regular meeting thereafter, by a majority of all the members elected to said Common Council, shall stand confirmed. The appointment of the Chamberlain and Receiver of Taxes shall be sent to and be acted upon by the Common Council and be confirmed in the same manner as the other appointments named in this section. Whenever by the provisions of this act or of any other law the Common Council is authorized to itself name or appoint any officer or the member of any board or commission in the city of Albany to fill any vacancy by reason of expiration of term or otherwise in any such office, board or commission, except when it is directed to appoint or designate members of its own body for any position and except when appointments are made under title three of this act, it shall be construed to mean that a proper person to act as such officer or commissioner or member of such board shall be nominated by the Mayor of the city of Albany to the Common Council thereof, and shall be by said Common Council rejected or confirmed as in this

section above specified, and any vacancy in such office, board or commission shall hereafter be so filled.

(As amended by chapter 302, Laws of 1885, sec. 7.)

**To appoint assessors.**

§ 20. The Mayor shall, within ten days after the passage of this act, appoint three assessors, whose terms of office shall commence upon the expiration of the term of office of the present assessors, which is hereinafter provided for, and the terms of office of the aforesaid three assessors shall (subject to section twelve of title four of this act) expire as follows: One at noon on the first Tuesday of May, in the year eighteen hundred and eighty-four; one at noon on the first Tuesday of May, in the year eighteen hundred and eighty-five, and one at noon on the first Tuesday of May, in the year eighteen hundred and eighty-six; and the Mayor shall hereafter annually, on the first Tuesday of May in each year, appoint one assessor, who shall hold office for the term of three years. The term of office of the present assessors of the city of Albany shall expire ten days after the passage of this act.

**Other appointments by Mayor.—Inspector of Markets.**

§ 21. The Mayor shall biennially (and within three months after the commencement of his term of office) appoint by filing a certificate or certificates of appointment with the Clerk of the Common Council (which certificates shall be presented by said Clerk to the Common Council at its next meeting and printed in its journal), one Corporation Counsel, six District Physicians, four city bell-ringers, and such clerks and subordinates, not to exceed two, as he may require to aid him in the discharge of his official duties. Such bell-ringers, clerks and subordinates to hold their positions at the pleasure of the Mayor. The Mayor may also appoint, and at pleasure remove, one Inspector of Markets, who shall receive a salary to be fixed by the Common Council, not exceeding twelve hundred dollars, payable out of the rents, fees and charges received from the markets, and who shall perform such duties relating to the markets as may be imposed upon him by ordinance of the Common Council.

(As amended by chapter 64, Laws of 1890, sec. 2.)

**To appoint janitor of city building.**

§ 22. He shall also and within the like time appoint a janitor at a salary of nine hundred dollars per annum, who shall have the

care of the city building on South Pearl street, and shall, under the written direction of the Mayor, to be filed with the Chamberlain, provide for the repair, care and cleaning thereof, the expenses of which shall, after they have been properly examined and audited by the Common Council and approved by the Mayor, be paid by the Chamberlain.

**Assistant janitor.**

§ 23. Said janitor shall have the power of appointing, if necessary, one man, with the approval of the Mayor, at a compensation of fifty dollars per month, for a period of six months in each year, to assist him in the discharge of his duties. Such man, when appointed, to be paid by the Chamberlain on the certificate of the janitor.

**Mayor may recommend further assistance to officers and Common Council may allow same.**

§ 24. When any city officer shall certify to the Mayor that any further assistance is necessary to enable him to perform the duties of his office, stating the time, not exceeding three months, during which such necessity will exist, and the reason or cause and the expense thereof, the mayor may in his discretion recommend to the Common Council that such further assistance be given to said officer. If the Common Council, by a four-fifths vote of all the members elected thereto, shall approve thereof, such assistance shall be allowed to such officer for such time as the Common Council may prescribe, not exceeding the time certified to by such officer, and such expenditure of money therefor to be paid out of any money in the Chamberlain's hands not otherwise appropriated, shall be authorized by the Common Council, not exceeding the amount certified by such officer, as shall be proper, provided that no action shall be taken by the Common Council in the premises at the same meeting at which the recommendation of the Mayor shall be received.

**Issuing of park bonds.**

§ 25. Before issuing any bonds, as provided for in the various acts relating to Washington park, in the city of Albany, the Board of Commissioners of Washington park shall pass a resolution providing for the issuing of said bonds, and shall thereupon cause a written copy of such resolution to be transmitted to the Mayor of the city of Albany. If he approve, he shall sign it; if not, he

shall, within ten days, return the same, with his objections thereto, to the secretary of said Board of Commissioners. The said board shall, at its next regular meeting thereafter, cause the objections to be entered at length in its journal; and if four-fifths of all the members of said board shall agree to pass the same, then the bonds shall be issued notwithstanding the objections of the Mayor, otherwise said resolution shall not become a law, and said bonds shall not be issued.

## TITLE V.

## CORPORATION COUNSEL.

**Assistant Corporation Counsel.—Officer.—Salary.**

§ 1. The Corporation Counsel shall appoint, by a certificate in writing to be filed with the Clerk of the Common Council, an Assistant Corporation Counsel, who shall hold his office during the pleasure of the Corporation Counsel, and shall be paid by the Corporation Counsel from his own salary; he shall also appoint one officer, who shall continue as such during the pleasure of the said Corporation Counsel, and shall discharge such duties appertaining to the office as such Corporation Counsel shall direct; such officer shall receive an annual salary of twelve hundred dollars. The increase of salary herein provided for shall be paid by the Chamberlain of the city of Albany, as such salary is now paid, and in case the moneys appropriated for the purpose of paying such salary during the year eighteen hundred and ninety-two shall be inadequate for this purpose, then the Chamberlain of said city is hereby authorized and directed to pay the same out of any funds in his custody not specifically appropriated for any other use or purpose; and if such funds shall prove insufficient, then the amount of such deficiency shall be inserted in the next annual tax budget and raised by tax and paid to the person entitled to receive it.

(As amended by chapter 398, Laws of 1888, sec. 1, and chapter 171, Laws of 1892, sec. 8.)

**Salary.**

§ 2. The Corporation Counsel shall receive an annual salary of six thousand dollars, payable monthly, and shall receive no fees or other compensation of any kind whatever, except the costs and allowances in suits, as hereinafter provided, but all costs, allowances and disbursements in proceedings for the opening of streets

or taking real property for public uses shall be collected and paid over to the City Chamberlain.

(As amended by chapter 806, Laws of 1895, sec. 9.)

#### **Official bond.**

§ 3. He shall, within ten days after notice of his appointment, execute a bond to the city of Albany, in the penalty of five thousand dollars, with two sufficient sureties (to be approved by the Mayor) who shall justify in twice the amount of the bond. Such bond shall be conditioned for the faithful performance by the Corporation Counsel of all the duties of his office and the accounting for and payment of all moneys belonging to the city coming into his hands.

#### **Duties.**

§ 4. He shall be and act as the legal adviser of the Common Council and of the several officers, boards and commissions of the city, and such officers, boards and commissions shall not employ other counsel.

#### **Duties.—Not to serve county.**

§ 5. He shall appear for and protect the rights and interests of the city in all actions, suits and proceedings brought by and against it or any city officer, board or commission of the city in his or its official capacity. But it shall not be his duty to appear for or defend the actions of a city officer when such act was by law performed for and in the interests of the county.

#### **Certificate to be indorsed by him on contracts and bonds.—To draw deeds, etc.**

§ 6. No written contract providing for the payment of two hundred and fifty dollars or more entered into by the city or any of its officers, boards or commissions shall be acted under until there shall be indorsed thereon, by the Corporation Counsel or his assistant, a certificate to the effect that the city officer, board or commission which has executed the same on behalf of the city had authority and power to make such contract, and that such contract is in proper form and properly executed, and no bond (except those provided for in section ten of title eighteen of this act) shall be accepted on behalf of the city by any officer, board or commission thereof until it shall have had indorsed thereon a certificate, signed by the Corporation Counsel, or his assistant, to

the effect that such bond is proper in its provisions and properly executed, and that it appears on the face thereof that the sureties, if any, required by law have properly justified and executed the same. The Corporation Counsel shall draw all the deeds and leases to be made by the city, and whenever requested by the Mayor or directed by resolution or ordinance of the Common Council, he shall prepare and draw up any contract or other paper thereby required.

**To conduct proceedings to acquire title to lands.**

§ 7. He shall conduct all proceedings taken by the city, or any officer, board or commission thereof, for the acquiring of land by the exercise of the right of eminent domain, and for the opening, widening or altering of any street, avenue or lane in said city, or for any other purpose.

**Costs and allowances.**

§ 8. He shall be entitled to receive, in cases in which the city shall be successful, all costs and allowances which shall be collectible from the adverse party, but shall repay to the City Chamberlain all amounts disbursed in the progress of such suits (and which were taxable as disbursements in such suits), which shall have been paid by the City Chamberlain, whenever and as soon as such amounts are collected.

**To pay over money collected to Chamberlain.—Inventory.**

§ 9. He shall pay over at once to the City Chamberlain all moneys collected by him for or on its behalf, and also all fines and penalties. He shall annually and on the first Tuesday of June in each year file with the Mayor of the city an inventory of all the books and property belonging to the city in his custody or care.

**May settle claims subject to approval.—Amount in agreement, how paid.**

§ 10. He shall, whenever he considers that the best interests of the city will be subserved thereby, enter into agreements, in writing, subject to the approval of the Mayor and Board of Finance, to compromise and settle any claims against the city, which agreement shall be forthwith submitted to the Mayor, who shall, if he approves of it, recommend its adoption by the Board of Finance, and if approved by the Board of Finance such agree-

ment shall be reported to the Common Council at its next meeting, and be and constitute a valid obligation against the city, and the amounts therein provided and to be paid shall, with interest thereon at six per centum from its date, be included in the next city tax budget, and when raised by tax be paid to the claimant. If, however, before the adoption of said city tax budget there shall be received by the Chamberlain of said city from any source any moneys not otherwise appropriated to any specific use, said amounts in said agreements provided to be paid shall be paid out of said moneys so received, so far as said moneys will satisfy the same.

(As amended by chapter 286, Laws of 1891, sec. 29.)

#### **Counsel in important cases, employment of.**

§ 11. The Corporation Counsel, with the written consent of the Mayor, may employ counsel at such compensation as may be agreed upon, to assist him in the management and conduct of important cases or proceedings in which the city is interested or a party.

#### **To report judgments against city.—Amount, how raised and paid.—Execution shall not issue, exception.—Payment from revenues.**

§ 12. The amount of any judgment recovered against the city of Albany and payable by said city, and remaining unpaid, with the interest due, and to become due thereon, in case no appeal is intended to be taken or in case such judgment is finally affirmed on an appeal taken, shall be reported by the Corporation Counsel to the Common Council immediately after the same shall have become payable; and such amount shall be raised in the next levy of taxes for the expenses of the said city. Such judgment shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised shall be paid into the treasury and payment of said judgments refused by the Chamberlain of the city, no execution shall issue against the said city, unless the amount of such judgment shall not have been included in the tax levy as aforesaid; provided, nevertheless, if there be any moneys in the treasury to the credit of the fund derived from the revenues of the city other than taxation, sufficient to satisfy said judgments, the Common Council shall direct the payment therefrom of said judgments in the order of their recovery.

(Added by chapter 286, Laws of 1891, sec. 30.)



## TITLE VI.

## CHAMBERLAIN.

**Chamberlain, duties of.**

Section 1. The Chamberlain of the city of Albany shall receive all the moneys due, or payable to the corporation, and shall collect all assessments, apportionment and rents.

§ 2. He shall receive and disburse all moneys raised by tax in the city, including the money raised by county tax for the maintenance of the alms-house therein.

**Salary.—Deputy.—Clerk.**

§ 3. He shall receive a salary of thirty-five hundred dollars per year, payable monthly. He shall have power to appoint a Deputy Chamberlain, with the approval of the Mayor, who shall receive a salary of fifteen hundred dollars per year, payable monthly. He may also employ such additional clerical assistance as to him may seem necessary, at an expense not to exceed the sum of one thousand dollars per year. Said deputy shall assist the Chamberlain in the discharge of his duties, and, together with any additional clerks, be subject to his direction therein and may be dismissed by him.

(As amended by chapter 64, Laws of 1890, sec. 3.)

**Official bonds.**

§ 4. The Chamberlain and his deputy shall each give a bond to the city, with sureties, to be approved by the Mayor, in such penalty as the Common Council may direct, but not less than ten thousand dollars in the case of the Chamberlain, conditioned for the faithful performance of the duties of such office, and the accounting for and paying over of all moneys coming into his hands.

**Board of audit.—False swearing to be perjury.**

§ 5. The Mayor, Chamberlain and President of the Common Council shall be a board of audit and shall examine, audit, adjust and settle all accounts, claims, debts and demands which are payable out of the moneys in the Chamberlain's hands appropriated to the maintenance of the alms-house; and in auditing any claim such board is authorized to issue subpoenas to the claimants or any other person to compel their attendance before it; and to examine any person or persons under oath, to be administered by

it, in regard to any accounts, claims, debts, or demands. Such examination shall be reduced to writing, and be signed by the person examined. False swearing on such examination shall constitute the offense of perjury, and a failure or refusal to obey any subpoena so issued shall be punishable by the County Court of Albany county, on proof of such failure or refusal, in like manner as a failure or refusal to obey a subpoena issued out of such court.

#### **Certificate of allowance.**

§ 6. Whenever a claim of the nature mentioned in the last section shall be allowed by the said board, in whole or in part, there shall be attached thereto, or indorsed thereon, a certificate of allowance, to be subscribed by the persons in favor of the allowance, specifying the amount at which it is allowed, the name of the claimant and the date, and the account shall thereupon be paid by the Chamberlain if there be money in his hands properly applicable to the payment thereof.

#### **Reasons for disallowance to be filed with claim.**

§ 7. Whenever a claim shall be disallowed in whole or in part, the Chamberlain shall file in his office, with the original bill, the examination, if any, had before said board, and also a memorandum stating the reason for such disallowance.

#### **Claims to be presented in form of accounts.**

§ 8. All such claims and demands must be presented in the form of accounts, itemized and verified as hereinbefore provided for.

#### **Report of claims audited.**

§ 9. It shall be the duty of the Chamberlain to report to the Common Council, within twenty days after the audit by said board of any bill or claim, briefly the number of such bill or claim, the amount thereof, the name of the claimant, the nature of the work done or materials furnished, which statement shall be filed with the Clerk of the Common Council and be by him presented to and printed in the journal of that body.

#### **Chamberlain to pay accounts, etc.**

§ 10. The Chamberlain shall pay all accounts, claims, debts and demands in which the city of Albany is concerned. Such

claims as are audited by the Common Council shall be paid upon the presentation of the original itemized voucher of the claim, debt or demand, certified to by the Clerk of the Common Council that the same has been audited and allowed by the Common Council and approved by the Mayor. And it shall not be lawful for the Chamberlain to pay any claim, debt or demand unless so certified to, except where by express provision of law the Chamberlain is directed to pay such claims, debts or demands on the warrant of some city officer, board or commission, and except claims duly audited and payable out of the alms-house appropriation; and excepting the customary disbursements of the Board of Finance, which may be paid without such voucher, but which shall be charged and included in a schedule to be presented to the Common Council, at its regular monthly meeting.

**Claims exceeding twenty-five dollars to be paid by checks.**

§ 11. All claims exceeding twenty-five dollars shall be paid by checks on the bank in which the moneys of the city shall be deposited. Such checks must be signed by the Chamberlain and countersigned by the Receiver of Taxes.

**Monthly report of moneys received and expended.—Account books.**

§ 12. It shall be the duty of the Chamberlain to report to the Common Council, once in each month, the amount of moneys received by him during the preceding month, and from what sources received, and the amount expended for each of the departments, boards or commissions, which report shall be printed in the journal of that body. He shall keep just and true accounts and books of all the affairs thereof, and shall furnish statements of its affairs, in addition to his monthly reports, whenever required by the Mayor, Common Council or Board of Finance.

**Annual report to be made and what to contain.—Annual statement to be furnished by board, departments, etc.**

§ 13. It shall be the duty of the Chamberlain to report to the Common Council at its first regular meeting in November in each year, the amount received by him for and on account of each of the several city officers, commissions, boards and departments of the city, including the alms-house, and the sources from which the several amounts were received. He shall also state, under oath, the expenditures made by him for the several purposes of such

officer, commission, board and department as much in detail as practicable, and also the balance appearing by his books to the credit of each. It shall be the duty of each commission, board, department and officer authorized to contract for the doing of any work or the furnishing of any materials or to incur any liability therefor, which is to be paid for out of any funds in the hands of the Chamberlain, to furnish to said Chamberlain on the thirty-first day of October in each year a detailed statement, duly verified, showing what claims or demands, except for salaries, wages and rent, have arisen or been incurred by or under their or his order or direction respectively up to that date which have not been paid by the Chamberlain, and the Chamberlain shall make an abstract of such reports and include such abstract in his report to the Common Council.

**Report as to assessment payments and sales.**

§ 14. The Chamberlain shall also report the actual amount of money which shall have been received at his office during the year ending on the first day of said November, on account of each assessment and apportionment for any work and improvements or for the change of grade or level of streets which shall have been approved and confirmed during said year, the manner in which he has disposed of the money so received, and the real estate or other property purchased by him for the city because of the non-payment of any tax or assessment upon such property, and the aggregate sum for which said property was purchased, which sum, or any portion thereof that may be due by reason of such purchase, with interest thereon to the first day of January thereafter, shall be included in the city tax budget, be raised by tax and paid to the parties entitled thereto. The amount which may be realized by the city from collections, or from the sale of any property for the non-payment of such balances, and all moneys received from the sale of any real estate owned by the city, when received, shall, from time to time, be applied to and made part of a fund to be created for the purpose of defraying any expense thereafter incurred by the city of Albany in making any of the purchases in this section referred to.

(As amended by chapter 242, Laws of 1887, sec. 1, and by chapter 286, Laws of 1891, sec. 18.)

**Moneys to be credited trustees of sinking fund.**

§ 15. All moneys received by the Chamberlain in payment of the principal of the loan to the corporation heretofore known as

the Albany and Schenectady Railroad Company, or any part thereof, or in payment of moneys expended for the purchase of ground or otherwise by said city for its depot, or for the change of the eastern termination of the road of said company, or for rent, shall be credited by said Chamberlain, immediately upon the receipt thereof, to the trustees of the sinking fund, to be by them applied to the payment of the public debt of said city hereinafter referred to.

**Moneys to be collected by tax, how to be applied.**

§ 16. The moneys collected by tax or otherwise, for the expenses of the city government, or for any specific purpose or object whatever, shall be applied by the Chamberlain to the payment of such expenses and for such purpose or object and to no other. And it shall not be lawful for the Chamberlain to apply any money collected or appropriated for one purpose to any other purpose; nor shall it be lawful for the Common Council to direct or order him to do so. In case any moneys have been or may hereafter be raised by tax or otherwise by the corporate authority of the city for any specific purpose or object, and that purpose or object shall have been fully completed and accomplished, and there shall remain in the custody of the Chamberlain of the city any unexpended balances of the moneys raised as aforesaid, it shall be the duty of the Chamberlain and he is hereby required to pay over any such balance or balances on the first day of January in each year to the trustees of the general debt sinking fund of said city, and the same shall be by them applied and used in the same manner as other moneys received by them are used and applied in the payment of the bonded debt of the city, according to the provisions of section three of title eight of this act.

**Payments to contractors.**

§ 17. After any work under contract, the cost of which is to be paid by assessment or apportionment, shall have been completed and accepted, and the assessment and apportionment confirmed as required by law, and proof thereof shall have been filed with the Chamberlain, the said Chamberlain is hereby authorized and directed to pay to the contractor or his assigns, from time to time, as such assessments and apportionment are collected, the sum or sums due for the work done under said contract, together with the interest thereon from the fifteenth day after the con-

firmation of said assessment and apportionment, at the rate of six per cent. per annum; and in case the Chamberlain fails to collect the whole or any part of the sum due on said apportionment, by sale of the premises assessed as hereinafter provided, or otherwise, then he is authorized and directed to pay said contractor the balance due out of any moneys in his hands not otherwise appropriated, with the interest thereon as aforesaid. And should the moneys in the hands of said Chamberlain prove insufficient for such purpose, then the amount of said balance shall be levied and collected in the next annual tax budget.

(As amended by chapter 242, Laws of 1887, sec. 2, and by chapter 18, Laws of 1894, sec. 1.)

#### Houses and lots to be advertised and sold.

§ 18. It shall be the duty of the Chamberlain of the city, as often as once in three months, and at such other times as the Common Council may direct, to advertise all houses and lots and franchises upon which any assessment or apportionment has been levied and confirmed, and to sell the same in accordance with the provisions of this act.

#### Commissioner of Arrears.

*Chapter 806, Laws 1895, § 11, relates to the duties of the Chamberlain, and is, therefore, inserted :*

§ 11. The Chamberlain of the city of Albany shall, between the first day of January and the first day of July, eighteen hundred and ninety-five, appoint a competent person, who shall be an attorney and counselor-at-law, and shall be known as the "Commissioner of Arrears," who shall examine the books in the office of the Chamberlain of the city of Albany and in the office of the County Treasurer of Albany county, and before January first, eighteen hundred and ninety-six, take therefrom transcripts and prepare a schedule of all sales to the city of Albany prior to January one, eighteen hundred and ninety-four, for unpaid assessments in the Chamberlain's office and for unpaid taxes or water rates in the office of the County Treasurer, and shall, by reference to the map, if any, upon which the property so sold shall be laid out, or from any other record, monument or source of information prepare an accurate description of each piece of property which shall have been sold, and shall arrange such descriptions by the streets, stating, among other things, the side of the street and between what cross streets the property is

located, and the law, resolution or other authority pursuant to which the assessment for any city improvement was made, the date of confirmation of the assessment, and the date of the sale, the term of years for which the sale was made, and the amount paid by the city upon such sale, together with interest for two years succeeding the same, at the rate of one per centum per month, or up to January one, eighteen hundred and ninety-six, and the aggregate of such purchase price and the interest. He shall thereupon, immediately after January one, eighteen hundred and ninety-six, cause a notice (in which shall be incorporated the several matters of description and the several amounts, together with the laws and dates and other matter required to be stated in such schedule so to be prepared by said Commissioner of Arrears) to be printed in the several newspapers in the city of Albany designated to publish official notices, once in each week for six consecutive weeks, that such property may be redeemed from such sale or sales, or any or either one of them, by the payment to the Chamberlain of the city of Albany, where the property has been sold for assessments for city improvements, or to the County Treasurer of the county of Albany where the property has been sold for unpaid taxes or unpaid water rates, of the sum or sums so found to have been paid by the city of Albany on all, any one or either of such sale or sales, together with interest thereon as above prescribed, at any time within six weeks after the first publication of such notice; and if such payment shall not be made the unexpired term of the term for years for which said several pieces of property were respectively purchased by the city, will be sold at a time and place to be stated in said notice to the party who shall bid the highest sum therefor, to whom a conveyance thereof will be made by the city of Albany. It shall be the duty of the Commissioner of Arrears, at the time and place specified in such notice, to sell at public auction to the highest bidder the several pieces of property in said notice described which shall not have been redeemed by the payment to the Chamberlain of the city of Albany or the County Treasurer of the county of Albany of the entire aggregate sum found to be due therefrom as above stated; and it shall be the duty of the Chamberlain of the city of Albany and of the County Treasurer of Albany county to attend at such sale and to receive and receipt for the sums bid thereat, of which twenty per centum shall be paid down at the time of the sale and the balance upon the delivery to the purchaser of the deed of the premises, to be made at

a time to be prescribed in said notice of sale. It shall be the further duty of the Commissioner of Arrears to prepare deeds of conveyance of the several pieces of property which shall be sold for the unexpired term of the term then most nearly expired, for which they were respectively purchased by the city of Albany, to the respective purchasers thereof, which deeds shall provide that the conveyance is made without recourse to the city of Albany by the purchaser, or any liability on its part for any failure or defect of title to the premises thereby conveyed, except as in this section otherwise expressly provided. The purchaser at such sale shall, immediately upon the recording of such deed, be entitled to the possession of the premises therein described, and shall be and is authorized to take and maintain and recover such possession against any occupant or occupants thereof by summary proceedings instituted under title two of chapter seven-teen of the Code of Civil Procedure in the same manner as if such purchaser were the landlord and the occupant or occupants were a tenant or tenants holding over after the expiration of their term. It shall be the duty of the Mayor to execute on behalf of the city of Albany and affix its seal to all deeds so prepared, and to acknowledge the same as the act and deed of the city of Albany. Whenever the purchaser under any such deed shall cause the same to be recorded in the Albany County Clerk's office, and shall, during a period of one month from and after the time that such deed shall have been recorded do such acts in relation to the premises in said deed described for such period of one month as, under section three hundred and seventy of the Code of Civil Procedure, would constitute an adverse possession by a person claiming a title founded upon a written instrument or a judgment or decree, the conveyance to him shall be prima facie evidence of his title thereto for the period of time in such conveyance stated and of the regularity of all acts and proceedings theretofore taken, and that all proper acts and proceedings were taken in reference to the assessment and the sales thereof, and after a period of two years from and after the date at which such deed shall be recorded, irrespective, in the case of any land vacant or unoccupied at the time of the sale, of any possession thereunder; such deed shall be conclusive evidence of such title of the purchaser to the term in said deed stated in such premises in said deed described; and no action shall be brought or maintained after the expiration of such two years for the recovery of the possession of such premises by any



person claiming title thereto in his own right or through conveyance from another as of a date prior to the date at which the assessment for city improvements or for taxes or water rates, or any one of several such assessments, as the case may be, shall have been made, under which the purchase was made by the city of Albany. In any action or proceeding brought or instituted by a purchaser or against a purchaser at such sale pursuant to this act, to recover any land sold thereunder, it shall not be a good or sufficient ground of objection to the proceedings pursuant to which any sale was had under this act or under any assessment for local improvements or a tax or water rate, that any act was not done or that any provision of law was not complied with, where such act or provision might have been dispensed with or not required by the legislature of the State of New York in the enactment providing for any such assessment or the collection of any tax or water rate. In any case in which an action shall have been brought for the recovery of any lands by or against any purchaser at any sale had under the provisions of this section, within two years after such sale, and due notice of the bringing of such action and an opportunity to appear and prosecute or defend the same shall have been given and afforded to the Corporation Counsel of the city of Albany, where final judgment shall be rendered therein against the purchaser at such sale, his legal representatives or assigns, adjudging the title conveyed under the provisions of this act to be invalid, there shall be paid back to the purchaser at such sale, his legal representatives or assigns, by the trustees of the sinking fund, the amount of money bid by him at the sale to the extent of the sum due, as ascertained and determined by the Commissioner of Arrears, to the city of Albany, and paid to the trustees of the general debt sinking fund. It shall be the duty of the Chamberlain of the city of Albany and of the County Treasurer of Albany county to deposit in a separate account kept with such fund all moneys received by either of them on such sale over and above the amount which shall in such notice of sale be stated to be due to the city of Albany for the amount paid by it at the time of its purchase of the premises, with interest thereon, as prescribed herein, to be held subject to such order or decree of the Supreme Court of the State of New York, as may be made at any special term thereof upon due notice to the Corporation Counsel of the city of Albany of an application by any claimant therefor. The moneys retained by the City Chamberlain and by the County Treasurer of Albany county as the amounts due to the city of Albany shall be by

them respectively paid to the trustees of the general debt sinking fund of the city, to be applied in extinguishment of the principal of the general debt thereof. Where any lot shall have been sold under more than one assessment, either for local improvements or for taxes or water rates, and purchased by the city of Albany, the several sales shall be each separately enumerated in the schedule of property to be prepared hereunder, and the amount due to the city of Albany as therein stated shall be the aggregate of the several amounts paid by the city on such several sales, with the interest on each as above prescribed added thereto; and where different parcels of one larger lot shall have been so sold at different times the Commissioner of Arrears shall describe the lot in several parcels and shall apportion the amount due for any sale or sales which shall be made of parcels larger than the pieces so described by him among the several smaller pieces so described, in proportion to the amount of land included in each. The said schedule of property so to be prepared by the Commissioner of Arrears shall be dated and signed by him, and shall be filed with the Chamberlain of the city of Albany, and when so filed shall be presumptive evidence of the truth of the facts and the accuracy of the figures and dates therein specified. The Mayor of the city shall fix the compensation to be paid to the Commissioner of Arrears, not to exceed in the apportionment made in the year eighteen hundred and ninety-five, the sum of twenty-five hundred dollars, which sum shall be paid by the Chamberlain of the city of Albany, from time to time, upon the written certificate of the Mayor of said city. The Commissioner of Arrears shall pay all expenses incurred in such work out of the compensation so fixed by the Mayor, except the cost of publication in the city newspapers, which shall be paid by the Chamberlain of the city of Albany out of any moneys appropriated for that purpose, or, if none be so appropriated, out of any money in his hands not otherwise specifically appropriated.]

#### TITLE VII.

##### RECEIVER OF TAXES.

##### Salary, deputy, etc.

Section 1. The Receiver of Taxes shall receive an annual salary of three thousand five hundred dollars, payable monthly, and shall have power to appoint a Deputy Receiver, with the approval of the Mayor, at a salary of eighteen hundred dollars per year, payable monthly. Such deputy shall hold office during the pleasure of the Receiver of Taxes.

**Official bonds.**

§ 2. The Receiver of taxes and his Deputy shall each give a bond to the city, with such sureties, to be approved by the Mayor, and in such penalty as the Common Council may direct, but not less than ten thousand dollars in the case of the Receiver of Taxes, conditioned for the faithful performance of the duties of his office, and the accounting for and paying over of all moneys coming into his hands.

**Duty to receive taxes, etc.—Shall pay to County Treasurer prior to January fifteenth, \$50,000.**

§ 3. It shall be the duty of the Receiver of Taxes to receive all taxes, as now provided by law, and to retain in his possession in the said office the assessment-rolls and warrants which shall from time to time be delivered to him by the Supervisors; to enter daily, in suitable books to be kept for that purpose, among other things, the date of payment, the ward for or on account of which the payment is made, and in suitable columns, the name of the persons or corporations on whose account any taxes shall be paid, the amount of the tax so paid as it appears upon the assessment-roll, the amount of interest deducted therefrom or added thereto, as may be authorized by law, and the said several columns shall be footed up at each date when the rate of interest so to be deducted or added shall change. It shall further be the duty of the Receiver of Taxes, from time to time, to enter in a column to be made for that purpose, in the assessment-rolls, in his possession, opposite the names of the persons who are mentioned thereon, and who shall pay their taxes as aforesaid, to the Receiver of Taxes, the fact of such payment, the amount thereof and the day when paid. And he shall, at the expiration of the office hours each day, exhibit such entries to the Chamberlain of the city of Albany, and pay over to the said Chamberlain the amount so received on such day until he shall have paid over to said Chamberlain the whole amount specified in the warrants to be paid to the said Chamberlain; provided, however, that out of the whole amount so received the Receiver of Taxes shall, prior to the fifteenth day of January, in each year, pay over to the Treasurer of Albany County at least fifty thousand dollars of the amount to be paid to said Treasurer, as hereinafter mentioned. It shall then be the duty of the said Receiver to pay over in the same manner his daily receipts to the Treasurer of the county of Albany until there shall remain unpaid upon the face of the assessment-rolls, for taxes, an aggregate amount equal to and not

exceeding the amount of the State tax, as mentioned in and levied under the tax budget as and for that portion of the State tax imposed upon Albany county, chargeable to the city of Albany. Said Receiver of Taxes shall then and thereupon notify the County Treasurer of such fact, and all moneys thereafter received by such Receiver of Taxes shall be paid over to and received by the County Treasurer as a deposit in a special account for the payment of the State tax, due from the city of Albany, and a separate account shall be kept therewith by the County Treasurer, who shall at once apply the same, or so much thereof as may be necessary, to the payment of any note theretofore issued under the provisions of section twenty-two of this title, and any part thereof not required for that purpose shall be held by him and applied upon the State tax as hereinafter provided for. The entries of receipts of the water rates shall be made by the Tax Receiver in like form as is above provided for in case of the receipt of taxes.

(As amended by chapter 303, Laws of 1885, sec. 1, and by chapter 806, Laws of 1895, sec. 10.)

#### **Penalty for making false entries.**

§ 4. It shall be a misdemeanor, punishable by imprisonment not exceeding six months and a fine not exceeding five hundred dollars, for the Receiver of Taxes or any person in the employment of the city, or for the County Treasurer or any person in the employment of the county, to enter in his books any payment of taxes or water rates as of a day different from that on which the same is paid or to accept any less sum for such tax or water rate than the amount by law required to be paid, when such tax or water rate is in fact paid, or to throw off or deduct from the sum due any interest collectible thereon, or to make any false or untrue entry with respect thereto.

#### **Clerks, expense of.**

§ 5. The Receiver of Taxes shall have power to appoint and employ one or more clerks, at an expense not to exceed twelve hundred dollars in all, to assist him during the months of December, January and February in each year, who shall each receive a salary to be fixed by the Receiver of Taxes and approved by the Mayor.

(As amended by chapter 913, Laws of 1895, sec. 1.)

**Assessment-roll and tax warrant.**

§ 6. The Board of Supervisors of the county of Albany shall cause the corrected assessment-roll of each ward in the city of Albany to be delivered to the Receiver of Taxes for said city, on or before the tenth day of December in every year. To each assessment-roll so delivered to the said Receiver a warrant, under the hands and seals of the members of the Board of Supervisors, or a majority of them, shall be annexed, commanding such Receiver to collect from the several persons named in the assessment-rolls the several sums mentioned in the last column of said roll opposite their respective names, and to pay over the same in the manner directed in said warrant.

**Notice of receipt of warrant and of time within which taxes must be paid to be published.**

§ 7. The said Receiver, upon receiving the said assessment-rolls, shall, within five days thereafter, cause a notice to be published in the official papers of the city for twenty days, that the assessment-rolls and warrants for the several wards have been received by him; and that all persons named therein are required to pay their taxes at his office on or before the first day of April next ensuing; and that upon all taxes paid before the first day of February succeeding the delivery of the assessment-roll, as aforesaid, a deduction of one per centum will be allowed on the amount of the taxes so paid; that on all taxes paid on and after the first day of February and before the first day of March a deduction of one-half of one per centum will be allowed on the amount of the taxes so paid; and that on all taxes paid on and after the first day of March and before the first day of April next ensuing there shall be neither interest charged nor discount allowed; and upon all taxes paid after the first day of April and before the thirty-first day of December next ensuing one-half of one per cent. per month on the amount of taxes to paid will be charged; and said Receiver of Taxes is hereby authorized to make such deduction and required to charge and collect such percentage, which said percentage shall be paid over and accounted for by the said Receiver as part of the taxes collected by him.

(As amended by chapter 913, Laws 1895, § 2.)

**Notice of unpaid taxes, April first.**

§ 8. If any such tax shall remain unpaid on the first day of April after the delivery of the assessment-rolls and warrants to

the said Receiver of Taxes, he shall immediately thereafter cause notice, in writing, of the tax to be given to every person residing in the said city or transacting business therein, from whom the same shall be due, specifying therein the amount of such tax and the percentage which shall accrue thereon, and requiring such person to pay the same to the said Receiver of Taxes before the thirty-first day of September of the same year, at his office, and also stating that if such tax is not so paid that the same will, on said thirty-first day of December, be placed in the hands of the County Treasurer for collection, and that the County Treasurer will add to and collect interest on such tax, if paid to him, at the rate of one per centum per month, to be computed from the first day of April preceding the date of the return thereof to him for collection.

(As amended by chapter 913, Laws 1895, § 3.)

#### Service of such notice.

§ 9. Such notice shall be served by the Receiver of Taxes by depositing the same, inclosed in a securely-sealed post-paid envelope, in the Albany post-office, addressed to the person to be served at his address as given in the last city directory, or to him at Albany, New York; and the said notice so served shall be deemed a full compliance with the statute, which requires a collector of taxes to call at least once on the person taxed, or at the place of his usual residence, and demand the payment of the taxes charged to him on his property.

(As amended by chapter 398, Laws 1888, § 2, and by chapter 913, Laws 1895, § 4.)

{Chapter 398, Laws of 1888, sec. 10.} Nothing in this act contained shall be construed to affect the service, form or manner of service of the notice or the proof of such service in connection with the collection of the taxes, for the year eighteen hundred and eighty-seven, required by sections eight and nine of title seven of the act hereby amended as required by the provisions of said act; or to affect the collection by the Receiver of Taxes of the percentage paid the City Marshal upon said taxes for the year eighteen hundred and eighty-seven, as required by the act hereby amended, but such notices shall be served and percentage collected as if this act had not been passed.)

#### Publication of same.

§ 10. The said Receiver of Taxes shall also, immediately after the first day of April, cause a notice to be published in the official newspapers of the city of Albany, for ten days, notifying all who have omitted to pay their taxes that they are required to pay the same to him at his office, before the thirty-first day of December ensuing, and also stating that if such tax is not so paid that the same will, on said thirty-first day of December, be placed in the hands of the County Treasurer for collection, and

that the County Treasurer will add to and collect interest on such tax, if paid to him, at the rate of one per centum per month, to be computed from the first day of April preceding the date of the return thereof to him for collection.

(As amended by chapter 913, Laws of 1895, sec. 5.)

**Affidavit of service.—Affidavit of publication.—Interest to be added after April first.**

§ 11. It shall be the duty of the Receiver of Taxes to make in duplicate and file in the office of the Clerk of the County of Albany, and also in his own office, on the said first day of April, or within fifteen days thereafter, an affidavit of the service of the notice required by the eighth and ninth sections of this title of this act, which affidavit shall be substantially as follows: That he has served upon each person residing in the city of Albany or transacting business therein, whose tax appeared by the assessment-rolls in the office of the Receiver of Taxes to be unpaid on the first day of April, after the delivery of the assessment-rolls to the said Receiver of Taxes, the notice required by sections eight and nine hereof, a copy of which notice shall be attached to the affidavit, by depositing a copy of such notice inclosed in a sealed post-paid envelope, addressed to each person, respectively, whose taxes so appeared to be unpaid, at his or her address as given in the Albany city directory, or at Albany, New York, in the post-office in the city of Albany; and also to procure in duplicate and file in the same offices, within the same time, an affidavit of the publication of the notice required by the tenth section of this title of this act; and it shall be the further duty of the said Receiver of Taxes to charge, collect and receive upon all taxes remaining unpaid on and after the first day of April interest at the rate of one-half of one per centum per month, to be calculated from the first day of April, when the said taxes were payable, and such percentage shall be added to all such taxes as follows: One-half per centum per month of the amount thereof on the last day of April, and thereafter one-half per centum per month of the face of such tax on the last day of each and every month up to and including the month of December following.

(As amended by chapter 398, Laws of 1888, sec. 3, and by chapter 913, Laws of 1895, sec. 6.)

§ 12. [Repealed by chap. 398, Laws 1888, § 4.]

§ 13. [Repealed by chap. 398, Laws 1888, § 4.]

§ 14. [Repealed by chap. 398, Laws 1888, § 4.]

**Receiver of Taxes to deliver account of unpaid taxes to County Treasurer.—Verification.—Discharge of Receiver of Taxes from liability.— Book of unpaid taxes to be kept by County Treasurer.— Water rates to be entered like taxes.**

§ 15. In case any of the taxes mentioned in the said assessment-roll remain unpaid or uncollected on the thirty-first day of December succeeding the delivery of the said rolls to the Receiver of Taxes, up to which time all money paid on account of such taxes shall be paid to the Receiver of Taxes, the Receiver of Taxes shall deliver to the County Treasurer on the said thirty-first day of December in each year an account, to be entered in one of the books containing the description of the unpaid taxes, of the several amounts collected by him for taxes, and of the amount of taxes then remaining due, with a description of the property liable for the same, as described in the assessment-roll, making oath before the County Treasurer, or, in case of his absence, before the Mayor or Recorder of said city, to be duly entered after such statement, that the sums mentioned in such account remain unpaid and uncollected, and said Receiver of Taxes shall thereupon be discharged from all liability for the amount uncollected by him, and shall be credited therewith by the County Treasurer. To all taxes paid to the County Treasurer there must be added and collected interest thereon at the rate of one per centum per month, to be computed from April first preceeding the date of the return thereof to him. It shall be the duty of the County Treasurer to enter in a suitable book, to be kept by him for that purpose, among other things, the date of each payment made to him for the uncollected taxes so returned to him as aforesaid by the Receiver of Taxes, the ward for and on account of which the payment is made, the name of the person or corporation on whose account any taxes shall be paid, the amount of the tax so paid as it appears upon the assessment-rolls, the amount of interest added thereto as may be authorized by law, and the said several columns shall be footed up at each date when the rate of interest so to be added shall change. He shall also enter in the books of returned taxes delivered to him by the Receiver of Taxes the fact of such payment, the amount thereof, and the day when it was made. He shall credit the city of Albany in the special account, mentioned in section three of this title, with all moneys so collected for such return taxes and the interest thereon, and whenever there shall stand to the credit of the city of Albany as much as one thousand dollars in said special



account he shall pay the same upon and in reduction or extinguishment of any note given by him under the provisions of section twenty-two of this title, and in making such note the privilege of making such payment shall be reserved by the County Treasurer, and no interest shall thereafter be paid upon any sum so paid in reduction or extinguishment of said note. The entries of receipts of the water rates shall be made by the County Treasurer in like form as is provided for in the case of the receipts of taxes, and the statement of the Receiver of Taxes of the unpaid water rates shall be made and verified in like manner as the statement of unpaid taxes made to the County Treasurer.

(As amended by chapter 303, Laws of 1885, sec. 2; by chapter 398, Laws of 1888, sec. 5; and by chapter 913, Laws of 1895, sec. 7.)

#### **Notice of errors to be given to Assessors.**

§ 16. It shall be the duty of the Receiver of Taxes, whenever he shall discover any inaccuracy or error in the assessment-books, in the name of any person or the description of any property, to give the assessors notice thereof in writing.

#### **Penalty for misappropriating public money.**

§ 17. If any officer of the city of Albany, charged with the receipt, safe keeping or disbursement of the public money belonging to said city, shall convert to his own use, in any way whatever, or shall use by way of private investment any kind of public property, or shall loan, with or without interest, any portion of the public money intrusted to him for safe keeping or disbursement, or for any other purpose, every such act shall be deemed and be adjudged to be an embezzlement of so much of the said moneys or property as shall be thus taken, converted, invested, used or loaned, and is hereby declared to be a felony; and every such officer and all persons abetting or participating in such act, being convicted thereof before any court of competent jurisdiction, shall be sentenced to imprisonment for a term not less than one year nor more than five years, or to a fine equal to the amount of the moneys or property so embezzled.

#### **Duty of County Treasurer and Assessors as to taxes on lands imperfectly described.—Supervisors to reassess rejected taxes.**

§ 18. The County Treasurer shall examine the accounts of arrears of taxes received from the Receiver of Taxes, and shall

reject all taxes on land that shall then or thereafter be found to be imperfectly described, and all taxes so erroneously assessed, in form or substance, that the collection of the same cannot be enforced, and shall deliver a transcript thereof to the assessors of the city of Albany, who shall return it with their rolls of the succeeding year to the Board of Supervisors at their next meeting. The Supervisors shall charge the lands or persons intended to have been assessed for the said rejected taxes with the amount of the same respectively, adding thereto the interest in arrear at the rate of six per centum per annum, to be calculated from the first day of April, when the said taxes were payable, stating the tax for each year, with the interest separately, and shall direct the collection thereof in the same manner as the taxes of the year. The Supervisor of the ward to which such rejected taxes shall be assessed on account of any imperfection in the description of the lands assessed shall, together with the Board of Assessors, cause a correct description of such lands to be entered in the next assessment-roll.

(As amended by chapter 913, Laws of 1895, sec. 8.)

**County Treasurer to collect taxes after return.—May maintain an action.—Expenses added to costs of suit.—Application and credit of amount recovered.**

§ 19. In any case in which any tax on real or personal property, or both, shall be returned uncollected in whole or in part, and the said Receiver shall have been discharged from liability therefor, the County Treasurer shall collect the tax and may maintain an action for the recovery of the amount so remaining unpaid and uncollected, with interest at the rate of one per centum per month, as provided in section fifteen of this title, to be collected from the first day of April prior to the return thereof to the County Treasurer, in his name of office, against the person or corporation, liable for such tax, or the representatives of such person or corporation, in any court of competent jurisdiction in which the proceedings, costs, judgments and execution shall be the same, and with like effect as in actions between other public officers and individuals except that ten per centum of the amount of such tax so recovered shall be added to such recovery to cover the expenses of such suit, in addition to costs as allowed by law where such suit was brought for the recovery of a tax on personal property; and the amount collected shall be applied in the same manner as if paid to the County Treasurer by the Receiver

of Taxes; but any interest so collected, except the said ten per centum, shall be credited to the city of Albany.

(As amended by chapter 398, Laws of 1888, sec. 6, and by chapter 913, Laws of 1895, sec. 9.)

**Compensation of County Treasurer.—Fees.**

§ 20. The County Treasurer shall receive as compensation for his services an annual salary to be fixed by the Board of Supervisors of Albany county. He shall not receive, to his use, any interest, fees or compensation for his services, except in proceedings for the sales of land for unpaid taxes, in which proceedings, in cases where payments are made after the first publication of the notice of sale, or on the sale, he shall receive five per cent. on the amount thereof, to be added to the tax.

(As amended by chapter 398, Laws of 1888, sec. 7.)

**Sale of lands for taxes.—Advertisement.—Expenses to be added to tax.**

§ 21. Whenever any tax charged on real estate returned to the County Treasurer, and the interest thereon at the rate of one per centum per month, to be calculated from the first day of April, as provided in section fifteen of this title, when such tax was payable, shall remain unpaid for one year from the said first day of April, the said County Treasurer shall proceed to advertise and sell such real estate in the manner provided by law for the payment of such tax and interest, and for any water rents; and the expense of such sale, which sale shall take place in the month of September following. The expenses of publishing lists and notices and of conducting the sale shall be a charge on the lands sold, and shall be added to the tax and interest.

(As amended by chapter 398, Laws of 1888, sec. 8, and by chapter 913, Laws of 1895, sec. 10.)

**Treasurer not to transmit to Comptroller account of unpaid taxes.—County Treasurer may borrow to pay State tax.—Proviso.**

§ 22. It shall not be the duty of the County Treasurer of the county of Albany to transmit to the Comptroller any account of unpaid taxes assessed upon corporations, or upon the lands of residents or non-residents, or of unknown owners in the city of Albany, or any collector's affidavit in relation thereto, nor shall the Comptroller credit the said County Treasurer with any unpaid

taxes on lands or upon corporations; but the whole amount of any State tax imposed on property in the city of Albany shall be paid by the County Treasurer to the Treasurer of the State on or before the first day of October after the same shall have been assessed upon the real and personal estate of the said city, retaining any compensation to which he may be entitled. If there are not then sufficient funds in the aforesaid special account mentioned in section three of this title, or otherwise standing to the credit of the city of Albany upon the County Treasurer's books, he shall apply to the Receiver of Taxes, who shall certify to him the aggregate amount then still uncollected as appears upon the face of the tax assessment-rolls, in his hands, and the said County Treasurer shall borrow, at not exceeding the legal rate of interest, upon his official note, such sum as may be necessary to enable him, with the amount in the aforesaid special account added to any other sums standing to the credit of the city of Albany upon the books in his office, to pay the State tax properly chargeable to the city of Albany; provided, however, that no such note shall be valid unless it contain an indorsement subscribed by the Receiver of Taxes to the effect that there appears upon the face of the tax assessment-rolls, in his office, an aggregate amount still uncollected equal to or greater than the amount of such note; and in a proper case it shall be the duty of the Receiver of Taxes to make such an indorsement thereon.

(As amended by chapter 303, Laws of 1885, sec. 3.)

#### TITLE VIII.

##### BOARD OF FINANCE.

**Trustees of Sinking Fund.—Board of Finance.—Clerk.—Book of minutes.—Votes by ayes and noes.**

Section 1. The Common Council shall, at its first meeting in January, eighteen hundred and eighty-four, and every third year thereafter, appoint a citizen of said city other than a city officer, who, with the Mayor and Chamberlain of said city shall constitute the board of trustees of the sinking fund of the city of Albany, who shall be a body corporate and who, together with the President of the Common Council, one alderman, to be designated by the Common Council, shall constitute the Board of Finance of the city, which said board shall hold its meetings at such time and place as shall be designated by a notice signed by the Mayor or any two members of said board, and served upon

the members of said board at least twenty-four hours before the time therein designated for such meeting, either personally or by leaving the same with some person of sufficient age and intelligence to understand the purport thereof at the residence or place of business of any member. All meetings of said board shall be public, and full and true minutes thereof shall be kept in a book by the Clerk of the Common Council, who shall be clerk of said board, or, in his absence, by a member of said board to be designated by the board, but the board may have executive sessions for the consideration and transaction of all business which the board may have a right to do by virtue of any law, but any action, decision or resolution taken, made, adopted or offered and the vote thereon and disposition thereof, and all business transacted at such executive session shall be fully and truly set forth in such minutes. Said book of minutes, when not actually in use by the board, shall be kept at the office of the Chamberlain of said city and be open for the examination of any taxpayer. The votes upon all questions affecting the funds under the charge of said board or the investment, payment or other disposition thereof shall be taken by ayes and noes, which shall be entered in the minutes.

(As amended by chapter 398, Laws of 1888, sec. 11.)

**Two banks to be designated in which money received by Chamberlain can be deposited.**

§ 2. Such Board of Finance shall designate, after notice duly published twice in each week for two weeks in the corporation newspaper, two banks in the city of Albany, which shall give satisfactory security for its safe custody and repayment, in which all moneys received by the Chamberlain shall be deposited, and shall fix by agreement with such banks the amount of interest to be paid on such deposits, which interest shall be computed from and exclusive of the day of deposit to and exclusive of the day on which checks shall be drawn on the bank therefor. The board shall have power at any time after publication of the like notice to change the banks of deposit of such moneys.

**Duties of Trustees of Sinking Fund.**

§ 3. The three members of the Board of Finance who shall act as and constitute the trustees of the sinking funds of the city of Albany shall have the care and direction of such sinking funds, subject to the ordinances of the Common Council. Such funds

shall be used in the redemption and payment of the city debt, and when there are no city obligations falling due, upon which the same can be applied, they may be invested in any city bonds not due, or in city bonds about to be issued, or in county bonds of Albany county, or may be invested in such other manner as the Common Council may direct, or may be deposited in a bank at such rate of interest as shall be agreed upon until some city bonds fall due, to the payment of which they can be applied. Whenever any city bonds are about to be issued the trustees of the sinking fund shall, at their option, be permitted to purchase so much or so many of them as they may desire, at their par value, for investment in the said sinking fund, and shall hold the same as a part of said sinking fund.

(As amended by chapter 242, Laws of 1887, sec. 3.)

**Board of Finance to determine when bonds other than park bonds to be issued shall fall due.**

§ 4. Whenever any city bonds, except bonds issued under the acts relating to the Washington park are hereafter issued, it shall be the duty of the Board of Finance to fix and determine the period or periods at which such bonds shall fall due, and in so doing the board shall cause such bonds to be issued in such amounts and to fall due at such times as that the principal of the same shall be fully paid in ten equal annual payments, and it shall be the duty of the Board of Finance each year to certify to the Common Council what sum will be required for that purpose, and the Common Council shall cause the same to be raised by tax.

**Annual report of Trustees of Sinking Fund.—Payment of principal of certain bonds.**

§ 5. The three members of the Board of Finance who shall constitute the trustees of the sinking fund, shall, on the first day of November in each year, present to the Common Council a detailed statement of the receipts and disbursements of each sinking fund during the then past year, the several securities (whether the same have been canceled under the provisions of this act or not) held for each fund, stating the law under and the purpose for which they were respectively issued and giving their respective amounts, dates of issue and of maturity and the numbers of the bonds or securities and the rate of interest payable thereon, together with any other proper description of the same; it shall

also state the amount of cash on hand in each fund, the place of deposit thereof, and the amount of interest paid on such deposit; it shall also state what city bonds maturing during the then past year have been paid out of each sinking fund. Whenever a bond or other security properly payable out of one sinking fund is held as an investment by or for another sinking fund, the amount payable thereon when such bond falls due shall be transferred from the fund out of which said bond or security is payable and credited to the sinking fund holding the same, and the said bond shall be reported in the next report to the Common Council as paid. The said report to the Common Council shall also state in detail the several amounts in which city bonds have been issued, the dates of their issue, the rate of interest payable, the times when the interest and the principal of the respective bonds respectively fall due, and also the authority under and the object or purpose for which they were respectively issued. Such report shall include the several bonds, whether canceled or not, held as investments by the several city sinking funds not yet due. It shall be the duty of the trustees of the sinking funds to pay therefrom the principal falling due upon city bonds included in the general debt and the Washington park debt, as they severally become due (and not before their maturity) from the respective funds created for their payment.

(As amended by chapter 242, Laws of 1887, sec. 4.)

**City tax budget to be prepared annually by Board of Finance.—  
Common Council to consider and adopt same.**

§ 6. Said board shall annually prepare a city tax budget, which shall include all sums which will be required for all, each and every municipal purpose during the year next following the first day of January thereafter, and shall report the same to the Common Council. Such report shall specify the several purposes for which the money should be raised, and the amount required for each purpose, including the amount necessary for the maintenance of the police force, the public schools in said city, the Washington park and city parks thereof, and the Common Council shall consider and adopt the same, with such changes and amendments as shall seem to it proper, except that no changes shall be made in such items thereof as shall relate to the interest, principal or sinking fund for the public debt of the city.

(As amended by chapter 625, Laws of 1886, sec. 1, and by chapter 171, Laws of 1892, sec. 9.)

**Budget to include \$35,000 for sinking funds.**

§ 7. In addition to the interest on the city debt for the ensuing year, and such sums as are otherwise directed by law to be raised and paid into the general debt sinking fund, there shall be included in each city tax budget the sum of thirty-five thousand dollars, and the same shall be raised by tax and shall be credited by the city Chamberlain on the first day of April thereafter, in the account kept by him of the said sinking fund, and shall be paid over to the trustees of the said sinking fund, and together therewith the moneys mentioned in sections fourteen, fifteen and sixteen of title six of this act, including the proceeds of sale of all real estate, or of any lease or interest in any real estate owned by the city, shall be paid into said general debt sinking fund.

(As amended by chapter 242, Laws of 1887, sec. 5.)

**Duty of Boards of Police, Education and Parks to certify to Board of Finance.—Duty of Board of Finance thereupon.**

§ 8. It shall be the duty of the Board of Police Commissioners, the Board of Public Instruction, and the Board of Commissioners of Washington Park, each to certify to the Finance Committee, on or before November first, in each year, in detail, the several purposes for which and the amounts in which it will be necessary that money should be raised by tax for the purposes of said boards, respectively; and the Finance Board shall insert such amounts without change in the city tax budget to be prepared by it.

(As amended by chapter 635, Laws of 1886, sec. 2.)

**When city bond is paid or purchased, Chamberlain to make memorandum in presence of Board of Finance, etc.**

§ 9. Whenever any city bond shall be paid or purchased by the trustees of the sinking fund, or shall be presented for registry, it shall be the duty of the City Chamberlain, in the presence of the members of the Board of Finance, or a majority of them, to make a memorandum of the amount, number, date of issue, and date of payment, and rate of interest of said bond, and the authority under which and purpose for which it was issued, and after such memorandum has been duly examined and signed by the officers present, in duplicate, one copy shall be filed with the Chamberlain and the other copy with the Clerk of the Common Council, who shall present the same to the Common Council



at its next meeting, and print it in the minutes of that body. Such bonds, if purchased for the sinking fund, or paid, or the coupons thereof only, if they are presented for registry, shall be burned in the presence of such officers, after the aforesaid memorandum has been made and signed; but interest on all bonds so purchased by the trustees of the sinking fund shall be raised by tax each year and paid into the sinking fund in the same manner as if such bonds had not been destroyed.

**Bonds may be registered.—Transfer of registered bonds, etc.**

§ 10. Any bond which has been heretofore or may hereafter be issued by the city of Albany, including all bonds issued for the construction or improvement of the Washington park, may be registered by an indorsement which shall be made thereon, and be subscribed by the Chamberlain and Mayor, to the effect that such bond has been duly registered in the office of the Chamberlain, and that the interest shall be paid, at times to be specified, to the person in whose name such bond is registered. No bond shall be registered until the coupons attached thereto shall have been cut therefrom and destroyed, after a memorandum thereof shall have been made to the effect, and in the manner, and signed in duplicate and filed as above provided for. Any registered bond may be transferred by an instrument in writing, duly acknowledged, and such bond shall be registered in the name of the purchaser thereof, whenever such bond shall be presented to the Chamberlain, and there shall be filed with the Chamberlain a written power of attorney in a form to be prepared by him, duly executed and acknowledged by the person in whose name such bond is registered, reciting the transfer of such bond and directing and authorizing the Chamberlain to register the same in the name of the transferee. At the time of making such change in the registry of said bond, the Chamberlain shall note upon the bond the name of the person to whom it has been transferred. It shall be the duty of the Finance Board, in the printing of bonds, to provide proper blanks thereon for the registry thereof, and also to provide a proper book to be kept in the Chamberlain's office, in which shall be entered the several matters relating to the several registered bonds required to be stated in the memorandum above mentioned, together with the date of the registry, the name of the owner, and such other matters as may be directed by the Board of Finance. All bonds registered as above provided for shall cease to possess the properties peculiar to negotiable paper, and the principal and interest on all regis-

tered bonds shall be paid to the person in whose name such bonds are registered at the time when such interest or principal falls due, and such payment shall be made at the office of the Chamberlain of said city.

Street cleaning estimate.—Contract therefor.—Proposals therefor.—Selection of bids.—Return of checks.—Sureties, how approved.—Non-performance of contract, charges how investigated.—Termination of contract.—Street Commissioner may cause work done.—Contracts for 1891.

§ 11. The Board of Finance shall, in the year eighteen hundred and ninety-one, and every two years thereafter, estimate the amounts required to be expended each year during the next succeeding two years, commencing on the first day of April, after such estimate for the purpose of cleaning the streets, avenues, alleys and public places of the city of Albany, and removing ashes therefrom, and shall present the same with the tax budget contained in their annual report to the Common Council of said city. After such appropriation is made, and upon the expiration of any existing contract for cleaning the streets of said city, and every two years thereafter, the Board of Contract and Apportionment of said city is hereby authorized to make a contract in the manner hereinafter provided and in the name of the city of Albany, with some responsible person or persons, for cleaning the streets, avenues, alleys and public places of said city, and removing ashes therefrom during the two years next succeeding the date of the expiration of the preceding contract, provided, however, that the contract so made shall not involve an expenditure during any year in excess of the amount estimated as aforesaid, as required to be expended for the purposes aforesaid during that year. The terms and conditions of the contracts authorized to be made by this section shall be fixed in specifications to be prepared under the supervision of the City Engineer, which specifications shall be printed and filed in the office of said Board of Contract and Apportionment before proposals are invited. The specifications shall require adequate security to be given for the performance of the contract. The said Board of Contract and Apportionment shall advertise in the official newspapers in the manner required by this act for other contracts for proposals to perform the work in accordance with the specifications; each proposal must be accompanied by a certified check on a solvent banking incorporation in the city, payable to the order

of the Chamberlain, for the sum of five thousand dollars. From the proposals so received, the said Board of Contract and Appertionment may select the bid, the acceptance of which will, in its judgment, best secure the efficient performance of the work, or it may reject any or all of said bids. On the acceptance of any bid by the said board, the checks of the unaccepted bidders shall be returned to them, and upon the completion of the contract the check of the accepted bidder shall be returned to him. The sureties on all such contracts shall be approved by the Chamberlain of the city, and all such contracts and bonds securing the same shall be approved as to form by the Corporation Counsel. The administration of the contract shall be under the direction and supervision of the Street Commissioner. Whenever a sworn petition, signed by fifteen or more taxpayers of said city, shall be filed in the office of the Street Commissioner alleging that any contractor has failed in the performance of any of the requirements of the contract upon his part to be kept and performed, and also alleging in what particulars he has so failed, the Street Commissioner shall investigate the charges contained in said petition, and if, after hearing any contractor, he shall find that the contractor has failed to perform his contract in any of the particulars specified, he may, with the consent of the Mayor, terminate the contract, and the finding of the Street Commissioner in that behalf, after the confirmation thereof by the Mayor, shall be final and conclusive, and the said Street Commissioner shall proceed to make another contract for the unexpired term of the contract so terminated, and the contractor and his sureties shall remain liable to the said city for the damages it sustains by reason of his failure to perform the requirements of the contract so terminated. The Street Commissioner shall have power to cause the streets, avenues, alleys and public places of said city to be cleaned, and the ashes to be removed therefrom, during such times as a contract for the performance of such work is not in force, and the expense of the work shall be paid out of the funds raised for the purposes aforesaid. During the year eighteen hundred and ninety-one, the Street Commissioner is authorized to enter into a contract or contracts after the manner in this section provided, and the payment for the work performed in pursuance thereof shall be made out of the contingent fund.

(Added by chapter 286, Laws of 1891, sec. 19.)

**Amount of contract to be included in estimate.**

§ 12. The said Board of Finance shall, each year, include in their estimate of the amount required to be raised for city purposes the amount necessary to meet during the year any existing contract for the cleaning of streets.

(Added by chapter 286, Laws of 1891, sec. 19.)

## TITLE IX.

## BOARD OF CONTRACT AND APPORTIONMENT.

**How constituted.**

Section 1. The Board of Contract and Apportionment shall consist of the Mayor, the Chamberlain, the Street Commissioner, the City Engineer and Surveyor, the President of the Common Council. The Corporation Counsel, or, in his absence, his assistant, shall have the right to be present at every meeting of the board, and it shall be the duty of the Clerk of such board to send him a notice of every meeting of the board, but a failure to give such notice shall not invalidate any action of the board.

**Regular meetings.**

§ 2. The said board shall hold regular meetings on the first and third Mondays of each month, at such time as said board shall determine, between the hours of nine A. M. and five P. M., at which meeting the reporters of the newspapers published in the city of Albany shall be permitted to be present, provided that the board may have executive sessions for the consideration and transaction of all business which the board may have a right to do by virtue of any law, but any action, decision or resolution taken, made or adopted at such meeting, shall be entered in the printed proceedings of the board.

**Duties.**

§ 3. Said board shall have charge, under the direction of the Common Council, of the altering, regulating, grading, paving, repaving, flagging, curbing, guttering, cleaning, sprinkling, opening, draining, repairing and lighting of streets, roads, places, alleys and avenues, of fencing and filling lots, of building, repairing and lighting docks, wharves and piers, and of the construction and repairing of public streets, drains, roads, alleys and bridges.

(As amended by chapter 286, Laws of 1891, sec. 20.)

**To issue proposals for work, etc.—Exception.**

§ 4. It shall issue all proposals, receive all bids, and award all contracts for the paving, repaving, curbing, guttering, flagging, planking, grading, excavating, filling, constructing, lighting, repairing, cleaning, sprinkling, opening and improving all streets, avenues, lanes, alleys, drains, docks, basins, cesspools and culverts, for fencing, draining and filling lots, and for everything connected therewith in said city, and shall exercise the power and duty of assessing and apportioning the expense thereof; said board shall also issue all proposals, receive all bids and award the contracts for removing the street dirt and garbage in said city, and for the doing of such other work, and the furnishing of such materials as said board shall be directed by the Common Council to have done or furnished. No contract, except for lighting the city, shall, however, be let or made for any purpose for a longer period than two years.

**Contracts to be let to lowest bidder.—Penalty of bond, etc.**

§ 5. All contracts made or let by said board shall be let to the lowest responsible bidder, who shall offer to do the work or provide the materials, and present with his bid the bond hereinafter mentioned, conditioned for his entering into the contract and for the performance of the same. Such bond shall be in the penalty of not less than twice the aggregate of the amounts named in the bid, but in the discretion of the board need not exceed five thousand dollars. It shall be executed by the contractor and two sufficient sureties, which sureties shall be freeholders in this State, and shall each justify in the amount of the bond, stating in such justification the real estate owned by them; it shall be in a form to be prepared by the Corporation Counsel, and shall provide, among other things, for the payment in case of a failure by the contractor with the city to perform the contract, in addition to the damages actually arising therefrom, of liquidated damages in one-tenth of the respective amounts in the contract provided to be paid for the whole item of work and materials as to which, or part of which, he shall be in default.

**Contracts and bonds to be approved as to form by corporation counsel.**

§ 6. All such contracts and bonds shall be approved as to their form and validity by the Corporation Counsel or his assistant before any action shall be taken under such contract; such

approval to be signified by his indorsement of it on such contracts and bonds.

**When contract to be signed, work commenced, etc.**

§ 7. After a contract is awarded the party or parties to whom such award is made shall sign the same within ten days from the date of said award, and the work under such contract shall be commenced within the time set forth in the specification, unless the board shall, by a two-thirds vote of all the members, enlarge such time; and, if the party or parties to whom said award is made shall fail to so sign, or to so begin the work as above required, or to cause the same to progress to the satisfaction of the Street Commissioner, the Street Commissioner shall report the facts thereof to the Corporation Counsel, whose duty it shall then be to notify the contractor and his sureties to proceed with said work, as required, within ten days from the receipt of said notice, and if the contractor, or his sureties, shall fail to comply with said notice, the Corporation Counsel and Street Commissioner shall notify, in writing, the Board of Contract and Apportionment, who shall thereupon vacate the contract and relet the said work to the next lowest bidder, or readvertise for new bids; the party or parties failing, as above, shall be barred, both directly and indirectly, from rebidding for said work, and the Corporation Counsel shall thereupon proceed against the contractor and his sureties, and shall recover upon his bond all damages resulting from his failure to perform his contract, together with any liquidated damages therein provided to be paid.

**Meetings to receive bids.—Notice of letting of work, publication of.—Posting of notices in certain cases.—Laying plank walks and fencing vacant lots.**

§ 8. For the purpose of receiving bids the board shall meet at the office provided for it, at a time of which at least four days' notice specifying generally the work to be done or materials to be furnished, and the place where specifications of the work to be done or materials to be furnished can be obtained, shall have been given in the official papers by five publications of such notice therein, all of which publications shall be made during the interval between two consecutive regular meetings of the board. But no bids shall be received and no contract awarded at other than a regular meeting. Provided, however, that whenever the Common Council shall by resolution, duly adopted and

approved by the Mayor, order the laying of any plank walk or the fencing of any vacant lots, the cost of which is estimated to be less than two hundred dollars, the notice advertising the letting of such work above required may, in the discretion of said Board of Contract and Apportionment, be posted in a conspicuous place in the City Hall instead of being published in the official papers. The Board of Contract and Apportionment is authorized to enter into a contract for such work last mentioned and to assess the expense of the same in the manner provided by law for all other work performed under its direction, but the notice of apportionment of any of the work of laying any such plank walk or the fencing of any vacant lots, the cost of which is estimated to be less than two hundred dollars, shall, in lieu of being printed in the official newspapers as now required by section twenty-nine of this title, be sent by the Board of Contract and Apportionment by writing, by mail, to any person whose lot has been assessed, or to the occupant thereof, if such person can be found.

(As amended by chapter 286, Laws of 1891, sec. 32, and by chapter 631, Laws of 1894, sec. 2.)

**Members must attend at time and place fixed when bidding to be closed, etc.**

§ 9. It shall be the duty of each member of the board to attend at the office of the board at the time mentioned in such notice, and at such place and time all bids for doing the work or providing the materials mentioned in such notice shall be presented, and after all bids have been presented, but not until one-half hour after the time designated for the holding of the meeting has elapsed, the bidding shall be declared closed, and immediately thereafter all bids thus received shall be the property of the board and shall be opened by some member of the board or by its clerk, even though a majority of the members of such board should not then be present. But no bid shall be considered which does not comply with the rules of said board, or which has not indorsed thereon the title of the work to which it relates, the name of the bidder and his residence.

**Changing bids, etc., a misdemeanor.**

§ 10. The changing, correcting or filling in of any blank of any bid, or any portion thereof, by any person, after its presentation and before the recording of said bid, as hereinafter required, shall be and constitute a misdemeanor.

**Abstract of bids to be made, etc.**

§ 11. An abstract of each bid containing the prices shall be then and there forthwith entered in ink, upon a special book of minutes of said board, to be kept for that purpose. And any person knowingly making any mis-statement, or any false entry in said book, even though by the direction of said board, or any member thereof, or if the clerk or any member of such board shall knowingly permit any such false entry or mis-statement to be made, he or they shall be deemed guilty of a misdemeanor.

**Bidders may present bids and and be present when bids are opened.**

§ 12. Each bidder shall be at liberty to himself present his bid at the time and place above designated, to the board, and the bidders and the accredited reporters of all the newspapers published in the city shall have the right to be present when such bids are opened and such entries are made.

**Board may advertise for new bids.**

§ 13. It shall be the duty of the Board of Contract and Appor-tionment, when the bids received under any advertisement for the furnishing of any materials or the doing of public work shall, in the opinion of such board, be such as to make it desirable that new bids be received, to cause a new advertisement to be made for the bids, under which all proceedings shall be conducted in the manner herein specified.

**Printed blanks for bids to be furnished.**

§ 14. The board shall furnish, to any one demanding them, printed blanks for bids or proposals for the doing of the work or providing the materials upon which such bids or proposals must be made.

**Specifications and proposals.**

§ 15. All specifications of work to be done or for materials to be furnished shall specify a definite kind of materials to be furnished, and a definite kind of work to be done; and each and every proposal shall provide for the doing of such specified work, or the furnishing of such specified materials, or both, at a specified price, and that such proposal is for furnishing all material and labor necessary for the full and perfect completion of all the work, in all its parts, as required by and in accordance with the specifica-



tions therefor, and the law or ordinance of the Common Council relating thereto.

**Contractors must satisfy themselves as to all matters before signing contract.**

§ 16. Before any contract is entered into as herein provided, the person or persons whose bid is accepted must satisfy himself or themselves as to all matters relating to the work to be performed, and by entering into the contract such person or persons shall be excluded from thereafter raising any question or claim as to, or on account of, any representation by any officer or officers of the city in reference to any matter or thing relating to said work.

**City Engineer to prepare specifications.**

§ 17. Before any work is advertised for bids, the City Engineer and Surveyor shall prepare specifications and make a profile and an approximate estimate of quantities for said work and all measurements therefor, and a copy of such specifications, profile and approximate estimate shall be filed with the clerk of the board, and shall be preserved by him among the records of his office, and any intentional mis-statement or false measurement therein, or in the final estimate of measurement of the work done or materials furnished, shall be and constitute a misdemeanor on the part of the person making the same.

**Penalty for including work not required, etc.**

§ 18. Any officer or employe of the city, or person appointed to perform or superintend, or charged with the superintendence or performance of any duty or work for the city, who knowingly shall include, in any specification, work not required or intended to be executed, or knowingly shall certify to the performance of any work which has not been executed, or the furnishing of any materials which shall not have been furnished, or to the performance of the work or the furnishing of materials in accordance with the provisions of the law, the contract or the specifications, when such work has not been done, or such materials as to quality, quantity or kind have not been furnished in fact in accordance therewith, shall be guilty of a misdemeanor.

**Board to have an office and keep rooms open.**

§ 19. Said board shall have an office at a place in the city of Albany, to be designated by the Common Council, which shall be

kept open from nine in the morning to five in the afternoon of each day, except Sundays and legal holidays.

**Quorum.**

§ 20. A majority of said board shall constitute a quorum for the transaction of business.

**Clerk, salary.**

§ 21. The board shall biennially appoint a competent person as clerk of said board at a salary of two thousand dollars per annum, payable monthly.

**Minutes of proceedings to be kept and printed.**

§ 22. It shall be the duty of the clerk of the Board of Contract and Apportionment to keep and reduce to writing, full, accurate and true minutes or a journal of the proceedings of said board and of the votes of the members thereof, which votes, when the proposed action of the board awards a contract or assesses or apportions the expense of any work, or accepts or approves of any work, or directs the payment or expenditure of any money, shall be taken by ayes and noes and entered upon the minutes. Within ten days after each meeting of the board he shall cause the minutes of said board to be printed, and distributed within the same time, and in the same manner, and to the same persons who are entitled to the printed minutes of the Common Council, and cause the same, at the close of the year, to be indexed and bound, to the number of two hundred and fifty copies, in the same manner as provided for the proceedings of the Common Council. Such printing and binding shall be done at a price not exceeding the ordinary rates paid for such work.

**Clerk.—Additional clerks.**

§ 23. The said clerk shall perform such duties as said board may prescribe, and shall also act, without further compensation, as the clerk of the Street Commissioner. The board may, if necessary, appoint two additional clerks at a salary not exceeding one thousand dollars each per annum, payable monthly, to assist the clerk, and perform such other duties as the board and Street Commissioner may prescribe.

(As amended by chapter 64, Laws of 1890, sec. 4.)

**Chief of Police to regulate street cleaning.—Penalty for placing rubbish in streets.—Proviso.**

§ 24. It shall be the duty of the Chief of Police to regulate the cleaning and sweeping of the streets, avenues, alleys, sidewalks, wharves, docks, roads and cross-walks, and the cleaning of ice and snow from the sidewalks and gutters in said city; and any person emptying, throwing or placing, or using any article, thing, vehicle or device through or from which there shall fall or be discharged, or authorizing or directing any person or permitting any employe or servant to empty, throw or place, or to use any article, thing, vehicle or device from which there shall fall or be discharged, any sweepings, dirt, ashes, papers, rubbish or other materials of any kind in any of the public streets, alleys or places of the city of Albany, unless contained in a close, securely covered, receptacle and temporarily placed in the street for removal or unless pursuant to a permit to use a portion of such street for building purposes or unless upon an authorized dumping ground for such material, or by instruction of the Street Commissioner, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment in the Albany Penitentiary for not less than ten nor more than one hundred days, or by both such fine and imprisonment. This provision shall not apply, however, to any dirt, sand or other similar material used by any manufacturer in his business when temporarily deposited in any public street, alley or place in the course of removal to or from his place of business provided such dirt, sand or material shall not be allowed to remain so deposited in any public street, alley or place for a longer period than six hours.

(As amended by chapter 64, Laws of 1890, sec. 5.)

**City to be divided into districts.**

§ 25. The city shall be divided into districts, and the cleaning of such districts shall be done by the occupants or owners of property in front of such property to the center line of the street, in such manner and at such times as may be prescribed by the said Chief of Police or his subordinates.

**Occupants to be notified to clean streets, etc.—If work is not done Chief to cause work to be done.**

§ 26. In case the occupants or owners of property shall not clean

and sweep the streets, avenues, alleys, sidewalks, wharves, docks, roads and cross-walks, or clean the ice and snow from the sidewalks and gutters in front of their respective pieces of property, as required by said police, it shall be the duty of the Chief of Police or his subordinates to notify the occupant of the house or lot before which such work has not been done, and in case he cannot be found, the owner of such house or lot; and if such work is not done forthwith, or in case the contractor whose duty it may be to remove the street dirt or snow shall fail or neglect to remove the same, the Chief of Police, or his subordinates, shall at once cause the work to be done, or the dirt or snow to be removed, and the expense of so doing, when certified by the Chief of Police, shall be paid by the owner or occupant of the property or charged to the contractor, as hereinafter provided.

**Arrest for failure to pay such expense.—Board of Contract to let contract for neglected work.—Expense and assessment therefor.—Unknown owners.—“Occupant” defined.**

§ 27. If such owner or occupant shall fail to pay such expense, the occupant, or, in case he cannot be found, the owner shall be arrested upon a warrant to be issued by one of the city police magistrates upon the complaint of the Chief of Police and fined not less than the expense so incurred and an additional amount, not to exceed five dollars, by way of punishment. The amount of the expense incurred shall be paid to the person doing the work. In case the default shall be on the part of the contractor, the Chamberlain shall pay the expense on the certificate of the Chief of Police and deduct such amount from any amount falling due to the contractor from the city. If neither the owner or occupant of any house or lot can, after reasonable search, be found, or if the owner of any house or lot shall have been convicted twice within any period of six months of not having caused the street in front thereof to be swept, or the ice or snow to be cleaned therefrom, or (in case the same be so congealed as to make its removal impossible) of not having caused the said snow or ice to be strewed with ashes or sand or other material required by the city laws or ordinances it shall be the duty of the captain of the precinct in which the lot is, to so certify to the Board of Contract and Apportionment. Said Board of Contract and Apportionment shall thereupon forthwith enter into a contract with some competent person without advertisement of notice for bids to do the work of sweeping up the street and of

keeping the same and the sidewalk thereof clear of snow and ice and of strewing the same with proper material, when necessary, in front of such house or lot, for the period of one year from the time of the letting of each contract. The expense of such work shall be paid out of the street contingent fund to the person performing such contract, and the same shall be assessed upon and collected by a sale of the lot in front of which the work shall be done, in the same manner that the expense of other city work is assessed upon the property benefited. If the owner or occupant's name be unknown, the assessment shall be made to "unknown owner." The certificate of the captain of the precinct shall be prima facie evidence of the several facts therein stated, which are necessary to give jurisdiction to the Board of Contract and Apportionment to act in the premises. Such certificate shall contain a general description of the house or lot, by street number or by its frontage and a reference to some known monument or by other proper designation, which house or lot may be more accurately described in the contract and assessment to be made in reference thereto by the Board of Contract and Apportionment. The word "occupant," as used in sections twenty-six and twenty-seven of this title, so far as any notice to any occupant is required thereby, shall be construed to mean the person, whether the tenant or any other person, who may be found in the house or upon the lot.

(As amended by chapter 242, Laws of 1887, sec. 10.)

**Dirt, garbage and sprinkling contracts.—Sprinkling contracts, how filed and paid for.—Expense to be apportioned as additional water rents.—Assessment and collection.**

§ 28. The Board of Contract and Apportionment shall also enter into a contract or contracts, in accordance with the provisions of this act, for the removal of street dirt from streets, avenues and squares of the city, or the sprinkling of such streets and avenues and parts thereof as the board may designate, for the removal of garbage, for the repair and care of all unpaved, planked, earth and macadamized streets, the surface drains and cross-walks therein, except where special provision is otherwise made therefor by law, and in winter for the removal of snow and ice from the sidewalks in front of the City Building and in and around the parks (other than Washington park). Such contracts, except for sprinkling, shall provide for the sweeping of the streets in front of city property, and shall fix the day and hours at which the street dirt and garbage shall be removed from the several

houses, streets, squares and avenues in the city, and also, as far as practicable, the time within which the snow and ice shall be removed from in front of the city buildings and parks. The expenses thus incurred, except for sprinkling, shall be a city charge. The said board shall, within ten days after entering into any contract for sprinkling as herein provided, file with the Water Commissioners of the city of Albany a certified copy of such contract, and upon the Street Commissioner certifying to the performance of the work required by any such contract it shall be the duty of the said Water Commissioners to draw upon the Chamberlain of the said city for any sums due and payable to any contractor or other person for the performance of any such contract or part thereof, in accordance with the terms thereof. Said drafts shall specify the objects for which they are drawn, and the Chamberlain shall pay the same out of any moneys in his hands collected from city water rents, when accompanied by a receipt of the contractor or other person in whose favor the same may be payable. It shall be the duty of the said Water Commissioners to apportion and charge the expense of sprinkling any street or avenue, or part thereof, under any such contract with the incidental costs and expenses attending the same as additional water rents among all the houses and lots or vacant lots and franchises intended to be benefited by such sprinkling in proportion to the advantages which each shall be deemed by said Water Commissioners to acquire, specifying the names of the owners or occupants, if known, or as they appear upon the tax-rolls in the office of the Receiver of Taxes, of the buildings and lots, or vacant lots and franchises intended to be benefited as far as the nature of the case will admit. Such additional water rate so apportioned and charged shall be assessed and collected in the same manner and at the same time annually as the regular water rents of said city are now assessed and collected, and shall be, like State and county taxes, a lien and charge upon such buildings, lots and franchises as is herein provided.

(As amended by chapter 286, Laws of 1891, sec. 21.)

**Apportionment and assessment of improvement expenses.—**

**Notice of completion.—Objections.—Review and confirmation.—Lien.—Proviso.**

§ 29. It shall be the duty of said board to apportion and assess all the expenses for work, labor and services performed, and all materials furnished, with the incidental costs and expenses attend-

ing the same for any of the work and improvements authorized by the Common Council, except when the same are made by law a city charge, among all the houses and lots, vacant lots and franchises intended to be benefited by such work and improvements, in proportion to the advantage which each shall be deemed to acquire, specifying the names of the owners or occupants, if known, or as they appear upon the tax-rolls in the office of the Receiver of Taxes, of the houses and lots or vacant lots and franchises intended to be benefited, as far as the nature of the case will admit. Such apportionment shall be duly verified by the Street Commissioner and City Engineer and ratified and approved by the Board of Contract and Apportionment; and when thus far perfected the said board shall cause a notice of the same to be published in the official newspapers of the city of Albany for five days, during which time the said apportionment and assessment shall be opened for inspection and examination by any person or persons interested; and on the application, in writing, of any person considering himself aggrieved, which application must be made within five days after the last publication of said notice, and which application shall contain the post-office address of such objector, the Clerk of said Board of Contract and Apportionment shall cause a notice to be given to the parties so objecting, by serving such notice upon such objector personally, or by mailing the same to the address stated in such written application, which notice shall contain the time and place of such meeting, that they will be granted a hearing in the matter, at a meeting to be held for that purpose. After such hearing and consideration of the objections presented the board may review and correct such apportionment and assessment; and when the said board shall have confirmed the same, which confirmation must be had at a regular meeting of the board, as hereinbefore fixed, an abstract of the apportionment and assessment, so approved and confirmed, shall be filed with the Chamberlain, and shall be binding and conclusive upon the owner or owners, occupant or occupants, of the houses and lots or vacant lots and franchises mentioned and referred to in said apportionment; and said apportionment shall be and remain a lien upon the house or houses and lots and vacant lots, franchise or franchises mentioned therein, from the time of such confirmation until the said apportionment or assessment shall be paid or satisfied: provided, however, that if the assessment or apportionment is changed upon any hearing had hereunder, it shall not be confirmed until five days' notice shall

have been given by publication, as above provided for, that the assessment and apportionment as changed will be open to inspection. Under which notice the same proceedings shall be had as under the first notice above mentioned.

(As amended by chapter 398, Laws of 1888, sec. 17, and by chapter 286, Laws of 1891, sec. 33.)

**Board may correct error after giving notice by mail.**

§ 30. Should there occur an error in the amount apportioned, description of the lot, or name of the owner or occupant, the said board is authorized, on giving, through the mail, five days' notice of such intended correction, addressed to the party interested, if he be a resident of the city, and be known, or to the agent, if known, or any non-resident, to make the required correction; and the apportionment and assessment thus corrected shall be collected in like manner in all respects as the original apportionment and assessment.

**Notice of confirmation of assessments, etc.—Interest on assessments.—Payments to contractors.**

§ 31. After the confirmation of any apportionment and assessment, or reapportionment for any work or improvement, it shall be the duty of the Chamberlain of said city to give notice in writing, by mail, to any person whose lot has been so assessed or reassessed, or to the occupant thereof, immediately thereafter, if such person can be found. Any failure to have the bid for the work properly indorsed, or the contract for the work or the bond of the contractor indorsed by the Corporation Counsel, or his assistant, or to send or receive the notices abovementioned of confirmation of the assessment, or to comply with sections fifteen and thirty-two of this title shall not invalidate any apportionment or assessment. The Chamberlain shall charge and collect interest at the rate of twelve per centum a year on all apportionments and assessments from the fifteenth day after confirmation till the same are paid or satisfied. The Chamberlain shall pay to the contractor, or his assigns, the assessments so collected by him, together with interest, at the rate hereinafter specified, until the amount due said contractor is fully paid. And the said contractor, or his assigns, shall be entitled to interest, at the rate of six per centum per annum on such sums as shall remain due on his contract fifteen days from and after the confirmation of



the apportionment and assessment for the doing of the work under such contract.

(As amended by chapter 242, Laws of 1887, sec. 6, and by chapter 18, Laws of 1894, sec. 2.)

**Property, how to be described.**

§ 32. In describing property for the purposes of assessment, it shall be the duty of the board to state, among other things, the street and side of the streets upon which and the streets between which the property is situated, and to state, as nearly as practicable, the number of feet front on the street, and, as nearly as practicable, the distance of the property from some street corner, and, when known, the street number and any map number.

**Owners to be allowed to make improvement.—Proviso as to notice.—Assessment to be made in such cases.**

§ 33. The Board of Contract and Apportionment shall, in all cases of the paving, curbing or flagging of streets exclusively, and in other cases may, in its discretion, under proper regulations, allow any owner or owners, in front of whose property any work and improvements shall have been ordered, to commence such improvement, within such time as may be designated, which shall be on or before the day fixed by the contract for commencing work thereunder, which day shall be not less than ten days after the letting of the contract, provided that such owner or owners shall have given notice, in writing, to the Clerk of the board two days before the day fixed in the published notice for the presentation of bids, of his intention so to do, and shall have upon the ground the necessary materials for doing and completing all the work so ordered, and the work commenced at the expiration of ten days from the letting of the contract. The owner doing his own work as herein provided, shall be assessed for and pay to the Chamberlain, in the same manner as other assessments and apportionments are paid, his proportionate share of the incidental costs and expenses attending the work and improvement ordered.

§ 34. [Repealed by chap. 286, Laws 1891, § 37.]

§ 35. [Repealed by chap. 286, Laws 1891, § 37.]

§ 36. [Repealed by chap. 286, Laws 1891, § 37.]

Notice of sale in case of non-payment of assessment.—Sale for term of years.—Sale to be at public auction.—Rights of purchaser.

§ 37. In case the owner or owners of any houses or lots of ground, franchises or other real estate, shall fail to pay any apportionment or assessment levied thereon under the provisions of this act, before the expiration of six weeks after the confirmation thereof, as provided in this act, it shall be the duty of the Chamberlain of the city of Albany forthwith to cause a notice containing the name of the owner or occupant, if known, the name of the street, the street or map number, if known, the amount due on each lot, and date of confirmation, to be published in the official newspapers of said city twice in each week for four weeks, requiring such owner or owners to pay the same to the Chamberlain and notifying them that if default shall be made in such payment, together with the charge of advertising and the interest from the time of confirmation, and costs accruing thereon, such houses and lots of ground, franchises and other real estate, with the appurtenances, will be sold at public auction at a day and place therein to be named, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum charged on said houses and lots and vacant lots, franchises, and other real estate for the apportionment and assessment aforesaid, with the interests thereon and costs; and if, notwithstanding such notice and demand, the owner or owners refuse or neglect to pay such apportionment, assessment and the expense aforesaid, together with the charge of advertising and the interest as aforesaid and costs, then it shall be lawful for the said city of Albany to cause the said house and lot or vacant lot or franchise, or other real estate, to be sold at public auction for a term of years, for the purpose and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city of Albany; and said purchaser, his executors, administrators and assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, and all claiming under him or them, until his term shall be completed and ended, and shall be at liberty to remove all the buildings and materials which he or they shall erect or place thereon, leaving the ground in sufficient fence, and with the street or streets fronting the same in the order required by the regulations of the city of Albany.

(As amended by chapter 242, Laws of 1887, sec. 8.)

**Act not to affect agreement between landlord and tenant.**

§ 38. Nothing in this act contained shall affect any agreement between any landlord and tenant, respecting the payment of any charges or apportionment as in this act expressed; but they shall be answerable to each other in the same manner as if this act had never passed; and if any money so charged shall be paid by any person when, by agreement or by law, the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interests and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the account aforesaid, with proof of payment, shall be conclusive evidence in such suit.

**Sales to be under direction of Common Council.—Costs and charges.**

§ 39. All sales for the collection of any assessment or apportionment shall be made under the direction of the Common Council, by the Chamberlain, who is hereby authorized to take such proceedings to effect such sale for the collection thereof, such sales to be at public auction. The city of Albany shall be entitled to receive for costs and charges of sale, on each lot advertised to be sold, the assessment on which shall be paid before sale three dollars, and four dollars for each lot sold.

**Chamberlain to file copy of resolutions, etc., with affidavits of publication, etc.—Evidence.**

§ 40. Within three months after making any such sale for unpaid assessments it shall be the duty of the Chamberlain of said city to file in the office of the Clerk of the county of Albany a copy of the original resolution or ordinance of the Common Council, or other act or proceeding, authorizing the improvements for which such assessments were imposed, certified by the Mayor under the city seal, and a like certified copy of the resolution of the Board of Contract and Apportionment confirming the assessment made under the proceedings had under said law or ordinance, or if such confirmation be made by the court or judge, then a certified copy of the order of said court or judge confirming the said assessment, with the affidavits in the form prescribed by law of the publication of the notice of sale, and the affidavits of said Chamberlain or his deputy, who may act as auctioneer at

said sale, attached to a copy of the notice of sale, stating the time and place of said sale, the names of the purchasers of the respective lots, the amount of the assessment and costs for which the same was sold, and the term of years for which each lot was sold. The papers so filed, or a certified copy of them, together with the declaration of sale, or if said papers are not so filed, then the said declaration of sale, executed by the Mayor to said purchaser, shall be presumptive evidence of the regularity of the said sale and all the proceedings prior thereto, and of the purchaser's title under the declaration of sale for the term of years therein mentioned.

#### **Redemption from sale.**

§ 41. Whenever any house or houses, lot or lots, or other real estate, shall be sold in the city of Albany under the provisions of either of the several sections of this act authorizing the sale of property in said city to collect assessments, the owner or owners of any lot or lots, or other real estate so sold as aforesaid, shall have the privilege of redeeming such lot or lots, or other real estate so sold as aforesaid, at any time within two years from the date of sale, by paying to the purchaser or purchasers thereof, or to the Chamberlain of said city for the use of such purchasers, the consideration money, together with interest thereon, to be computed at and after the rate of twelve per centum per annum.

#### **Sales not to affect mortgage liens.**

§ 42. No sale of real estate hereafter made for the non-payment of any assessment in the city of Albany shall destroy or in any manner affect the lien of any mortgage thereon duly recorded, except as hereinafter provided.

#### **Purchaser to give mortgagee notice.**

§ 43. It shall be the duty of the purchaser at such sale to give the mortgagee a written notice of such sale, requiring him to pay the amount of the purchase-money, with interest at the rate allowed by law thereon, within six months after the giving of such notice.

#### **Mortgagee after payment to have lien for amount paid.**

§ 44. If such payment shall be made the sale shall be of no further effect, and the mortgagee shall have a lien on the premises for the amount paid, with the interest which may thereafter

accrue thereon, at the rate of six per centum per annum, in like manner as if the same had been included in his mortgage.

**In case of failure to pay not to have benefit of act.**

§ 45. In case the mortgagee shall fail to make such payment within the time so limited, he shall not be entitled to any benefit of section forty-two of this act.

**Term "mortgagee" defined.**

§ 46. The term "mortgagee," as used in this act, shall be construed to include assignees whose assignments shall be duly recorded, and personal representatives; and the term "purchaser" shall be construed to include assignees, and heirs-at-law, devisees and personal representatives, as the case may be.

**Notice, how given.**

§ 47. The notice required by section forty-three of this title may be given either personally or in the manner required by law in respect to notices of non-acceptance or non-payment of notes or bills of exchange, and a notarial certificate thereof shall be presumptive evidence of the fact.

**Mortgagor presumed to reside in Albany.**

§ 48. The mortgagor shall be conclusively presumed to reside in the city of Albany, unless his place of residence appears in the mortgage or assignment, in which case the place mentioned in the mortgage or assignment shall be deemed to be his residence. The certificate mentioned in section forty-seven of this title may be recorded in the Clerk's office of the county of Albany, in the same manner and with the same effect as is by law prescribed in respect to deeds or other evidences of title to real estate.

**Owners to be given notice.**

§ 49. In all cases of lands hereafter to be sold for arrears of assessments in said city of Albany, and in cases in which the time to redeem from sales heretofore made has not expired, it shall be the duty of the purchaser, or of the person claiming under him, if such land be occupied, to give the owner or occupant the notice required by section forty-three of this title. And such owner or occupant shall have the privilege of paying such assessment within six months after such notice.

**City may maintain action to recover assessment.**

§ 50. Whenever any work shall be done or materials furnished pursuant to section twenty-five of title three of this act, in addition to the power granted by this act to advertise and sell the lot or franchise, the city of Albany may maintain an action at law against the owner of any lot, dock or franchise, for the recovery of any assessment or apportionment remaining unpaid, made upon or against any such lot, dock or franchise. Provided, however, that no such action at law shall be had or maintained against any such owner of any lot, dock or franchise for the recovery of any such assessment or apportionment remaining unpaid in any case where a petition of property owners is required by law for the doing of the work or the making of the improvement, unless such owner was a petitioner to the Common Council for the performance of such work or the making of such improvement.

**Owners awarded damages to prove interest in premises injured.**

§ 51. The owner or owners of any property to whom shall be awarded any sum of money for damages sustained in consequence of the alteration of the pitch or level of any street as aforesaid, shall prove his, her or their interest in the premises so injured, and on the production of a certificate to the satisfaction of the Chamberlain of said city, showing the extent of the said interest in the sum awarded, the said Chamberlain shall pay such sum to such person, his, her or their attorney; and in case any such sum or sums shall be paid through mistake to any person or persons not legally entitled thereto, it shall be lawful for the person or persons legally entitled thereto, or for the city of Albany, to sue and recover the same, with interest and costs of suit, from the persons who shall have received such sum or sums, in an action for money had and received to his use.

**Reapportionment of assessments upon subdivided portions of land.**

§ 52 After any assessment or reassessment for street or other improvements has been duly made and confirmed as required by law and by the charter or ordinances of the city of Albany, the owner or owners of any piece or parcel of land affected or covered by any such assessment who shall desire to subdivide the said land, or the owner or owners of any such subdivided part or portion, may have the assessment or the portion or total amount

of the installments thereof still due and which is a lien thereon reapportioned or assessed upon such subdivided part or portion in the manner hereinafter provided. But no reapportionment shall be made under this and the following section unless the City Engineer shall approve the map mentioned in the next section.

(As amended by chapter 171, Laws of 1892, sec. 10.)

**Map to be made.—Division and reassessment.—Release of liens.—Proviso.**

§ 53. The owner or owners of any such land shall have a map or survey made thereof, to be approved by the City Engineer, the original of which map shall be filed and retained in the office of said Engineer; and shall have a copy of said map filed in the office of the Chamberlain of the city of Albany. And upon the request of any such owner or owners in writing, and upon the certificate of said Engineer that the said map has been prepared and filed as aforesaid, the Board of Contract and Apportionment shall divide and reassess such portion of the original amount assessed upon any larger lot and parcel of land as yet remains due and still a lien upon such larger lot and parcel of land, and reapportion and reassess the same upon such subdivided parts or portions in the same manner in which the original assessment was made, together with the proportionate amount of legal interest and costs that have accrued on the original sum assessed since the same became due and payable, and when such reassessments have been confirmed by said Board of Contract and Apportionment, such amounts as may be so reapportioned, together with the proportion of the interest and costs hereinbefore provided, shall be received by the Chamberlain of said city in payment for and operate as a release of the lien created by the original assessment so far as such lien may apply to such smaller or subdivision lot. No such reassessment shall be made, after any such land shall have been advertised for sale or sold by the Chamberlain of said city, upon the failure of any owner or owners to pay the apportionment or assessment or any installment or installments thereof which have theretofore become due and payable.

(As amended by chapter 171, Laws of 1892, sec. 11.)

**When there is no purchaser property to be bid in for city.**

§ 54. After any house or lot, parcel of land or franchise shall have been advertised to satisfy any apportionment or assessment

made pursuant to the provisions of law, and there shall be no purchaser at such sale, such houses and lots, parcel of land or franchise, shall be purchased for the city by the Chamberlain at the close of the sale; and thereupon the city shall receive, in its corporate name, a certificate and declaration of sale therefor, in the same manner as individual purchasers, and shall be vested with the same rights as other purchasers, and such certificate or declaration of sale shall be prima facie evidence of the regularity of all the proceedings prior thereto. The Chamberlain is authorized to credit such assessments and apportionments with the purchase of the houses and lots, or the franchises therein named. In case the city becomes the purchaser, as herein provided, it is authorized to sell the property so purchased, and assign to the purchaser the certificate or declaration of sale, or convey such property and rights by quit-claim deed; provided, however, that no such sale or assignment shall be made except upon payment to the Chamberlain of the amount charged against such property at the assessment sale, together with the interest thereon from the date of sale. But the Common Council may, upon the written recommendation of the Chamberlain, direct that a sale may be made at a less sum. The amount of apportionments and assessments, with the interest thereon thus credited, as above provided for, on the purchase by the city, shall be levied and collected in the next annual tax budget.

**When property purchased by city to be sold.**

§ 55. All property purchased by the city as aforesaid, which shall remain in the possession of the city for a period of five years, shall, within two month after the expiration of said five years and after a notice shall have been published in the official papers for thirty days, be sold by the Chamberlain, at the main entrance of the City Hall, at public auction, to the highest bidder or bidders therefor.

**Issue of certificates of indebtedness to contractors.—Amount, how ascertained and determined.—What work to be measured and computed.**

§ 56. After any contract for any of the work or improvements specified in this title, the expense of which is to be assessed or apportioned upon the property benefited thereby, shall have been heretofore or shall hereafter be awarded by the Board of Contract



and Apportionment, and during the progress of said work, and before the same shall be fully completed or the assessments therefor collected, it shall be lawful for, and be the duty of the Board of Contract and Apportionment, upon the written request of the contractor, for such work theretofore filed with the City Engineer, who shall present the same to the said board at its first monthly meeting subsequent to such filing, to prepare and issue to him, from time to time, certificates of indebtedness to the amount of sixty-six per centum of the work actually done and performed upon said work, at the time of issuing said certificates, which amount shall be ascertained and determined by the City Engineer, who shall carefully measure and compute the same upon the request of the contractor, and shall certify the same in writing to said board; said certificate shall be signed by the City Engineer, who shall state in detail the number of units of labor and materials completed and furnished and the contract price for each unit as defined and specified in the contract therefor and the aggregate price thereof. Provided, however, that when the contractor, although the lowest bidder in the gross calculation, is to receive unusual or extraordinary prices for the different items of work when considered separately, the City Engineer may determine the amount of said certificate not necessarily by the rates agreed upon in the contract, but by making an estimate of the work done, taking as a basis of the calculation the whole amount of the money that will have become due, according to the terms of the contract, when the whole work shall have been completed. The Street Commissioner and the Inspector, if any be employed, shall also sign such certificate and shall certify that the work has been done in accordance with the contract and specifications therefor. The work to be so measured and computed shall be only such portion of the work contracted to be done as in all its parts shall have been completed as far as the nature of said work will permit and as shall require no further action upon it by the contractor, except where such further action shall not be considered essential to such completion, due deductions and allowance of the cost of fully completing the work certified being made and specified in the certificate.

(Added by chapter 77, Laws of 1886, and amended by chapter 256, Laws of 1886, and by chapter 286, Laws of 1891, sec. 27.)

**Certificates, how issued.—Form of certificates.**

§ 57. Such certificates of indebtedness shall only be issued at a regular meeting of said Board of Contract and Apportionment and shall be in the following form, namely:

No.           “CERTIFICATE OF INDEBTEDNESS.”

City of Albany. Board of Contract and Apportionment.

(Insert date.) This is to certify that the city of Albany is indebted to (insert name of contractor) in the sum of (insert amount) dollars, on account of contract entered into between him and the city of Albany, dated (insert time) for (insert a brief description of work), which sum the city of Albany will pay to the holder of this certificate on the (insert date). This certificate is issued pursuant to chapter (insert number) of the Laws of (insert year), and the faith and credit of the city of Albany is pledged to the payment thereof.

In witness whereof, the Mayor of the City of Albany has hereunto set his hand the day and year first above written.

(Signature.)

Mayor of the City of Albany.

In presence of

(Signature.)

Clerk of the Board of Contract and Apportionment.

Registered in my office and countersigned (insert date).

(Signature.)

Chamberlain.

(Added by chapter 77, Laws of 1886, and amended by chapter 256, Laws of 1886.)

**Registry of certificates.—Duty of Clerk.**

§ 58. Such certificate shall be taken from a bound book to be prepared and kept in the office of said board, and when so taken it shall be the duty of the clerk of said board to enter upon the stubs therein the number, date, amount, name of person to whom and on account of what work issued, giving the date of the contract therefor; and a similar minute shall be entered by said clerk upon the minutes of the meeting when said certificate is issued.

(Added by chapter 77, Laws of 1886, and amended by chapter 256, Laws of 1886.)

Certificates, how signed and attested.—Duty of Chamberlain.—  
When payable.

§ 59. Such certificate shall be signed by the Mayor and attested by the clerk of said board, who shall present the same to the Chamberlain, who shall enter the particulars thereof in a book to be provided for that purpose and kept in his office, and in addition the said Chamberlain shall keep a ledger account thereof and charge the same against the contractor. Said Chamberlain shall then countersign the said certificate across the face thereof to the effect that it is registered in his office. Said certificates, when so executed and countersigned, shall be conclusive evidence of the indebtedness of said City of Albany to the amount and as therein stated, in favor of the holder thereof in good faith, to whom the same shall be transferred before the maturity thereof, and no offsets, counter-claims or defenses shall be allowed thereto. Such certificates shall be made payable at such time after their issue as in the judgment of said board will be sufficient for the execution of the work and the levying and collection of the assessment therefor, or the receipt of the money by the Chamberlain applicable to the payment thereof, not exceeding, however, one year from the issue thereof.

(Added by chapter 77, Laws of 1886, and amended by chapter 256, Laws of 1886.)

Final certificates, when to issue.—Proviso.

§ 60. Thirty days after the confirmation of assessment for any work, it shall be lawful for and the duty of said board, upon the request of the contractor, to issue to him a final certificate of indebtedness in the form and to the effect herein provided, for the entire amount then due him by virtue of his contract, deducting therefrom the amount of any advances or liens upon or on account of said work, and the amount ordered by the Street Commissioner to be retained for the keeping in repair of said work. But such final certificate shall not be issued when any proceeding instituted by virtue of title eleven of this act is pending.

(Added by chapter 77, Laws of 1886, and amended by chapter 256, Laws of 1886.)

New certificates in certain cases.—To be exchanged for maturing certificates.—Notice of payment thereof.

§ 61. If the Chamberlain has reason to believe that the assessment for the work for which any certificates shall have been issued, as hereinbefore provided, will not be collected before the maturity

thereof, he shall so report to said board, who shall thereupon direct the issuing of a new certificate to take up or replace the certificate so maturing, which new certificate shall be issued in the same form and with the like effect as hereinbefore provided, except that it shall bear interest at such rate as the board may direct; such new certificate shall be exchanged for the certificate so maturing, or may be sold by the Chamberlain and the proceeds used by him for the payment of the certificate so maturing. Such new certificates shall be made payable at such time as said board may direct, not later, however, than one year from\* the first day of January next ensuing after the issuing thereof, provided that it shall be the duty of the Chamberlain upon the receipt of sufficient moneys applicable to the payment thereof, to give five days' notice thereof to the holders of such certificates, at the expiration of which time, interest upon such certificates shall cease to run. Such notice shall be given by two consecutive publications in the official newspapers, and in case the holders thereof shall have deposited with the Chamberlain a written notice containing his name and address, by mailing a like notice post-paid to such name and address.

(Added by chapter 77, Laws of 1886, and amended by chapter 256, Laws of 1886.)

#### Provisions in case of filing of liens, assignments, etc.

§ 62. No such certificates shall be issued when any lien, order, draft or assignment of or upon said work, or the moneys to grow due thereon, shall have been filed with the city or any officer or board thereof, for a greater sum than the excess for which such certificates may be issued as hereinbefore provided over the amount of such liens, orders, drafts or assignments. But such certificates when issued as hereinbefore provided, shall not be affected or impaired by reason of the subsequent filing of any such liens, orders, drafts or assignments, and such certificates shall have priority and preference in payment over any any such lien, anything in the laws providing for the filing of such liens, or in the general statutes of the State to the contrary notwithstanding.

(Added by chapter 77, Laws of 1886, and amended by chapter 256, Laws of 1886.)

#### Right of taxpayers to hearing in certain cases.—Notice to be served on taxpayers by Clerk.—Hearing.—Rights of taxpayers after decision.

§ 63. In case any taxpayer or any owner of property liable to be assessed for the work embraced in the contract shall file with the

Board of Contract and Apportionment the affidavit mentioned in title eleven of chapter two hundred and ninety-eight of the Laws of eighteen hundred and eighty-three, no certificate except a certificate to replace one about to mature as hereinbefore provided shall be thereafter issued until a written notice of not less than two days shall have been given to such taxpayer or owner of a hearing before the Board of Contract and Apportionment. Said notice shall be prepared and served by or under the direction of the clerk of said board, and shall be served personally upon such taxpayer or owner if he can be found within said city, or in case he cannot be found therein, shall be left with some person of suitable age and discretion at an address in said city stated in or indorsed upon said affidavit. If no address be so stated or indorsed no notice need be given if such taxpayer or owner cannot be found within said city. If upon such hearing it shall appear that any defects in the work or material, or any failure to observe the provisions and requirements of the contract in respect thereto specified in such affidavit exist, no certificate shall be issued until after such defect or failure shall be cured and a second like notice thereof and a hearing shall have been given to the taxpayer or owner in respect thereto. If upon any hearing the said Board of Contract and Apportionment shall decide against such taxpayer or owner, no certificate shall be issued until six days shall elapse from the time that a written notice of such decision shall have been served upon such taxpayer or owner in like manner as the first notice above specified. At any time after such decision such taxpayer or owner may take the same proceedings and obtain the same relief provided for in said title eleven, as if an assessment for the entire work provided to be done under such contract had been confirmed by the Board of Contract and Apportionment, and the court is authorized in such proceedings to stay the payment to the contractor of any money, and the issuing to him of any such certificate under his contract, for work done or materials furnished thereunder. The failure of any taxpayer or owner to apply to the court for relief against any decision of the Board of Contract and Apportionment in this section above specified shall not prejudice or affect any proceeding thereafter taken by such or any other taxpayer or owner because of any part or the whole of the work under the contract not having been done, or having been improperly done.

(Added by chapter 77, Laws of 1886, and amended by chapter 256, Laws of 1886.)

**Liability of city in case of failure of contract.**

§ 64. In case of the failure of the contractor to perform his contract, the liability of the city on any such certificates shall, notwithstanding, be included in the cost and expense of completing the same, and be assessed and apportioned upon the property benefited as provided in section twenty-nine of this title.

(Added by chapter 77, Laws of 1886, and amended by chapter 256, Laws of 1886.)

**Payment of certificates by Chamberlain.**

§ 65. The Chamberlain shall pay such certificates on presentation thereof, out of any moneys collected by him from assessments for the work on account of which they were issued, or from any funds in his hands provided to pay for such work.

(Added by chapter 77, Laws of 1886, and amended by chapter 256, Laws of 1886.)

§ 66. [Added by chap. 242, Laws 1887, § 9, and repealed by chap. 171, Laws 1892, § 19.]

## TITLE X.

## REPAIRS.

**Street commissioner to cause plank walks, etc., to be repaired.—**

**Proviso as to notice in cases where same is chargeable to owners or occupants.—Service of notice.—Proviso as to emergency cases.**

Section 1. The Street Commissioner shall, if any of the plank-walks, docks, sidewalks (including resetting curb), cross-walks and carriage-way in any of the paved, macadamized, earth or plank streets in the said city require repairing or relaying, cause the same to be repaired or relaid as may be necessary; provided that when the expense of repairing and keeping in repair such plank-walks, docks, sidewalks, cross-walks or carriage-ways shall be properly chargeable to and liable to be assessed upon the dock or docks, house or houses, lot or lots benefited thereby, or in front or rear of which such repairs are required to be made, the owner or owners, agents or occupants, or person in possession shall have not less than ten days, after the service of a written notice, in which to commence and complete his or their said work, and such further time as the Street Commissioner shall direct. When said notice is not served upon the owner or agent personally, a written or printed copy thereof shall be deposited in the Albany post-

office, inclosed in a post-paid envelope directed to such owner or agent or occupant, and if such house or lot be vacant, and the owner or agent is unknown, then a notice requiring such repairs to be made within the time designated shall be posted upon such vacant house or lot, in some conspicuous place; and a record of the time and manner of service, and upon whom made, shall be certified by the Street Commissioner or officer serving the same, and kept in the street department for public inspection; and which record, or a copy thereof, when so certified, shall be presumptive evidence of the regularity of such service. After the expiration of ten days from such personal notice, or from the first posting, such repairs, if not then completed, shall be done by the Street Commissioner, as hereinafter provided. Provided that in extraordinary cases and in cases of emergency, when the condition of any such dock or docks, paved, macadamized or plank streets, or flagged or planked walks, or any portion thereof, shall become dangerous for travel, such Commissioner shall, upon the written instructions of the Mayor, after such Commissioner has reported his opinion thereon in writing to the Mayor, proceed at once to make the necessary repairs. In such cases, it shall be the duty of the Board of Contract and Apportionment to determine what portion, if any, of the expense thereof ought to be paid from the public treasury, and what portion, if any, ought to be paid by a local assessment. In the former case, the amount shall be paid on a certificate of such board, and in the latter, such board shall make the assessment and apportion as hereinbefore provided.

**Provisions as to assessments, etc., to work done under this title.**

**—Proviso as to notice.**

§ 2. All the provisions of this act relating to assessments and apportionments, and the collections of the same, shall apply to the work contemplated and directed to be done by the preceding section of this act, and the apportionment for the expense thereof shall be made by the Board of Contract and Apportionment; provided, however, that no notice of the assessment and apportionment of the expense of work done under the provisions of the last section need be published in the city newspapers, but a notice of ten days specifying the amount of the proposed assessment shall be given to the owner or agent in the manner prescribed in the last section, before the Board of Contract and Apportionment shall finally adopt such assessment and apportionment. A certificate of its service, attached to such notice by the Street Commissioner or

officer serving the same, shall be presumptive evidence of its due service.

**New apportionments and assessments.—Certain improvements and repairs a city charge.—Tax for expense thereof.—Payment of expenses.—Keeping pavements in repair, etc., requirements in contracts for.—Proviso.**

§ 3. In case any apportionment or assessment heretofore or hereafter made for the work described in the preceding section or made for any work done under any law or ordinance duly passed by the Common Council, shall have been or shall be set aside by any court of this State, having competent jurisdiction, or shall fail or shall have failed from any irregularity in making or confirming such apportionment or assessment, it shall be lawful for and be the duty of the Board of Contract and Apportionment forthwith to cause a new apportionment and assessment, including the interest and expenses on the former apportionment or assessment, to be levied and collected; and such new apportionment and assessment shall have the same force and effect as though no former apportionment or assessment had been made. Provided, that all bridges constructed on the line of any street or avenue, or culverts constructed over any stream or run of water across any street or avenue, and the maintaining and repairing the same within the street limits; also ordinary repairing the carriage-way at the intersection of all paved streets and the carriage-way of all streets now paved or that may be hereafter paved with granite blocks or other kind of square stone or vitrified brick pavement, or with Trinidad sheet asphalt, and the repairing of the carriage-way of any unpaved earth, planked or macadamized streets and cross-walks thereof, except as otherwise especially provided by law, or where, by law, the expense thereof is to be paid by some other corporation or individual, shall be charged upon the said city; and the amount of money required to defray the expense thereof, which (except in the case of the bridges and culverts) shall not exceed five thousand dollars in any municipal year, shall be raised by tax in the same manner as other city taxes are levied and collected; and the Chamberlain is authorized and directed to pay the charges and expenses thereof on the certificate of the street commission after the same shall have been audited by the Board of Contract and Apportionment. If any street shall be paved, or repaved with other material than granite blocks, the Board of Contract and Apportionment shall provide in the specifications therefor that the



contractor shall guarantee the pavement and shall agree to keep it in repair for a period to be specified, such period to be not less than five years, as a part of the cost of the work, and said board is hereby authorized to make and enter into such contracts. And nothing in this section contained shall be so construed as to prevent the city of Albany or its said Board of Contract and Apportionment from levying an assessment to defray the expense of any such work, or collecting the same from the owners of property so assessed, because of the foregoing requirement forming part of any such contract or contracts.

(As amended by chapter 158, Laws of 1892, sec. 1, and by chapter 631, Laws of 1894, sec. 1.)

**After thirty days Chamberlain may temporarily borrow from funds named to pay for repairs.**

§ 4. Thirty days after the confirmation of any apportionment for repairs done under and pursuant to this act, but not before, the Chamberlain is authorized and directed to temporarily borrow from the above-named fund, or from the fund known as contingent, or street contingents, and to pay the parties entitled thereto for the repairs so done, and for which any apportionment and assessment had been made and confirmed, and to refund the same from collections made from said apportionments; provided, however, that the entire sum so borrowed for that purpose in any one year shall not exceed five thousand dollars.

**Carriage-way may be repaved with granite blocks.**

§ 5. In making repairs to the carriage-way, it shall be lawful for the owner to repair or repave the carriage-way in front of his premises with granite block, instead of the material composing the pavement which requires repair; such repavement to be done, however, under the supervision and direction of the street commissioner.

**Deposit before making sewer connections.—Repairs to be made without delay.—Return of deposit.**

§ 6. If any person shall desire to open the carriage-way of any street between the curb lines for the purpose of making sewer, gas or water connections, and said carriage-way shall be paved with any pavement other than cobble-stones, the person desiring to make such opening must first deposit with the Street Commissioner such sum, not less than ten dollars, as the said Street Commis-

sioner shall estimate the cost of repairs of the pavement broken for the aforesaid water, sewer or gas connections to amount to. Any person making street openings in any street pavement except cobblestones, without first having paid to the Street Commissioner the sum above mentioned as estimated by him, shall be deemed guilty of a misdemeanor. The trench openings made for the aforesaid connections shall be filled, and the pavement over the same restored, by the person to whom the permit shall be granted without unnecessary delay. The repairs so made shall be examined by the Street Commissioner at the expiration of three months from the time of the making of said opening or openings, and if found to be improperly made or that the pavement has sunk below the level of the adjoining sound pavement he shall proceed to repair the same and charge the cost thereof against the sum so deposited and return the surplus, if any, to the depositor. If the cost of making said repairs exceed the sum deposited, the excess shall be collected from the person to whom the permit is granted. And the said Street Commissioner is hereby authorized to bring an action at law for the recovery of the same in any court of competent jurisdiction in case the person making such opening shall refuse to pay such excess. Should no repairs be required at the end of the aforesaid three months, the whole of said deposit shall be returned to the depositor.

(Added by chapter 286, Laws of 1891, sec. 28, and amended by chapter 171, Laws of 1892, sec. 12.)

## TITLE XI.

### REDUCING AND VACATING ASSESSMENTS.

**Assessment not to be vacated by reason of failure of contractor, but taxpayer or owner must make affidavit, etc.—Cases in which court must reduce assessment.—Contractor and sureties to be made parties.**

Section 1. No assessment that may hereafter be levied shall be void or shall be vacated by any court because of a failure on the part of the contractor to comply in the execution of the work with all the requirements of law or the contract in respect thereto. Provided that if any taxpayer or any owner of property liable to be assessed therefor shall make an affidavit during the progress of any work to the effect that such work is not done or being done according to law or the contract, specifying in what respects it does not comply therewith, and shall file such affidavit with the

Clerk of the Board of Contract and Apportionment and deliver a copy thereof to the contractor, his agent or either of the sureties on his bond, and shall, within twenty days after the confirmation of the assessment, take the proceedings mentioned in the next section, the court may stay the payment to the contractor of any money under such assessment; and if it shall appear on the hearing in such proceeding that the defects stated in such affidavit exist, the court shall order that the amount assessed shall not be paid to the contractor and shall not be enforced by the city until such work shall be done in accordance with law and the contract therefor, and no interest shall be charged upon the assessment during the time that the payment thereof shall be stayed, provided that the court shall finally decide that the defects charged existed and were of a substantial nature. Whenever it shall in any way appear to the court that manifest injustice or damage has been done to the city or any person or property assessed by reason of a failure to comply with the contract relating to any work, the court may, if it be before sale and before the contractor shall have been paid the sum provided by his contract to be paid to him, reduce the amount of the assessment or allowance in such amount as will enable the owner or the city, as the case may be, to have the work done in accordance with the contract, and if after sale or after the contractor shall have been paid, the court shall grant judgment for the damages against the contractor and his sureties as hereinafter provided. The contractor and the sureties on his bond and their legal representatives, or such of them as can be served with process or notice, shall be made parties to any proceeding for that purpose and shall be therein adjudged to be liable to the party injured or the city, as the case may be, for the amount in which any assessment or allowance shall be reduced, if it appears that the contractor was in fault in the premises. If the city was in fault it shall be adjudged to be liable to the party injured for such amount. And all assessments heretofore levied in the city of Albany, proceedings to vacate, review or set aside which were not pending January fifteenth, eighteen hundred and eighty-three, are hereby validated and confirmed.

**Application to vacate assessment on ground of fraud.—  
Proceedings.**

§ 2. If, in the proceedings relative to any assessment or assessments for local improvements in the city of Albany; or in the pro-

ceedings to collect the same, any fraud or defect in the work, or substantial error, shall be alleged to exist or have been committed, the party aggrieved thereby may, within twenty days after the confirmation of the assessment and apportionment apply to have the assessment vacated or reduced, or both, to a judge of the Supreme Court, at Special Term or at chambers, or to the county judge, who shall thereupon, upon due notice to the counsel of the corporation of said city, and to the contractor and his sureties, or any other person, if they, or either of them be proper parties, proceed forthwith to hear the proofs and allegations of the parties.

(As amended by chapter 242, Laws of 1887, sec. 11.)

**In case fraud exists, assessment to be vacated or reduced.**

§ 3. If after such hearing it shall be finally decided that the alleged fraud or defect in the work, or substantial error, exists or has been committed, the said assessment shall be vacated except as hereinbefore otherwise provided, and the lien created thereby, or by any subsequent proceeding, shall, except as hereinbefore otherwise provided, cease; and hereafter no suit or action in the nature of a bill in equity or otherwise shall be commenced for the vacation of any assessment in said city or to remove a cloud upon title arising from any assessment hereafter made. In case the assessment shall not be vacated the assessment may be reduced or judgment may be given as hereinbefore provided. Owners of property shall hereafter, in proceedings to reduce or vacate or stay payment of assessments, be confined to the form of proceeding in this title mentioned. The court may, in a proper case in proceedings under this title, direct that any issue or issues of fact be tried before a jury.

**Assessment not to be vacated unless objections are filed within ten days after letting of contract.—Hearing.**

§ 4. And it is further provided that no assessment that may be hereafter made shall be void or shall be vacated; nor the sale of property therefor be declared illegal, or the deed or certificate of conveyance therefor be adjudged invalid or illegal, or any moneys paid on account of or because of said assessment be recovered back or refunded because of any error, illegality or irregularity in any of the proceedings in relation to the work or improvement for which such assessment is made, prior to the commencement of the work, including the letting of the contract for said work, unless some party objecting thereto shall have filed his objection

or objections with the Clerk of the Board of Contract and Apportionment within ten days after the letting of the contract for said work, stating the error, illegality or irregularity complained of, together with his address; the Board of Contract and Apportionment shall thereupon give the person or persons filing such objection or objections, together with the contractor to whom the contract to do the work was let, and the city of Albany, a hearing, and the decision of the Board of Contract and Apportionment shall be final and conclusive, unless within ten days after such decision, the party or parties filing such objection, or the contractor or the city of Albany, shall commence proceedings to review the same; and in the event that the said proceedings, or any of them, including the letting of the contract, be adjudged illegal, the contract for doing the work shall be and become null and void and in no respect binding upon the city.

(Added by chapter 242, Laws of 1887, sec. 12.)

**Certificate of indebtedness not to be reduced unless objection was made before issue thereof.—New assessment in certain cases.—Assessments to pay certificates.**

§ 5. When proceedings are taken because the work has not been done according to law, or the assessment is reduced because the work has not been done according to law, or the contract, and a certificate or certificates of indebtedness for such work or any part thereof shall have been issued pursuant to title nine of this act, and no objection shall have been filed prior to the issuing of such certificates, the court shall not reduce the assessment below the amount of the certificates so issued and the interest due thereon. Whenever an assessment for any public work or improvement, heretofore or hereafter made, shall be vacated or set aside under the provisions of this title, the Board of Contract and Apportionment shall forthwith proceed to make a new apportionment and assessment for the same, with interest thereon, or for such amount as the court shall, by its judgment, direct. (This shall not affect any person who, prior to January first, eighteen hundred and eighty-seven, had commenced proceedings to vacate any assessment, nor in any wise affect such proceedings.) Whenever, in the judgment of the Board of Contract and Apportionment, it shall be desirable to make an assessment for the purpose of collecting the amount for which the city has issued any certificate or certificates of indebtedness and the interest thereon, to any contractor or contractors for any public work, it shall be lawful for the said

board to make an assessment for such work against the owners of and upon the lots of ground, franchises, or real estate benefited in accordance with the law, and the same shall be collected and paid over in accordance with the law in such case made and provided; and thereafter, when any further certificate of indebtedness shall have been issued for such work or any other or further amount shall be or be adjudged to be due or payable to the contractor or contractors doing such work, or because of such work, it shall be lawful for the said Board of Contract and Apportionment, from time to time, to make an assessment or assessments against the owners of and upon the lots of ground, franchises or real estate benefited therefor in accordance with the law, and the same shall be collected and paid over in accordance with the law in such case made and provided.

(Added by chapter 242, Laws of 1887, sec. 12.)

#### **Appeals.—Limit.**

§ 6. Either party may appeal from the final decision of the court, or a judge thereof, upon any proceedings taken under this title, the same as from an order in a civil action. Such appeal must be taken within ten days after the service upon such party of notice of such final decision.

(Added by chapter 242, Laws of 1887, sec. 12.)

#### **Consolidation of proceedings.**

§ 7. Two or more persons may unite in commencing and prosecuting proceedings under this title; and when two or more persons have commenced separate proceedings under this title to vacate or reduce assessments for the same public work or improvement, the court or the judge before whom the same are commenced or pending, or where some are commenced before the County Judge and some in the Supreme Court, a Judge of the Supreme Court, at Special Term or chambers, may consolidate said separate proceedings into one proceeding.

(Added by chapter 64, Laws of 1890, sec. 6.)

### TITLE XII.

#### STREET COMMISSIONER.

#### **Salary, superintendent of streets and lamps.—Salaries.**

Section 1. The Street Commissioner shall receive a salary of three thousand dollars a year. He may appoint not exceeding two

Superintendents of Streets, with the approval of the Mayor, who shall hold their places during the pleasure of the Commissioner, and shall perform such service as the Commissioner may direct. The salary of each Superintendent shall not exceed one thousand two hundred dollars per year. The Street Commissioner shall receive the further sum of five hundred dollars a year for the maintenance of a horse and wagon to be used by him in the execution of the duties of his office.

(As amended by chapter 806, Laws of 1895, sec. 12.)

**Clerk.—Employment of laborers.—Teams.**

§ 2. He shall be entitled to the services of the Clerk of the Board of Contract and Apportionment when such Clerk is not engaged in the work of said board. He may also employ from time to time, when necessary, not to exceed ten day laborers, who shall hold their places during the pleasure of the Street Commissioner, and shall receive for such services a sum not exceeding two dollars and twenty-five cents per day. Such Superintendents and day laborers shall perform such work as shall be required of them by the Street Commissioner. The day laborers shall be paid out of the Street Contingent Fund, semi-monthly, by the Chamberlain, on the certificate of the Street Commissioner. He shall also have power to employ, when necessary, not to exceed two teams, to be paid for by the Chamberlain out of the Street Contingent Fund, under the certificate of the Street Commissioner, stating the time, place and nature of the services rendered by them.

(As amended by chapter 171, Laws of 1892, sec. 13.)

**Additional laborers.**

§ 3. The Street Commissioner may also employ, from time to time, such additional laborers as he may deem necessary, not to exceed, however, twenty-five in all. Such laborers shall receive for their services the same compensation and shall be paid in the same manner and at the same time as provided for the payment of day laborers in section two of this title.

(As amended by chapter 171, Laws of 1892, sec. 14.)

**Powers of commissioner.**

§ 4. The Street Commissioner shall have, in addition to the powers contained in section (title) ten of this act, the superintendence of the work, under the Board of Contract and Apportionment:

1. Of opening, altering, regulating, grading, flagging, curbing, guttering, paving, repaving, repairing, sprinkling and lighting all streets, roads, avenues, lanes, alleys, docks and places in the city, and keeping the same clear of obstructions

(As amended by chapter 236, Laws of 1891, sec. 22.)

2. Of repairing and constructing all public culverts, sewers and drains.

Of repairing all plank-walks.

Of street vaults and openings in sidewalks.

Of digging and constructing wells.

It shall be the duty of the Street Commissioner to examine the streets, avenues, lanes, alleys, places and squares of the city, and the drains, culverts and sewers thereunder, and to see that the same are kept in good condition and repair. He shall also, under general ordinances of the Common Council, fix and determine the position of all cross-walks in the carriage-ways thereof.

**Work done under contract to be accepted by the commissioner.**

§ 5. All work done under contract entered into under the authority by law or ordinance conferred upon the Board of Contract and Apportionment, or by direction, appointment or employment of the Street Commissioner, shall, before it is accepted, be certified to by the Street Commissioner to the effect that such work has been done in a good and substantial manner, with the materials required, of the quality prescribed and in the manner directed in and by the terms of the contract or of the direction, appointment or employment by the Street Commissioner.

**Copy of contract, etc., to be filed with Chamberlain.**

§ 6. It shall be the duty of the Street Commissioner, and of any other officer having in charge any work the cost of which is to be paid by assessment or apportionment, to file with the Chamberlain of the city, within ten days after the contract shall have been duly signed by the contractor, a certified copy of the contract under which the said work is to be done, together with a copy of the resolution or ordinance of the Common Council directing the work to be done and contract to be made.

**Certificate of completion of work to be filed by Street Commissioner or other officer.**

§ 7. It shall be the duty of the Street Commissioner, and of any other officer having in charge any work the cost of which is to



be paid by assessment or apportionment, within ten days after the completion of said work, to file a certificate of such completion, in the form above required, of the Street Commissioner with the Chamberlain, and to furnish to the Board of Contract and Apportionment a certificate in like form, stating in effect that such work has been examined by said Street Commissioner, and has been done in accordance with law and the terms of the contract as above provided. He shall also furnish to the said board and to the Common Council, when required, a statement of the items constituting the cost and expense of said work, together with the incidental expenses connected therewith.

#### **Lighting the city.**

§ 8. The Street Commissioner shall have charge of the lighting of the city, and power and authority, under general ordinances of the Common Council, to determine the position of the lamps. He shall see that all contracts relating thereto are properly executed, and shall be entitled to the services of the police, who shall report to him all defects in the lighting of the city, of which said commissioner shall keep a record in the office of the Board of Contract and Apportionment.

#### **Oil, gas, etc., to be supplied by contract.**

§ 9. All the oil, gas and electric lights of the city shall be supplied under and pursuant to contracts to be let by the Board of Contract and Apportionment, which contracts shall cover and include the lighting and supplying of the lamps and the oil, gas and electric current respectively therefor, the cleaning thereof, and all materials required in the use and repair thereof.

#### **Claims to be presented monthly, etc.**

§ 10. All claims under such contracts shall be presented monthly, and be audited by the Chamberlain and paid by the Chamberlain in like manner as other claims against the city directed to be audited by him, provided, however, that no such account shall be audited or paid unless it shall be accompanied by a certificate of the Street Commissioner, to the effect that the amount charged for therein is due, under the terms of the contract, for the work therein mentioned, and that the work has been done for the period covered by such account.

## TITLE XIII.

## CITY ENGINEER AND SURVEYOR.

**Qualifications and salary.—Deputy.—Assistants.**

Section 1. The City Engineer shall be a civil engineer, having at least ten years' experience in his profession, and shall receive a salary of three thousand five hundred dollars a year. He shall appoint one deputy engineer, who shall be a civil engineer, having at least eight years' experience in his profession, or who shall, in lieu thereof, be a graduate in civil engineering at a technical school, and in addition thereto have had at least five years' experience in his profession, and who shall receive a salary of one thousand eight hundred dollars a year. He shall also appoint one assistant engineer, who shall receive a salary of one thousand five hundred dollars a year; and one assistant engineer and draughtsman, at a salary of one thousand three hundred dollars a year; and one leveler, at a salary of eleven hundred dollars a year; and one rodman, at a salary of nine hundred dollars a year; and one chainman, at a salary of seven hundred and fifty dollars a year; and one assistant chainman, for such time, not to exceed nine months in any one year, as he shall determine, who shall receive for his services the sum of two dollars and twenty-five cents per day. All persons appointed by the City Engineer to the above-mentioned offices shall perform such services and labor as he shall prescribe, and shall hold their offices at his pleasure.

(As amended by chapter 398, Laws of 1888, sec. 12.)

**To make maps, etc., for officers and boards.**

§ 2. The City Engineer shall make all surveys, measurements, maps, profiles, diagrams and plans required by any city officer or board, by the Common Council or any committee thereof, by the Board of Commissioners of "the Washington park of the city of Albany," or by the Water Commissioners, in the prosecution and performance of their or its official duties.

(As amended by chapter 398, Laws of 1888, sec. 12.)

**To make maps, plans, etc.—Extra help.—Payment of same.**

§ 3. The City Engineer shall make all surveys, measurements, maps, profiles, diagrams and plans necessary and proper for the taking of any land by right of eminent domain, or for the widening, paving, repaving or otherwise altering, changing or improving any street, avenue, alley, lane, square or lot in said city of

Albany, whenever they may be necessary for the use of any city officer or committee of the Common Council. He shall also make measurements and approximate estimates for all work to be done and materials to be furnished under contract with the city, and of all work performed and materials furnished, whenever such measurements and estimates shall be required by any city officer, the Board of Contract and Apportionment, the Common Council, or any committee thereof, and shall make to such officer, board or committee, a detailed statement of such measurements and estimates, accompanying the same with a certificate to the effect that such statement is in all respects true and correct. He shall also make all surveys, measurements, maps, profiles, diagrams and plans necessary for the use of any city board or for the Board of Commissioners of "the Washington park of the city of Albany," or by the Water Commissioners, when requested, in pursuance of a resolution of any of said boards; provided, however, that the City Engineer may, in his discretion and in accordance with a notification made to the board requesting such work before it is undertaken, employ such extra help in doing such work requested as he may deem necessary, and charge all expense of such work to the board requesting the same. It shall be the duty of any of said boards to pay the expense of any such work requested to be done by the City Engineer, and to provide for the same in the manner now provided by law for the other expenses authorized by them to be incurred.

(As amended by chapter 398, Laws of 1888, sec. 12, and by chapter 286, Laws of 1891, sec. 23.)

#### **Not to receive fees.**

§ 4. Neither the City Engineer nor any of the persons employed by him shall be entitled to any fees, perquisites or allowances for any of the work above mentioned, done for or on behalf of the city, nor shall any of such persons engage in engineering or surveying work of a private nature between the hours of nine o'clock in the forenoon and six in the afternoon, nor at such other time or times as the City Engineer may require their services.

(As amended by chapter 398, Laws of 1888, sec. 12.)

#### **Expenses to be audited and paid by Chamberlain.—To be certified.**

§ 5. All claims for expenses necessarily incurred by the City Engineer, and for materials used, and for articles needed in the

execution of the duties of his office shall be presented in the form of accounts against the city, in the form required by law, and the Chamberlain shall examine, audit and pay such accounts at a proper amount, not exceeding that appropriated for the purpose. Such accounts, when presented to the Chamberlain, shall be accompanied by the certificate of the City Engineer, to the effect that the articles have been furnished at the times and in the amounts and of the quality stated in such account, and were necessary for use in the execution of the duties of his office and reasonably worth the price in said account charged therefor.

(As amended by chapter 398, Laws of 1888, sec. 12.)

**Maps, etc., to be city property.—To be numbered and indexed.**

§ 6. All surveys, measurements, maps, profiles, diagrams and plans made or prepared by the City Engineer in the execution of the duties of his office shall be and are hereby declared to be the property of the city of Albany, and it shall be the duty of the City Engineer to number the same and enter such number, together with a brief statement of the subject or contents of such survey, measurement, map, profile or plan in a book or books to be kept for that purpose.

(As amended by chapter 398, Laws of 1888, sec. 12.)

**Fence Viewers.**

§ 7. The City Engineer and his deputy are hereby constituted fence viewers in and for the city of Albany.

(As amended by chapter 398, Laws of 1888, sec. 12.)

**Partition fences.—Disputes.**

§ 8. All partition fences in the city shall be maintained and repaired at the joint expense of the owners of the land on each side thereof; every dispute between such owners touching the sufficiency or the method of construction or the repairing of any such fence, the division of the fence between them or the part each is to bear, respectively, in the expense thereof, shall be decided by the deputy engineer, but no such dispute shall be referred to or decided by said deputy engineer until the person or persons referring the same shall pay the sum of five dollars to the Chamberlain of the city of Albany, to be credited to the street contingent fund, and file with said deputy the receipt of the Chamberlain therefor.

(As amended by chapter 398, Laws of 1888, sec. 12.)

**Appeals.**

§ 9. Any party interested in any partition fence, where a dispute has arisen on any question relating thereto, may appeal from the decision of the deputy engineer to the City Engineer, whose decision and determination in the matter shall be final and conclusive.

(As amended by chapter 398, Laws of 1888, sec. 12.)

**Removal of buildings encroaching on streets.**

§ 10. If any building now erected, or hereafter to be erected, shall stand upon or project beyond the range of the street, the City Engineer shall, upon receipt of written directions from the Mayor, send written notice thereof to the owner or person erecting or maintaining the same, who shall, within ten days after the receipt of such notice, remove the said building to the range of the street laid down by the City Engineer, and in case of neglect or refusal of said owner or person erecting the same to comply with said notice, the City Engineer shall cause said removal to be made, and return the expense thereof to the Board of Contract and Apportionment, to the end that said expense may be assessed and collected, and the Board of Contract and Apportionment are hereby empowered to assess said expense upon the property of such owner in the manner prescribed by this act.

(As amended by chapter 398, Laws of 1888, sec. 12.)

**Street grades.—Changes therein.—Monumenting new streets.**

§ 12. The grades of the several streets and avenues hereafter opened, shall, within as early a period as is practicable, and not to exceed six months, be established by the City Engineer, a profile thereof filed in his office and reported to the Common Council, and said grade shall be, as far as practicable, upon one plane between the intersecting streets. Any change or modification in the existing grades of the several streets or avenues heretofore opened or now used as public streets of said city, and the determination by the City Engineer of a grade for any such public street or avenue where none has heretofore been established by law, shall be reported to and be approved by the Common Council; provided, however, that the City Engineer may, from time to time, modify and adjust the grades at the intersection of streets, as circumstances may require. Such new streets shall also be monumented within the time above named, and the claim for the expense of such monumenting shall be presented as prescribed in

section six of this article and paid at a proper amount from the fund known as street contingents. All streets hereafter deeded to the city of Albany must first be monumented in a manner that shall be satisfactory to the City Engineer, and in accordance with his instructions, and such monumenting shall be considered a necessary condition to the acceptance of any street by the city.

(As amended by chapter 398, Laws of 1888, sec. 12, and by chapter 286, Laws of 1891, sec. 24.)

**Inspectors' duties defined by Engineer.—Notice of neglect of duty.—Suspension.—Substitute.**

§ 13. The City Engineer shall define the duties of all inspectors of public improvements, and they shall report to him in such manner and at such times as he shall designate. He shall give notice, in writing, to the person or persons by whom the inspectors are appointed, and also to the inspector, of any failure or neglect on the part of any of said inspectors to properly perform his duty, and upon receipt of the same by said person or persons and inspector, the inspector complained of shall be suspended from his said office forthwith, and shall be removed unless the said inspector show cause to the contrary before the Board of Contract and Apportionment of the city of Albany at its next regular meeting. The City Engineer shall appoint a substitute for any inspector who may be suspended from his office, during the period of such suspension, and the person so appointed as a substitute shall be paid the same per diem allowance, and shall perform all the duties and have all the powers of the suspended inspector.

(As amended by chapter 398, Laws of 1888, sec. 12, and by chapter 286, Laws of 1891, sec. 25.)

§ 13. Wherever in chapter two hundred and ninety-eight of the Laws of eighteen hundred and eighty-three, or in any amendment thereof, the words "City Engineer and Surveyor" are employed, reference shall be understood to the person mentioned in this act as the "City Engineer," and the designation "City Engineer and Surveyor" shall hereafter be replaced by that of "City Engineer."

(As amended by chapter 398, Laws of 1888, sec. 12.)

(The omission of a section numbered 11, and the insertion of two sections numbered 13, in the foregoing title, has been occasioned by carelessness in legislation, which will be apparent upon examination of the several amendatory acts as they appear in the session laws.)

Engineer to certify to work done.

§ 14. All work done under contract entered into under the authority by law or ordinance conferred upon the Board of Contract and Apportionment, or by direction, appointment or employment of the Street Commissioner, shall, before it is accepted, and in addition to the certificate hereinbefore required, be certified to by the City Engineer to the effect that such work has been done in a good and substantial manner, with the material required, of the quantity prescribed and in the manner directed in and by the terms of the contract or of such authority, direction, appointment or employment.

(Added by chapter 286, Laws of 1891, sec. 26.)

**Inspectors.—Payment of same.—Civil service examination.**

§ 15. The City Engineer may, in his discretion, appoint and employ an inspector (who, in the case of the construction of a sewer, must be a civil engineer) of any work during the continuance of such work, the cost of which shall exceed five thousand dollars, when such work is to be done under any contract for the construction of culverts or drains or for the paving of streets; and for any work that is being carried on in two or more remote sections, a separate inspector may be appointed for each section during the continuance of work thereon; provided, however, that no inspector shall be appointed on any section, the estimated cost of which is less than five thousand dollars. Such inspectors shall be paid a per diem allowance, to be fixed by said engineer, to be included in the assessment to be made for the work inspected and to be collected thereby. The board is authorized to temporarily advance to such inspector his per diem allowance out of the fund known as street contingents, and when the amount of such allowance, so advanced, is collected by assessment, it shall be paid into such street contingent fund. No person shall be appointed as such an inspector until the local board of Civil Service Commissioners shall have subjected him to an examination as to his competency and fitness for such an appointment, and shall have certified the same to the City Engineer.

(Added by chapter 286, Laws of 1891, sec. 26.)

## TITLE XIV.

## CITY PHYSICIAN.

**Salary.**

Section 1. The City Physician shall receive a salary of twelve hundred dollars per annum, payable monthly out of the alms-house fund.

**Duty to visit Alms-house, etc.**

§ 2. It shall be his duty to visit the alms-house at least once in each day, to attend and administer medical assistance to the sick in the alms-house, hospital, pest-house and other permanent or temporary buildings now or hereafter to be erected on the alms-house farm, and direct the manner of treatment of said sick.

**Resident physician.**

§ 3. He shall have power to appoint one resident physician at a salary of not more than two hundred dollars per annum, payable monthly, from the fund raised for the support of the alms-house, to assist him in the discharge of his duties at said alms-house or hospital.

**Monthly report.**

§ 4. He shall report on the first day of every month, and oftener if he deem it necessary, in writing, to the Mayor, of the pauperism in the alms-house, the persons admitted to the pest-house, lunatic asylum and hospital, when sent and by whom.

## TITLE XV.

## SUPERINTENDENT OF THE ALMS-HOUSE.

**Salary.**

Section 1. The Superintendent of the Alms-house shall reside at the alms-house in the city of Albany and shall receive a salary of two thousand five hundred dollars a year, and shall provide his own table and that of his assistants who reside at the alms-house, from the money appropriated to the support of the alms-house. He shall give his undivided personal attention to the duties of his office and shall be engaged in no other trade, business, occupation or employment.

**To have charge and control of the poor.**

§ 2. He shall have the charge, care and control of the poor and insane committed to the alms-house and of the real and per-



sonal property now used for such purposes, and of the farm and appurtenances thereto belonging and appertaining. And all persons arrested upon the charge of insanity shall be sent forthwith to and confined in the asylum attached to the Albany alms-house, and it is hereby made the duty of the Superintendent of the Alms-house to transfer the said person or persons to and from the said asylum when directed so to do by either of the police magistrates or the Chief of Police.

**Moneys to be appropriated only to be paid out after audit of claims.**

§ 3. All moneys appropriated to the support and maintenance of the alms-house in the city of Albany shall be paid over to the Chamberlain of the city of Albany, who shall pay the same out only after an investigation and audit, by the Board of Audit, as hereinbefore provided, of the claims presented, and after the certificate of the Superintendent shall have been given as hereinafter provided for.

**Deputy and clerks.—Assistants.**

§ 4. Said Superintendent shall appoint a deputy, with the approval of the Mayor, who shall receive a salary at the rate of one thousand two hundred dollars a year, and a clerk who shall receive a like salary. The said deputy and clerk shall hold their positions during the pleasure of the Superintendent. The said clerk shall have his office in the rooms assigned to and occupied by the Overseer of the Poor in the city of Albany. The Superintendent of the Alms-house shall also have power to employ such assistants as will enable him to execute the duties of his office, whose respective compensations shall be fixed by him at a sum not exceeding in the aggregate five thousand dollars per annum.

(As amended by chapter 302, Laws of 1885, sec. 1.)

**Employment of paupers.—Purchase of supplies.**

§ 5. He shall also employ, as far as possible and without compensation to them, the paupers confined in the alms-house, especially in the cultivation of the poor-house farm. It shall be the duty of the Superintendent to purchase all supplies for the alms-house in such quantities, at such times, and from such persons as he shall decide to be most for the interests of the city; and he shall regulate the consumption and distribution of the same, and direct the doing of all work and the making of all repairs incident

to the duties of his office and the care of the property committed to his charge.

**Claims for supplies to be certified and audited before paid.**

§ 6. All claims for such supplies and other expenditures by him shall be presented as hereinbefore provided; provided, however, that no such account shall be audited or paid unless it shall be accompanied by a certificate of the Superintendent to the effect that the work charged for therein has been actually done and the materials mentioned therein have been actually furnished, and that such work and materials were reasonably worth the price charged therefor. The bill or claim shall be verified by the claimant as other bills are required to be.

**Quarterly statement.**

§ 7. It shall be the duty of the Superintendent of the Alms-house to make a quarterly statement to the Common Council, showing, in tabulated form, the age, sex, nationality and number of paupers, insane and sick in the alms-house, each day of the month, the total number of weeks' board and lodging furnished in the alms-house, alms-house asylum and alms-house hospital, respectively, and the cost per day of maintaining each pauper, patient and insane person in the alms-house; the quantity and quality of each kind of food and provisions used in the alms-house, and the price therefor, and the persons or firms from whom the several articles were purchased; the kind and amount of repairs made, and by whom the same were made, and the cost thereof; the amount raised on and received from the poor-house farm, and the disposition thereof; the number of persons employed, their occupation and the salary, wages or compensation paid to each; also such further statistical information as the Superintendent is now or may be required by law or the ordinances of the Common Council to furnish.

TITLE XVI.

(As amended by chapter 302, Laws of 1885.)

OVERSEER OF THE POOR.

**Powers and duties of Superintendent of Alms-house.—Compensation.**

Section 1. The Superintendent of the Alms-house in the city of Albany shall, by virtue of his office, be the Overseer of the Poor

of the city of Albany, and shall have and exercise the powers and duties of the Overseer of the Poor of the city of Albany, and no other overseer shall be hereafter appointed. He shall occupy the offices in said city now used by the present Overseer of the Poor of said city, or such other offices as may, by the proper authorities of said city be lawfully assigned to him for his use, and shall receive five hundred dollars a year for the services to be rendered by him under this title, to be paid to him out of the amount in this title directed to be raised.

#### Care of city poor.

§ 2. He shall have the supervision and care of the poor of said city, and shall have the right to make, from time to time, requisitions, in writing, upon the Chamberlain of said city for such sums as may be required, under the provisions of this title, for the temporary relief of the poor therein, which requisitions, when indorsed with the written approval of the Mayor of said city, but not otherwise, shall be paid by said Chamberlain.

**Investigation into antecedents of indigent poor.—Entries to be kept.—Power to commit to hospital.—Notice of death or discharge to be given Overseer.**

§ 3. Whenever it shall become known to the said Overseer of the Poor that any person who is blind, lame, old, impotent, insane or decrepit, or is in any other way disabled or enfeebled so as to be unable by work to maintain himself or herself, has no visible means of support, and is or is about to become a charge on the public, it shall be the duty of the said Overseer diligently to investigate and inquire as to the antecedents of such person, whether he or she has any relatives legally bound to support such person, what his or her last place of residence was, and from what place he or she came into Albany county, and for what time he or she has resided or been in Albany county. All of which facts, together with a statement of the relief granted or of the disposition made of the case, shall be entered fully in a book to be kept by the said Overseer of the Poor, in which shall be also entered the name, nationality, color and age of such person. If it shall appear that such person has relatives legally bound to care for and support him or her, the Overseer of the Poor shall take proceedings to compel them to support such person. If, from such investigation and inquiry, it shall appear that such person has no legal settlement in Albany county, it shall be the duty of

the Overseer of the Poor, as soon as the condition of the applicant will permit, to take such proceedings as are authorized by law to relieve Albany county from his or her care and support. He shall have power, by a commitment in writing, to send to the several hospitals of the city of Albany such of the sick poor as he may think proper, provided that the expense of their care and support in such hospitals shall not exceed the amount appropriated for such purpose; and such hospitals shall be paid quarterly, upon the certificate of said Overseer, accompanied by the commitment and an affidavit of the proper officer or agent of the hospital, showing the date when each person was received and the date when each person died or was discharged, and the time during which each person was cared for therein, such sum per week as may be agreed upon by said Overseer, with the approval of the Mayor of the city, with each of said hospitals, for the care and maintenance of the sick poor confided to their care. It shall further be the duty of each hospital to notify the said Overseer of the Poor, in writing, of the date of the death or discharge of each person committed to it under the provisions of this title, within twenty-four hours after such death or discharge, and for a neglect to do so shall forfeit any claim for compensation for caring for such person.

#### Temporary relief.

§ 4. The said Overseer shall have power, within the limit of the amount allowed him under the provisions of this title, to give relief to the poor in cases of temporary emergency, but not in continuous or periodic aid or support of such poor, and no sum exceeding ten dollars shall be paid or applied to the use of any one person or his or her family in any one year, until the special circumstances of such case have each time, when further aid or assistance is afforded, been presented in writing, to the Mayor of said city, and he has indorsed thereon his approval thereof; whenever it shall appear to said Overseer that any person applying for relief is in such condition as that such person cannot provide for himself or herself, or his or her family, and in the judgment of such Overseer he or she can be more comfortably supported at the alms-house, it shall be the duty of said Overseer to commit and cause the removal of such person and his or her family to the said alms-house or other proper place.

**Assistant's salary, etc.**

§ 5. Said Overseer may employ an assistant at a salary of one thousand dollars a year. The Board of Finance of the city of Albany shall insert in the annual tax budget, proposed by it to the Common Council, the amount necessary to cover the expenses which will be incurred in carrying into effect the provisions of this title, and the Common Council shall insert the same in the annual tax budget, and the same shall be levied, laid and assessed as other city taxes.

**Monthly reports.—Orders not to be drawn on stores, etc.**

§ 6. The said Overseer shall make monthly, to the Common Council, a just, full and true report and account, to be verified by him, of all moneys and property coming into his hands, and of the manner of the expenditure and disposition thereof, and if any part of said expenditures are in coal orders or store orders, the amount of coal orders and store orders shall be stated and the names of the persons who are therein required to furnish the supplies. He shall also separately state the amount represented by orders issued more than three months prior to such report which are outstanding at the date thereof, and the amount represented by outstanding orders issued within the three months preceding the date of such report. No orders shall be issued on any store or place in which liquors are sold by the glass; and no orders shall be issued in excess of the amount for which the Overseer's requisitions have been allowed, after deducting from such amount all other expenses, disbursements and liabilities contracted to be paid therefrom. The Overseer shall retain in his hands sufficient money to pay such orders until the end and expiration of three months after the date of their issue, and thereafter he shall, at the time of presenting his monthly reports to the Common Council, repay the amount, representing orders not redeemed within three months after their date, to the Chamberlain, who shall credit the same to the appropriation for the poor. Said orders shall be dated when given, and shall have clearly printed across their face the following words: "This order becomes void if not presented for payment within three months after the date of its issue," and unless presented for payment to the Overseer of the Poor within such three months it shall be void and shall not be paid. It shall be a misdemeanor for the Overseer of the Poor to incur any expense, pay any money, or

issue any orders in excess of the amount allowed to him under the aforesaid requisitions.

(Sections 7, 8, 9 and 10 omitted in amending title XVI, by chapter 302, Laws of 1885.)

#### CITY MARSHAL.

##### City Marshal.

§ 11. The City Marshal shall receive a salary of one thousand dollars a year; he shall assist the Clerk of the Common Council in the execution of the duties of that office, and shall perform such other duties as are required of him by law or may be required by ordinances of the city of Albany or the Mayor of said city.

(As amended by chapter 398, Laws of 1888, sec. 13, and by chapter 64, Laws of 1890, sec. 7.)

#### INSPECTOR OF WEIGHTS AND MEASURES.

##### Salary.

§ 12. The Inspector of Weights and Measures shall receive an annual salary, to be fixed by the Common Council, not, however, exceeding three hundred dollars, and his duties shall be prescribed by ordinance. He shall make, under oath, at least quarterly, a report of all fees and moneys by him collected, with the date, person from whom, and the amount received, and pay over the same to the Chamberlain of said city.

(As amended by chapter 806, Laws of 1895, sec. 13.)

#### OTHER CITY OFFICERS.

##### Salaries.

§ 13. Each district physician shall receive a salary of four hundred dollars per year, and shall reside in the district for which he is appointed. The Mayor's clerks shall receive, respectively, fifteen hundred dollars and nine hundred dollars a year, and each city bell-ringer sixty dollars a year; the two men who shall operate the Lawrence street bridge shall receive such compensation during the season of navigation as the Mayor shall, by a certificate in writing, to be filed with the Chamberlain, from time to time direct, not, however, to exceed the sum paid by the State of New York for similar services.

TITLE XVII.

THE TAKING OF PRIVATE PROPERTY FOR PUBLIC USE.

Common Council may take land for public improvements.—

Petition for street opening.

Section 1. It shall be lawful for the Common Council of the said city, whenever it shall deem it necessary, by a vote of two-thirds of all the members elected to said Common Council, to be taken by yeas and nays, which vote shall be entered in the minutes, to take within the city any ground or real estate with the appurtenances, belonging to any person or persons or corporation, for the purpose of laying out, opening, extending, straightening, widening or altering any street, road, avenue, park, square, wharf or slip, or for the purpose of laying out, constructing or maintaining any drain, sewer, culvert or aqueduct, or for any other public purpose or use. Provided no ground or real estate shall be taken under this act for the laying out, extending or opening of any street or avenue, unless a petition asking for the same shall have been presented to the Common Council, duly signed and acknowledged by one or more persons owning not less than one-third of the number of feet fronting on said proposed street or avenue, as provided by section twenty-nine, title three of this act in relation to filling, forming and paving streets and avenues.

(As amended by chapter 150, Laws of 1891, sec. 1.)

Proceedings to acquire title.

§ 2. When said resolution shall have been approved or duly passed, notwithstanding any objections made by the Mayor, the Corporation Counsel shall cause a notice to be published twice a week, for two weeks successively, in the official newspaper published in said city, specifying and describing the land necessary for such public improvement, and that an application will be made to a special term of the Supreme Court, or to an adjourned special term thereof, held at chambers, in the Third Judicial District of the State, at a time to be specified, for the appointment of commissioners to inquire into and to determine and award such damages and compensation to the owners of or persons interested in such lands to be taken as they severally will be entitled to for the same. The said Corporation Counsel shall apply, pursuant to the notice above mentioned, for the appointment of such commissioners.

**Commissioners to appraise damages.**

§ 3. The court, at said term, and on the day of said application, shall appoint three disinterested citizens, freeholders of the county of Albany and residents of said city or county, to be such commissioners.

**Judge to be disqualified.**

§ 4. No judge of the Supreme Court shall be disqualified from acting under this title unless it shall appear by objection taken in the proceeding before him that he or some person related to him within the ninth degree of consanguinity owns or is interested in the property to be taken, or some portion thereof.

**Objections and challenges.**

§ 5. Any objections or challenges to any or either of the persons so appointed must be made to the court on the day and at the said term of said court, and before the entry of the order appointing such commissioners, and any objection to any commissioner not taken at such time shall not be afterward raised in proceedings to vacate or declare void or illegal any proceedings had hereunder; if any objections or challenges be made to any or either of the persons named, the court shall summarily hear the same, and may, on said day, or any subsequent day to which the matter may be adjourned, appoint another or other commissioner in place of the person first named; or instead of any or all of said persons designated who may fail to serve or qualify.

**Official oath.—Notice of first meeting.—Report of.**

§ 6. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution; any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn from time to time, in their discretion. They shall give public notice, by a notice to be published daily for ten days in the official newspapers of said city, of the time and place of their first meeting. They shall view the premises described in the notice and application for the appointment of commissioners, and hear the proofs and allegations of the parties, and reduce the testimony, if any, taken by them, to writing. They shall make a report of their proceeding to the Supreme Court, with the minutes of testimony taken by them, if any; and in said report shall state the amount of compensation and damage which ought justly to be paid by the city of Albany, and which they



have awarded to the owner or owners or persons interested in the real estate so to be taken.

**Notice of application to confirm report.**

§ 7. Such report being made by said commissioners, the Corporation Council shall cause a notice to be published in the official newspapers of said city for ten days that said report shall be presented to the Supreme Court, at a Special Term, or an adjourned Special Term, held at chambers in said Third Judicial District, to be in said notice designated, and the court shall thereupon hear all objections made to said report, and consider and decide upon the same, and may confirm or modify said report, or may send the same back to the commissioners for such further action on their part as shall be proper, and shall make an order containing a recital of the substance of the proceedings in the matter of the application and a description of the real estate appraised for which compensation is to be made. Nothing herein contained shall in any way affect any proceedings now pending.

(As amended by chapter 26, Laws of 1901, sec. 34.)

**Certified copy order to be recorded.**

§ 8. A certified copy of the order of appraisal as aforesaid, shall be recorded at full length in the Clerk's office of Albany county, and thereupon and upon payment to deposit of the sum to be paid as compensation the city of Albany shall be authorized to enter upon and be seized of the fee of said real estate as aforesaid, for said public use.

**Statement of costs in proceedings to acquire land.—Taxation of costs.—Payment thereof.**

§ 9. After said order of appraisal has been granted, the Corporation Council shall cause a statement of the costs, expenses and disbursements of said proceedings, including the compensation of said commissioners, to be prepared and signed by one of ten dollars for each copy thereof, to be printed and every copy on which the work of the process and the expenses incurred in taking of evidence, the making of appraisals, and the execution after the evidence has been taken of the report and findings upon which adjournments made, shall be entered and the proceeding for the commissioners collectively, the sum of one hundred dollars, and the same may, after a similar notice to that prescribed in section seven of this title shall have been published, that such taxation

will take place at a time and place in said notice to be mentioned, be taxed and adjusted by any judge of the Supreme Court in the Third judicial district, or any Special Term of said court in said district. The Chamberlain of said city is authorized and directed to, and upon and after such taxation and adjustment, shall pay the said costs and expenses and disbursements as taxed and adjusted.

(As amended by chapter 60, Laws of 1890, sec. 9.)

**Certified copy order, etc., to be furnished board of contract, assessment, etc.**

§ 10. A certified copy of such order of confirmation, together with a certified copy of said costs, disbursements and expenses as taxed and adjusted, shall be furnished by the Corporation Counsel to the Clerk of the Board of Contract and Apportionment, and said Board of Contract and Apportionment shall thereupon proceed to assess and apportion the amount of said awards and compensation with interest thereon, and said costs, disbursements and expenses as taxed, together with such reasonable incidental costs and expenses of making and collecting said assessments, as said board may determine will be necessary, upon all the real estate by said board deemed to be benefited, in the same manner, and with the same effect, as other assessments and apportionments are made by said board; and after the same notice to be given to the persons likely to be and to be assessed as is prescribed as to other assessments made by said board, and the same shall be collected and enforced as in this act provided for the collection of assessments made by said Board of Contract and Apportionment.

**Not to affect pending proceedings.**

§ 11. Nothing in this title contained shall affect any proceedings now pending, all of which shall proceed under the law existing at the time of their commencement; nor shall any of its provisions apply to any proceedings to acquire title to lands to be taken for the extension, enlargement or in anywise for or in connection with the Washington park in said city.

**Certificates of awards.—Deposits of certificates and money in bank.—Tax for unpaid awards.—Transfer of balance.—Interest.—Publication of notice of deposit.**

§ 12. Upon the confirmation of the report, the Chamberlain shall deliver to each person to whom an award is made, or he

shall deposit, as is hereinafter provided, a certificate in writing, describing the property taken as it is described in the said report, and stating the person to whom the award is made, and the amount of such award, and acknowledging an indebtedness on the part of the city to the person therein named in the amount of such award and interest thereon from the date of such confirmation. Such certificate shall also state that it is payable on the first day of February following the adoption of the then next annual tax budget of the city, unless sooner paid by said city from the moneys collected upon the assessment made by the said Board of Contract and Apportionment for the purpose of paying such award. In the case of unknown owners the Chamberlain shall enquire as to any or all of said real estate which the Chamberlain may elect, he may deposit such certificates in the bank designated for holding such moneys, and when moneys are collected from the assessment he shall deposit such moneys to the required amount in said bank and take up said certificates. The Common Council shall include in the next tax budget the amount of such awards and interest as aforesaid then remaining unpaid, and when collected such sums shall be paid to those parties holding such certificates or deposited for the purpose of taking them up as is herein provided. And upon payment or the deposit of the moneys therefor all liability on the part of the city shall cease. And when the balance of the assessment shall be paid, the moneys arising therefrom shall be transferred to the contingent fund. No certificates shall draw interest for a longer time than until the first day of February following the adoption of the annual tax budget next after the date of the certificate, nor for a longer time than up to its payment. In case of any deposit being so made notice of the same shall be immediately published by the Chamberlain of the city in the official papers for ten days, specifying the name of the person to whose credit said deposit has been made, or in a general way a designation of the real estate for which it is made and the amount thereof, and in what bank deposited.

(As amended by chapter 64, Laws of 1890, sec. 10.)

#### Owners to prove title.

§ 13. In order to determine to whom or to whose credit such payments or deposits shall be made, it shall be the duty of the owner or owners of any property taken as aforesaid to prove, to the satisfaction of the commissioners, their title to the premises taken, or any part thereof, before the report of the commissioners shall be

confirmed, and if any owner refuses to prove his or her title to the premises taken, or if there be any question as to the title, or as to any liens or incumbrances on any of said real estate, the amount of the award for such real estate shall, nevertheless, be deposited as if to said, to the credit of such real estate, to be paid either wholly or in part to such person or persons as shall by the order of said court, or a judge thereof, upon notice to the Corporation Counsel, be declared to be entitled thereto; and if any such owner or person refuses to so certify to said court may authorize the amount being due to said court to be paid to his or her guardian or trustee, who shall give satisfactory security to account to the said court for and pay over the same.

**Fact of infancy to be stated and money paid on order of court or judge.**

§ 14. If the amount being due to an infant is deposited as aforesaid, the fact of such infancy, if known, shall be stated in the entry of such deposit upon the books of the bank where the same shall be made, and the amount deposited shall not be paid to the guardian or trustee of said infant until an order of the said court or judge is obtained authorizing such payment.

**In case of incumbered property, court or judge may order money applied on incumbrances.**

§ 15. If it shall appear to the said court, or judge, that the title to any part of the said premises taken, and for which any award was made was subject to any incumbrance or incumbrances, at the time of the confirmation of the said report of the court, the said court or judge may order that the amount of the said award, or so much thereof as may be necessary to satisfy said incumbrances, be paid to the party or parties holding the same, according to their respective rights, or be deposited to their credit respectively, in like manner in all respects as aforesaid, unless the owner or owners of said premises, or any of them, shall object to any such payment or deposit, in which case such amount shall be deposited to the credit of the clerk of said court, subject to be paid out only on the order of said court on a settlement of the rights of the parties. And the said court or judge shall proceed without delay to determine the rights of the said incumbrancers, and shall make such rule or order as may be equitable, and according to the rights of the several parties; and if any of the parties concerned are dissatisfied with any decision or order of the said court in the

premises, such party or parties may, within ten days thereafter, file his or her exception to the same, and thereupon an issue may be made up and tried in said court to determine the rights of all or any of the parties in that behalf, upon which the said court shall render judgment as in other cases.

**Rules, etc.**

§ 16. The said court may, from time to time, make such rules and regulations relating to the practice and proceedings in said matters under this title as shall be deemed proper.

**Buildings may be sold to highest bidder.**

§ 17. It shall be lawful for the said Common Council to order and direct the buildings and any other structures standing on any lot or lots, or other real estate, which shall have been acquired and taken as aforesaid, for any of the purposes aforesaid, to be removed or sold at auction to the highest bidder, on giving ten days' notice in the official papers of the city; the expense of such sale and removal to be paid by the purchaser, or out of the proceeds of said sale, and the balance to be paid into the city treasury.

**In case of payment by mistake parties entitled may bring suit**

§ 18. In case any sum or sums which shall have been awarded as aforesaid shall be paid by the said Common Council through mistake to any person or persons who is or are not legally entitled thereto, it shall be lawful for the person or persons who shall be legally entitled thereto, his or their heirs, executors or administrators, or for the said city of Albany, to sue for and recover the same with lawful interest and costs of suit, from the person who shall have received such sum or sums in attention for money had and received to his or their use.

**When lease to be in whole or in part discharged.**

§ 19. In all cases where the whole of any lot or other real estate which is subject to a lease or other agreement shall be required and taken by the said Common Council for any of the purposes aforesaid, all the covenants and stipulations contained in such lease or agreement shall, upon the confirmation of such report as aforesaid by the said court or judge, cease, terminate and be absolutely discharged; and in all cases where a part only of such lot or other real estate shall be required and taken as aforesaid, the covenants,

contracts and stipulations shall cease, determine and be absolutely discharged, so far only as relates to such part; and it shall be lawful for the said court or judge, upon the application in writing of either the landlord or tenant, or the party interested in the part of such lots or real estate, to appoint three disinterested freeholders of the said city, to determine the rents to be thereafter payable, by virtue of such lease or agreement, for the residue of such lot or real estate which shall be required and taken as aforesaid; and the determination in writing, under the hands of the persons so appointed, or any two of them, on being confirmed by the said court or judge, shall be conclusive and binding on all parties who may be interested in the part of such lot or other real estate required and taken as aforesaid.

**Streets, etc., open for five years to be public.**

§ 20. All streets, avenues and alleys in said city which have been or may be thrown open to public use, and have been or may be used as such for five years continuously, shall be deemed and taken to be public streets, avenues and alleys, provided that the Common Council shall, by a vote of two thirds of all the members elected thereto, accept such streets, avenues and alleys; and the city of Albany and the Common Council thereof shall have all jurisdiction and power in respect thereto, the same as if such streets, avenues and alleys had been or shall be opened by proceedings had for that purpose under the provisions of this act.

(Added by chapter 256, Laws of 1891, sec. 31.)

**Damages from alteration of grades.—Notice of application for commission.—Commissioners, qualifications and duties.—Apportionment and assessment.**

§ 21. Whenever the Common Council, by law or ordinance duly enacted, shall alter the pitch, level or grade of any street in said city to the damage of any person being the owner of any building or other structure upon the lot abutting such portion of the street, any such person may, by giving the notice required in and by section two of this title, which notice shall specify and describe by metes and bounds the lands on which such building or other structure is situated, shall contain a brief description of such building or other structure, and also a reference to such ordinance and the date of its passage, and upon serving a copy of such notice upon the Corporation Counsel of the city of Albany, at least ten days prior to the date of the hearing specified therein, apply

to the Supreme Court, in the manner in said section provided, for the appointment of three commissioners, who shall possess the same qualifications, and who shall proceed in the same manner as in sections three, four, five, and six of this title prescribed, and shall apportion and award the damages and recompense which any owner of any such house and lot shall sustain by reason of the alteration of any established public grade of any street, and after such award shall have been confirmed and the costs, disbursements and expenses so allowed have been adjusted by the Supreme Court, as in this title provided, shall report and assess such damages and recompenses, together with the cost of proceedings, upon the owners and owners of such houses and lots of ground which are benefited by such alteration of the public level or grade of such street. Said assessment and assessment certificate shall be returned to the Supreme Court, together with a return, after giving ten days' previous notice, to the owner of the same, within the place where an application for enforcement of the same, or the owners or occupants of the lands assessed, may be made. Said assessment shall be a lien upon the premises described therein, and shall be collected by the Clerk of the Court in the same manner as in the act provided for the collection of other assessments and apportionments.

(Added by Chapter 256, Laws of 1891, sec. 21.)

#### Pay of Commissioners—Clerk.

§ 22. And the said commissioners shall be paid for their services at a rate not exceeding four dollars per diem. The Clerk of the Board of Contract and Apportionments shall be the clerk of the said commissioners and his services shall be without any additional compensation.

(Added by Chapter 256, Laws of 1891, sec. 21.)

#### Owner liable for costs and expenses—Award, how paid.

§ 23. In case said assessment and apportionment shall not be confirmed by the court, when the same is presented, or is not referred back to the same or other commissioners for a rehearing or further report, or in case said commissioners shall report that the owner of such property is not entitled to the award of any damages or recompense, then such owner shall be liable for the costs, disbursements and expense of such proceedings, which when adjusted as in section nine of this title provided, shall be a lien upon the house and lot of land, or either, so alleged to have been

damaged, and shall be collected by the Chamberlain as herein before provided in the case of lots of ground benefited. The award and recompense awarded shall in all cases be paid out of the assessments collected by the Chamberlain and not otherwise.

(Added by chapter 286, Laws of 1891, sec. 21.)

**When buildings or lots deemed injured.**

§ 24. And it is hereby further provided that no building or other structure, or the lot of land on which it is situated, shall be deemed to have been injured by such change of grade, unless said house or structure shall have been built with reference to or said lot shall have conformed with the previously existing grade.

(Added by chapter 286, Laws of 1891, sec. 21.)

## TITLE XVIII

### GENERAL PROVISIONS.

**Officers not to receive perquisites except in cases named.**

Section 1. No officer of the city government shall have or receive any perquisites or any compensation or commission for services pertaining, directly or indirectly, or which may hereafter be added to the duties of his office, in addition to his salary, except as is herein otherwise provided.

(As amended by chapter 806, Laws of 1895, sec. 15.)

**Official bonds.**

§ 2. All officers or other persons who shall be intrusted with the receipt or expenditure of money, or any other property of the city of Albany, shall, before entering upon such duty or trust, give sufficient security for the faithful performance of their respective duties, in such form and amount as the Common Council may prescribe, which security shall be renewed whenever the Mayor and Common Council shall deem it advisable for the public interest.

**No additional allowance to be made.**

§ 3. No additional allowance, beyond the legal claim which exists under any contract with the corporation, or for any services on its account or in its employment, shall ever be allowed.

**Bids not to be accepted from persons in default.**

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



**Penalty for bribery or attempt to bribe.**

§ 5. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish in whole or in part, to be promised, offered or given to any member of the Common Council or any officer of the city of Albany, after his election or appointment as such member or officer, or before or after he shall have qualified and taken his seat, any moneys, goods, right in action or other property, or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in a penitentiary for a term not exceeding two years or shall be fined not exceeding five thousand dollars, or both in the discretion of the court.

**Penalty for accepting gift on understanding or agreement to vote, etc.**

§ 6. Every member of the Common Council or officer of the city of Albany who shall accept any gift or promise, or undertaking to make the same, under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city of Albany, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years or by a fine not exceeding five thousand dollars, or both in the discretion of the court. Every person offending against either of the provisions of this or the preceding section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury, or in any court, in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

**Penalty for willfully violating this act by city officers and employes.**

§ 7. Any officer of the city government, or any person employed in its service or paid from the city funds, who shall be adjudged in any action or proceeding pending in any court of record to have

willfully violated or evaded any of the provisions of this act, or committed any fraud upon the city, or converted any of the public property to his own use, or knowingly permitted any other person so to convert it, shall be deemed guilty of a misdemeanor, and, in addition to the penalties imposed by law, shall forfeit his office and be excluded thereafter from receiving or holding any office under the city of Albany. Such forfeitures shall only take place after conviction of the misdemeanor or an adjudication in some action or proceeding to which such officer shall be a party, and in which the question of his violation of duty shall be passed upon. In which latter case the judge or, thereon, in addition to any other provisions proper to the decision of the action or proceeding, shall also adjudge that such officer has forfeited his office, and is thereafter disqualified from receiving or holding any office under the city of Albany.

**False swearing, perjury.**

§ 8. Any person who shall willfully swear falsely to any material matter in any oath or affirmation required by this act shall be guilty of perjury, and where by the general laws of the State any different or greater punishment is prescribed for any offense in this act mentioned the person guilty of such offense shall be convicted and punished as in such general statutes prescribed.

**Street surface not to be broken without permit.**

§ 9. It shall be unlawful for any person to break the street surface for any purpose, or to make connections with any street drain, sewer, culvert or basin, or to occupy any street for building purposes, without first having obtained a permit therefor from the Street Commissioner.

**Bond required before permit is given.**

§ 10. The Street Commissioner shall require from all persons applying for permits to use the streets for drain or building purposes a bond in such penal sum as he shall direct, conditioned to indemnify and save harmless the city of Albany from all cost, loss or damage the city of Albany may sustain or become liable for on account of any accident or otherwise, occasioned, directly or indirectly, by the work done under or pursuant to such permits.

**Coverings, sluice-ways, etc., to be kept in good repair.**

§ 11. All persons or corporations maintaining a covering, sluiceway or surface drain at any street crossing, or at the terminus of

any street, shall keep all such coverings, sidewalks or surface drains in good repair, and shall alone be held liable for any damage to persons or property directly or indirectly caused by the same.

**Horse railroad companies to keep tracks paved, etc.**

§ 12. It shall be the duty of all horse railroad companies to cause that part of the street and pavement, throughout the city, upon which their tracks are laid, lying between the outer rails of said tracks, be the same width as a single, to be properly cleaned, swept or scraped, and the dirt or manure or other rubbish, to be collected in heaps convenient to be carted away, at such times as now or may hereafter be appointed by the Board of Police, by the Chief of Police.

**In keeping tracks clear of snow streets not to be made impassable.—**In case of refusal Chief of Police to do work and expense to be assessed on company.

§ 13. Every street and sidewalk upon which a railway in the city of Albany, or any other city, within the limits of its tracks, shall not render the street or sidewalk impassable. If it shall so do the same shall be the same as if it were so done by the owner of the tracks. If any person or persons, engaged in the operation of said railway, shall place any thing upon or over the sidewalk or street or sidewalk, or shall place any thing upon the street or sidewalk, which shall obstruct or hinder the free use of the street or sidewalk, the Chief of Police shall cause the said work to be done, and the cost thereof shall be assessed on the expense of the railway company. If the Chief of Police shall require the expense of the railway company, he shall pay such amount, and shall certify the same to the Board of Police, together with the Board of Contract and Agency, who shall certify that said expense may be assessed on the railway company. The Board of Contract and Agency shall be authorized to assess said expense on said railway company, and to collect the same, by the action of this act, and collect the same by suit or otherwise, in any court of the city of Albany.

(As amended by Chapter 89, Laws of 1895, sec. 16.)

**Persons presenting claims to use their own names.—**Penalty for violation of this section.

§ 14. All persons presenting bills for payment of claims against the city or any board or commission thereof shall use their

own names or the names of the firm of which they are members. If any person shall use a name other than his own, or that of the firm of which he is a member, he shall be guilty of a misdemeanor, and any member of any board or commission, or any officer of the city, who shall knowingly pass, audit or pay any such claim shall be guilty of a like offense. The Chamberlain, upon receipt of a complaint under oath and in writing, signed by any citizen, stating that he has reason to believe that any illegal claim has been presented, shall withhold payment of the claims designated until satisfied they should be paid. Willful false swearing on such complaint shall be deemed to be perjury.

#### **Manufacturing companies, taxation of.**

§ 15. All manufacturing corporations actually located and doing business in the city of Albany shall be assessed and taxed upon their real and personal property in the same manner as individuals and not otherwise. The personal estate of each such corporation shall be assessed in the town or ward where the principal office or place for transacting the financial concerns of the company shall be, or if such corporation shall have no principal office or place for transacting its financial concerns, then in the ward in the city of Albany where the operations of such corporation shall be carried on.

#### **Stockholders not to be taxed.**

§ 16. The holder or owner of stock in any corporation mentioned in the preceding section shall not be taxed as an individual for such stock.

#### **Legal holidays, provisions as to.**

§ 17. Whenever the time for the doing of any act required to be done by this act or by any law of the State, or the time for the meeting of any board or commission, except the Common Council, happens or falls on any legal holiday, such act shall be done and such meeting shall be held on the next secular day or day upon which business can be legally done thereafter; and any notice, law or resolution which is required by law to be published in the official papers of the city, may be published on any holiday except Sunday and any notice, law or resolution heretofore published on any holiday except Sunday, is hereby, so far as said publication is concerned, legalized, ratified and confirmed.

(Added by chapter 398, Laws of 1888, sec. 15.)

## TITLE XIX

## ASSESSORS.

**Assessors office to be open to public.**

Section 1. The Assessors of the city of Albany shall be provided, at the expense of said city, with a suitable and convenient office in the city of Albany, together with requisite books and stationery, lights and fuel, which said office shall be kept open during the same days and hours as the office of the Clerk of the County of Albany is by Law required to be kept open for the transaction of business. The books, maps, assessment-polls and other papers pertaining to the office of said Assessors shall be public records and at all reasonable times be open to public inspection in their said office.

(As amended by chapter 288, Laws of 1886, sec. 1.)

(Laws of 1886, chapter 288, sec. 2. The sum of one thousand and twenty-three dollars, allotted in the years eighteen hundred and eighty-four and 1885 to 1887, and 1888 to 1891, and 1892 to 1895 by the Supervisors of Albany, to be collected by the Treasurer thereof for stationery and other material furnished to the Assessors of the city of Albany, shall be included in the tax-collectors bill of said city for the year eighteen hundred and ninety-six, and be received by tax and paid by the Chamberlain of said city to the County Treasurer of Albany county.)

**Salary.**

§ 2. Each of said assessors shall receive as compensation the sum of three thousand dollars annually, to be paid by the Chamberlain of the city of Albany in monthly payments, and the said Assessors shall be residents and freeholders within the said city.

**Clerks, appointment of, etc.**

§ 3. The Assessors of said city, or a majority of them, who shall be appointed under this act shall, within ten days after the passage of the act, appoint a clerk, whose duty it shall be, under the control and direction of the Assessors, to take charge of the books, papers, assessment-polls and records pertaining to the office of said Assessors. Such appointment shall be in writing, under the hands of said Assessors, or a majority of them, and shall be filed in the office of the Clerk of the Common Council. Said appointment shall continue during the pleasure of said Assessors, or a majority of them, and said Assessors may, from time to time, as they may deem proper, revoke said appointment and appoint a new clerk as above described. Said clerk shall receive an annual salary of one thousand dollars, payable by the Chamberlain of the city of Albany in monthly installments.

## TITLE XX.

## IN RELATION TO BUILDINGS IN THE CITY OF ALBANY AND FOR THE PREVENTION OF FIRES IN SAID CITY.

Construction of certain buildings prohibited.—Alterations and repairs.—Proviso.—Sheet iron and other metals not to be used for outer walls.

Section 1. No building, shed, shop or other structure of any kind, the outside walls, party walls or exterior lateral walls, of which shall be composed in whole or in part of wood, shall hereafter be constructed within the fire limits of the city of Albany, nor shall any such building, shed, shop or other structure be removed or transferred from any place outside of said fire limits to any vacant lot within said fire limits, or there be maintained as said fire limits are now established or may hereafter be extended by the Common Council of said city; nor shall any such building, shed, shop or structure, in whole or in part of wood as aforesaid, now existing or that may hereafter exist within the fire limits of said city be altered, rebuilt, added to or repaired in whole or in part with wood, as to its outside walls, exterior lateral walls, party walls or roof, except in the way of ordinary repairs of ordinary wear and tear; provided, however, that when any inclosed building, that is to say, a building having lateral exterior walls completely inclosing its area, and said walls resting in or upon the ground and said building covered at the top of said walls with a roof, is erected or constructed or now exists, the said exterior walls of which are wholly of brick, stone or iron as hereinafter described, wood may be used in the construction, alteration, rebuilding or repairing of its exterior doors, windows, stoops, balconies, cornices and piazzas, and in the construction, alteration, rebuilding and repairing of its interior, and of the roof, provided the roof be covered completely with some metallic or slate fire-proof substance. But no sheet-iron, corrugated iron or other metal shall be used for the construction of the outside walls or exterior lateral walls of such building, shed, shop or other structure unless as a covering for a brick wall which shall be at least eight inches in thickness throughout its whole extent.

(As amended by chapter 286, Laws of 1891, sec. 35.)

Penalty for construction of building in violation of this act.

§ 2. If any dwelling-house, storehouse, manufactory or other building whatever, shall be erected, constructed, altered or repaired

contrary to the provisions of section one of this title, the owner or owners thereof shall be deemed guilty of a misdemeanor and shall also be liable to a penalty of one hundred dollars for each and every such offense, to be collected of said owner or owners by suit in the Supreme or County Court in the name of the city of Albany, and for each and every day thereafter that such violation shall be permitted by said owner or owners to exist, an additional penalty of twenty-five dollars shall be imposed, to be collected by the same proceeding and in like manner as hereinbefore set forth; and every builder who shall build or roof, or assist in building or roofing, such dwelling house, storehouse, manufactory or other building whatever, shall be liable to a penalty of two hundred and fifty dollars for each and every offense, to be collected by the same proceeding and in like manner as hereinbefore set forth; and all such penalties when collected shall be paid over to the Chamberlain of said city for the use and benefit of the Fire Department of the city of Albany. And in case of any suit or proceeding under the provisions of this section, such owner or owners shall not erect, construct, alter or repair any such dwelling-house, storehouse, manufactory or other building, until a decision or judgment shall have been rendered therein.

#### Police to report violations.

§ 3. It shall be the duty of the police of said city to report promptly to the Board of Fire Commissioners of said city any and every violation of the provisions of this title; and it shall be the duty of said Board of Fire Commissioners or the Chief Engineer of the Fire Department by direction of said board, or such other officer of the department as the board may from time to time designate, to order any owner or owners, builder or builders, offending or violating the provisions of this act, to suspend any and all work contrary to the provisions of this act, until a decision or judgment shall be had in the action or proceedings to be taken as above provided and any and every person neglecting or refusing to obey the order or direction of said Board of Fire Commissioners or their servants as herein provided in this respect, shall be deemed guilty of a misdemeanor and also liable to a penalty of fifty dollars, to be collected in like manner as aforesaid provided.

Buildings may be raised for purpose of putting on flat roof of metal or slate.

§ 4. If any brick front, frame or wooden building already in said city within the fire limits as prescribed by the Common Council of said city, shall require new roofing, it shall and may be lawful for the owner or owners thereof to raise the same for the purpose of making a flat roof thereon; provided that such new roof shall be made of copper, slate, tin, zinc or iron; and also provided that such dwelling-house when so raised, shall not at the highest point thereof exceed by five feet the height of the eaves of said house before such raising or alteration.

**Bay windows, etc., dimensions of. etc.**

§ 5. No bow window, bay window, or oriel window, or other window, except show windows for business purposes on store fronts, shall be put up, constructed or maintained in, upon or over, or into any of the streets, highways, lanes, or alleys, or any public square or avenue, or over or into any sidewalk of this city, more than two feet six inches from the line of the street to the exterior line of said window; nor shall any such window be erected, except from the second and above the principal story of the building to which it belongs; and the floor line of any such window shall not be lower than the floor line of the said second story of such building, and in no case be less than ten feet above the grade line of the sidewalk; nor shall any show window for business purposes on store fronts, canopy or other fixture, not above mentioned, project more than eighteen inches over any sidewalk in any street, avenue or public place in the city.

**Wooden buildings damaged by fire may be repaired if damage does not exceed two-thirds.**

§ 6. Every wooden building or frame building with a brick or any other front, situate within the fire limits of said city as they now exist or may hereafter exist, which may hereafter be damaged by fire to an amount not greater than two-thirds of the value thereof, exclusive of the foundation, may be repaired or rebuilt; but if said damage shall amount to more than two-thirds of such value, exclusive of the foundation, then such building shall not be repaired or rebuilt, but shall be taken down or removed; the amount or extent of such damage shall be determined by two disinterested persons residing in said city, one of which shall be appointed by the Fire Commissioners and the other by the



owner or owners of said building; and in case they shall disagree they are to select a third disinterested person, and the decision in writing of any two of them shall be conclusive and final; and until such decision is rendered, said building shall not be repaired or rebuilt. Any person violating the provisions of this and the two next preceding sections shall be deemed guilty of a misdemeanor and also liable to a penalty of one hundred dollars, to be collected in the same manner and by the same proceeding as hereinbefore set forth.

**Injunction may be issued in case of actions to recover penalty under this title.**

§ 7. When any suit, action or proceeding shall be commenced against any person or persons for the recovery of a penalty for the violation of any law of the State or ordinance of the city, prohibiting the erection, alteration or repairs of any wooden building, shed, shop or structure of any kind, within the fire limits of said city, as now established, or as they may be hereafter established by the Common Council of the city, if said action is brought in a court of record, the judge of the court in which the suit, action or proceeding is brought or had shall have power, and it shall be his duty, on the application of the Mayor or Corporation Counsel of said city or of the Fire Commissioners, or either of them, to issue an injunction restraining and prohibiting the defendant and his agent, contractor and servant, and all other persons from the further prosecution of work on said building, shed, shop or other structure, until judgment shall be entered in the suit or action, or until some further order in the premises; the injunction to be made perpetual in case the judgment is rendered in favor of plaintiff.

**Storage of petroleum, etc.**

§ 8. The Fire Commissioners of the city of Albany shall have power to regulate the keeping and storage of earth or rock oil, petroleum, benzine, benzole, naphtha or varnish, or any other article the product of the articles above mentioned, and any person or persons refusing to obey the regulations or instructions of said Board of Fire Commissioners, relative to the storage of the articles above designated, shall be deemed guilty of a misdemeanor, and also liable to a penalty of fifty dollars for each and every offense, to be collected in the same manner and by the same proceedings as hereinbefore specified for the collection of other penalties.

**Fire escapes.**—Chief to determine method of constructing halls, etc.

§ 9. Any dwelling-house now erected, or that may hereafter be erected, in the city of Albany, more than two stories in height, occupied by or built to be occupied by two or more families on any floor above the first, and all buildings now erected, or that may be hereafter erected in said city, more than three stories in height, occupied by or built to be occupied by three or more families above the first story; and any building already erected or that may hereafter be erected in said city, more than three stories in height, occupied or used, or built to be occupied or used, as a hotel, boarding or lodging-house, and any factory, mill, office, manufactory or work-shop now erected or that may be hereafter erected in said city, in which operatives are employed on any floor above the first story, and all buildings in an isolated position already erected, or that may hereafter be erected in said city, more than three stories in height, built to contain, or that does contain, or is occupied by three or more families above the first story, shall be provided with such fire-escapes, alarms and doors as shall be directed by the Chief of the Fire Department. And the said Chief shall have the power of determining the method of constructing the halls, stairways, ceilings, cellars, flues, furnaces, fire-places and heaters in all buildings hereafter erected, or that may now exist; and the owner or owners of any building upon which any fire-escapes may now be or may hereafter be erected in said city, shall keep the same in good repair and well painted, and no person shall, at any time, place any incumbrance of any kind whatever upon any said fire-escapes now erected, or that may hereafter be erected in said city.

(Added by chapter 286, Laws of 1891, sec. 35.)

**Halls, aisles, etc., of public buildings to be kept free and open.**  
—Chief to serve notice.—Penalty for violation.

§ 10. In all buildings of a public character already erected, or hereafter to be built in said city, such as hotels, churches, theaters, club-houses, school-houses, restaurants, railroad depots, public halls and other buildings used or intended to be used for the purposes of public amusement or instruction, the halls, doors, stairways, seats and aisles shall be so arranged as to facilitate egress in case of fire or accident, and to afford the requisite and proper accommodation for the public protection in such case, and all

aisles and passage-ways in said buildings devoted to purposes of amusement or instruction shall be kept free from camp stools, chairs, sofas and other obstructions during any performance, service, exhibition, lecture, concert, ball or any public assemblage; and the Chief of the Fire Department may, at any time, serve a written or printed notice upon the owner, lessee, superintendent or manager of any of said buildings, directing any act or thing to be done in or about the arrangement of the said buildings and the several appliances therewith connected, such as halls, doors, stairs, windows, seats, aisles and escapes, so as to afford the greatest possible security to the public in the uses to which they may be severally applied. Every person who shall fail, neglect or refuse to comply with the orders of said Chief of the Fire Department relative thereto shall be deemed guilty of a misdemeanor.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Foundations.**

§ 11. In all brick and stone buildings erected in said city of Albany, all foundations shall be started not less than four feet below the surface of the earth, and carried up to the first tier of beams on a good solid bottom, and in case the nature of the earth should require it, a bottom of driven piles, or laid timbers of sufficient size, shall be laid to prevent the walls from settling; the top of such piles of timber bottom to be driven or laid below the water line, and all piers, columns, posts or pillars shall be started on a bottom line in the same manner as foundation walls. The footing or base course under all foundation walls, and under all piers, columns, posts or pillars resting on the earth, shall be of stone or concrete, where, in the judgment of the Chief of the Fire Department, the nature of the ground or the weight to be sustained require it, and if under a foundation wall, shall be at least twelve inches wider than the bottom width of said wall; and if under piers, columns, posts or pillars, or truss girders, it shall be at least twelve inches wider on all sides than at the bottom width of such piers, columns, posts or pillars, and not less than twelve inches in thickness; and if built of stone, the stone thereof shall not be less than two feet by three feet, and shall be at least eight inches in thickness; all base stones shall be well bedded and laid edge to edge; if the walls to be built of isolated piers, there must be inverted arches, at least twelve inches thick, turned under and between the piers, or two footing courses of large stone, at least ten inches thick in each course. All foundation walls shall be

built of stone or brick, and shall be laid in cement or lime and sand mortar, and if constructed of stone, shall be at least eight inches thicker than the wall next above them to a depth of sixteen feet below the curb level, and shall be increased four inches in thickness for every additional five feet in depth below the said sixteen feet.

(Added by chapter 286, Laws of 1891, sec. 36.)

**Specifications for buildings to be submitted to Chief of Police.**

§ 12. No wall, structure, building, part or parts thereof, shall hereafter be built, constructed, altered or repaired in said city, except in conformity with the provisions of this title. Before the erection, construction, alteration or repair of any building or part of any building in the city of Albany is commenced, the owner or owners shall submit a detailed statement, in writing, of the specifications, and a full and complete copy of the plans of such proposed building, erection, alteration or repair, which shall be accompanied with a statement, in writing, giving the full name and residence of the owner or each of the owners of such building, or proposed building; said detailed statement and copy of the plans and specifications shall be kept on file in the office of the Chief of the Fire Department; and the erection, construction, alteration or repair of said building, or any part thereof shall not be commenced or proceeded with until said statement shall have been so filed, and said plans and specifications shall have been approved by said Chief of the Fire Department; and every permit for the erection of a new building the lowest grade at which the floor of the basement story of said building shall be laid shall be designated, and no permit shall be granted for the erection or alteration of any building now or hereafter built or constructed or altered, unless it being in a good and safe condition to be altered as proposed, and the alterations so made shall conform to the provisions of this title.

(Added by chapter 286, Laws of 1891, sec. 36.)

**Protection of adjoining wall when excavating.**

§ 13. Whenever any excavation in the city of Albany is to be carried to the depth of more than ten feet below the grade of the street, and there shall be any wall or structure wholly or partly on adjoining land, or near the intended excavation, the party causing such excavation to be made, if afforded the necessary permission to enter on such adjoining land, shall at all times from

the commencement until the completion of such excavation, at his or their own expense, preserve such wall or structure from injury, and so support the same by proper foundations that it shall remain as stable as before the excavation was commenced; should the person making such excavation fail to protect said walls or structure from injury for twenty-four hours after being notified by the Chief of the Fire Department so to do, the said chief may enter upon said premises and employ such labor and furnish such materials, and take such steps as in his judgment may be necessary to make said wall or structure safe and secure; and any person or persons doing said work, or any part thereof, by the order and direction of the Chief of the Fire Department, may bring and maintain an action against the party or parties causing such excavation to be made for the value of such work, the party or parties causing such excavation to be made may recover compensation from the adjoining owner in case such adjoining owner should, at any time thereafter, make any use of said foundation below said ten feet below grade.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Piles.**

§ 14. Piles driven for a wall to rest upon shall be not less than five inches in diameter at the smallest edge, and shall be spaced not more than three feet on centers, in the direction of the length of the wall, and nearer if required by the Chief of the Fire Department; they shall be driven to a solid bearing, to be ascertained by boring, at the expense of the owner, when required by the Chief of the Fire Department, and the Chief of the Fire Department shall determine the grade at which piles shall be cut off; walls not exceeding twenty feet in height, where piling is necessary, may rest on a single row of piles; if deemed advisable by said Chief of the Fire Department walls exceeding twenty feet in height shall rest on not less than two rows of piles; extra piles shall be driven where required by the Chief of the Fire Department.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Foundations of buildings other than dwellings.**

§ 15. Foundation walls of brick buildings, other than dwellings, tenement or lodging-houses, shall be constructed of large-sized quarry stone, laid in horizontal courses, with good bed and build-surfaces, wedged with slate, stone, and laid in cement mortar, and

eight inches thicker than the external or party-wall immediately above and over the same; if said foundation is to be set to a depth of more than fifteen feet below the grade of the street for each and every five feet additional depth greater than fifteen feet below the grade of street, it shall be increased four inches in thickness; foundations of such buildings not more than forty feet in height may be built of rubble work laid in cement and sand mortar, if the thickness of the foundation walls is one-fourth greater than given for large-sized quarry stone, and laid as specified; in case of severe thrust or pressure on said walls from any cause, there shall be such extra strengthening of said walls, by thickening or by buttresses, or both, as the Chief of the Fire Department may approve.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Foundations of dwellings.

§ 16. Foundation walls of brick buildings to be used for dwelling or lodging-houses, not exceeding thirty feet in height, if laid with large-sized quarry stone in horizontal courses, shall not be less than eighteen inches thick, or if in brick laid in cement, shall not be less than sixteen inches thick; exceeding thirty-five, and not exceeding sixty feet in height, the foundations shall be not less than twenty-four inches thick, if laid in large-sized quarry stone in horizontal courses; if in brick laid in cement, not less than twenty inches thick; for every fifteen feet additional height the thickness of foundations shall be increased four inches; if the walls do not exceed seventy-five feet in height, the foundation walls may be built of uncoursed rubble work laid in cement mortar; but in all cases the thickness shall be one-fourth greater than that given for large-sized quarry stone, and the work shall be thoroughly bonded, and at least two-thirds of the bulk of the wall shall be through stones, and no round or boulder stones shall be used; provided, that when such walls are laid on piles, the lower course shall be block stone not less than sixteen inches in height.

(Added by chapter 286, Laws of 1891, sec. 36.)

§ 17. For brick buildings exceeding thirty-five feet in height, there shall be under all foundations, walls, piers, columns, posts and pillars resting on the earth, a footing or base-course of stone or concrete, which, if under a foundation wall, shall be not less than twelve inches wider than the bottom width of said walls and not less than twelve inches thick; and if under piers, columns, posts and pillars, shall be of stone, and not less than twelve inches

wider on all sides than the bottom area of said piers, columns, posts and pillars, and shall not be less than two feet by three feet in area by twelve inches in thickness, and when laid to be thoroughly bedded in cement. If the walls rest on isolated piers, then there must be under such piers footings at least sixteen inches thick, thoroughly bedded in cement. All piles shall be capped with block stone or granite bevelers, each stone to have a firm bearing on at least one pile in each row.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Isolated deep buildings to be braced.

§ 18. Any building that may hereafter be erected or constructed in an isolated position and more than one hundred feet in depth, and which shall not have cross-walls, shall be securely braced during construction, both inside and outside, if practicable; and if outside bracing is not practicable, it shall be properly braced from the inside, and the braces shall be continued from the foundation upward to at least one-third the highest of the building from the sidewalk level.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Ratio of safe to breaking weight.—Mortar and cement.

§ 19. In all calculations for the strength of materials to be used in any building, the proportion between the safe weight and the breaking weight shall be as one to three for all beams, girders and other pieces subjected to a cross-strain, and as one to six for all posts, columns and other vertical support, and for all tie rods, tie beams and other pieces subject to a tensile strain; the requisite dimensions of each piece of material are to be ascertained by computation by the rules given of the best authorities, using for constants in the rules only such numbers as have been deduced from experiments and materials of like kind with that proposed to be used. All mortar and cement shall be of the best quality for the purposes for which they are applied, and shall be properly mixed.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Timbers entering party walls.

§ 20. All roof or floor timbers entering the same party wall from the opposite sides shall have at least four inches of solid brick-work between the ends of said timbers except that in eight-inch walls the butts or ends of the beams shall be cut on a splay of three inches in their width, and in all lath and plastered parti-

tions there shall be placed a header of the same size as the uprights are constructed of, every four feet, so as to prevent fire from passing through the same.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Roofs.**

§ 21. The planking or sheathing of the roof of every building erected or built as aforesaid shall, in no case, be extended across the party or side walls thereof; and every building, and the top and sides of the dormer windows thereon shall be roofed and covered with slate, iron, copper or tin, to be approved by the Chief of the Fire Department, and shall be equally capable of withstanding the influence of fire.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Party walls above roof.**

§ 22. Every party wall shall be built through and at least twelve inches above or distant from the roof boarding at every part of the roof; and shall be entirely covered with metal securely fastened and corbelled to the outer edge of all projections; or a gutter stone of suitable dimensions, and to be properly balanced, may be inserted in place of corbelling, but where the wall extend thirty-six inches above the adjoining building, parapet walls may be omitted; provided, that where mansard or French roofs are built over one or more buildings, the partition or division walls so roofed shall be carried up eight inches above the roof planking and shall be coped with stone, iron or other fire-proof material.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Thickness of walls.**

§ 23. The thickness of all walls in all buildings or additions hereafter erected or constructed shall be not less than is given in the following tables for the different kinds of buildings:



## BUILDINGS FOR BUSINESS AND MANUFACTORIES.

DESCRIPTION.	Base- ment. Inches.	First story. Inches.	Second story. Inches.	Third story. Inches.	Fourth story. Inches.	Fifth story. Inches.	Sixth story. Inches.
One story.....	16	12	..	..	....	..	.....
Two stories.....	20	12	12	..	....	..	.....
Three stories.....	20	16	12	12	..	..	.....
Four stories.....	24	26	16	12	12	..	.....
Five stories.....	28	20	20	16	12	12	.....
Six stories.....	30	24	20	16	12	12	12

*Brick Dimension Walls.*

Three stories.....	16	16	12	12	....	..	.....
Four stories.....	20	20	16	12	12	..	.....
Five stories.....	24	20	20	16	12	12	.....
Six stories.....	28	21	20	20	16	12	12

*Brick Partition Walls.*

One story.....	12	12	....	..	..	..	.....
Two stories.....	16	12	12	..	....	..	.....
Three stories.....	16	16	12	12	..	..	.....
Four stories.....	20	16	16	12	12	..	.....
Five stories.....	20	20	16	16	12	12	.....
Six stories.....	24	20	20	16	16	12	12

*Front and Rear walls.*

Four stories.....	28	20	16	12	12	..	.....
Five stories.....	28	20	16	16	12	12	12

(Added by chapter 286, Laws of 1891, sec. 36.)

**Walls of dwellings.**

§ 24. The thickness of walls of dwellings or lodging-houses hereafter erected or constructed shall be not less than is given in the following tables:

DESCRIPTION.	Base- ment. Inches.	First story. Inches.	Second story. Inches.	Third story. Inches.	Fourth story. Inches.
Basement and two stories.....	18	12	8	..	.....
Basement and three stories.....	20	16	12	8	.....
More than three stories.....	24	16	16	12	12

*Division Walls.*

Basement and three stories.....	16	16	12	12	.....
Basement and four stories.....	20	16	16	12	12

(Added by chapter 286, Laws of 1891, sec. 36.)

§ 25. The thickness of walls of shops and stores hereafter erected or constructed shall not be less than is given in the following tables:

DESCRIPTION.	Base- ment. Inches.	First story. Inches.	Second story. Inches.	Third story. Inches.	Fourth story. Inches.
Basement and two stories	18	12	12	8	12
Basement and three stories	20	16	12	8	12
More than three stories	24	16	16	12	12
Three stories	16	16	12	12	12
Four stories	20	16	16	12	12

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Bonding of walls.

§ 26. Where a wall is finished with a stone cornice the greatest weight of material of such cornice shall be on the inside of the face of the wall, so that the cornice shall firmly balance upon the wall; every fifth course at least of a brick wall shall be a heading or bonding course, except where walls are faced with brick, in which every ninth course shall be bonded with Flemish headers, or by cutting the course of the face brick and putting in diagonal headers behind the same.

(Added by chapter 286, Laws of 1891, sec. 36.)

§ 27. In the erection, construction or alteration of any building, the materials of which, in whole or in part, is other than brick, stone or wood, the thickness of walls of such material and the method of construction shall be such as the Chief of the Fire Department shall approve.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Brick walls.

§ 28. All brick walls and buttresses shall be of hard-burnt, well-shaped bricks, well laid and bedded, with well-filled joints, in lime or cement mortar, and well flushed up at every course with mortar; and all bricks used during the warm months shall be well wet at the time they are laid, and shall be dry at the time they are laid during the cold months.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Walls, how built.

§ 29. All walls of brick, stone or other similar material shall be thoroughly and practically bonded and tied, and solidly put

together; shall be built to a line, plumb and straight, and laid with mortar or cement, and all supports of the same shall be of iron, brick or stone, and of sufficient size and strength to safely support the superstructure.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Vaulted walls.**

§ 30. Vaulted walls of the same thickness, independent of withes, may be used instead of solid walls, and the walls on either side of air space shall be not less than eight inches thick, and tied together perpendicularly with continuous withes of hard-burned brick of good quality, or other approved material, which shall be not more than three feet apart, and the air space shall be smoothly plastered.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Increased walls for buildings more than thirty feet wide.**

§ 31. In all buildings over thirty feet in width and not having either brick partition wall or girders, supported by columns running from front to rear, the walls shall be increased an additional four inches in thickness for each story over and above the thickness given in the preceding tables, for every additional width of ten feet or part thereof of said building over thirty feet.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Brick stables.**

§ 32. In all brick stables and brick additions to stables, hereafter erected or constructed in the city, the outside walls shall be not less than twelve inches in thickness for the first story and eight inches in thickness for the second story, and if more than two stories in height, shall be not less than twelve inches in thickness to the top of the second-story beams.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Heights of stories.— Walls to extend above roof.**

§ 33. The height of stories for all given thicknesses of walls, as given in the preceding tables, must not exceed eleven feet in the clear for basements, eighteen feet in the clear for the first story, fifteen feet in the clear for the second story, fourteen feet in the clear for the third and fourth story, and thirteen feet average height for the fifth and sixth story. If any story exceed these heights respectively, the walls of such story and all stories below

the same shall be increased four inches in thickness in addition to the thickness given in the preceding tables. All outside, division or party walls shall extend above the roof of any building that may hereafter be erected or constructed in the city of Albany two and one-half feet, and to be coped with stone, well-burnt terra cotta or fire-proof material.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Hall partitions of brick in certain cases.

§ 34. In all buildings more than one story in height, hereafter to be erected or constructed as a dwelling, tenement or lodging-house, or for offices in which the lower part is to be used for business purposes or manufacturing, the hall partitions shall be built of brick and carried up to the full height of the building; the bearing walls of all buildings carrying beams or joists, shall, in all cases, be built up to the top of the joists, and be leveled off; recesses and openings may be made in external walls, provided that the backs of such recesses are not less than twelve inches in thickness and that the area of such recesses and openings do not, taken together, exceed one-half of the whole area of the wall in which they are made.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Walls of buildings more than thirty feet wide.

§ 35. In all brick buildings over thirty feet in width, not having either brick partition walls or girders supported by columns running from front to rear, and the entire height of the building; the external and party walls shall be increased four inches in thickness for every additional twenty-five feet in the width of said building.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Smoke houses.

§ 36. All smoke-houses hereafter erected or constructed shall be built of brick or stone, and the doors and roof of the same shall be constructed of some non-combustible material.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Flues.

§ 37. No continuous vertical recess, chase or flue shall be made in any party wall so deep that it will leave the thickness at the back less than eight inches at any part, and no recess of any kind

shall be made in any eight-inch wall; no horizontal recess shall be made in any wall, except by a special permit from the Chief of the Fire Department; no continuous vertical recess other than flues in stacks, shall be nearer than seven feet to any other recess.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Roof guards.

§ 38. Every building near any street or sidewalk in the city of Albany shall be provided with a balustrade, guard or other contrivance sufficient to prevent any slide of snow or ice falling from the roof thereof, upon such street or sidewalk; any person neglecting or refusing to provide such protection after an order from the Chief of the Fire Department so to do, shall be deemed guilty of a misdemeanor.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Girders in certain cases.

§ 39. Girders or iron beams and columns may be substituted for partition walls in buildings not more than seventy-five feet in width, and shall be made of sufficient strength to bear safely the weight which they are intended to support, in addition to the weight of material employed in their construction; but where wooden columns or girders are used the columns shall not be further apart than eight feet.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Faced walls.

§ 40. Walls may be used with a facing of stone or other approved material, securely tied to a backing of not less than eight inches of hard brick work laid in mortar by means of metal clamps; but the thickness of facing and backing, taken together, shall not be less than the thickness required for a brick wall of the same height; and no rough lintels or bond timber shall be used in any wall of any brick building, except arch forms for interior arched openings.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Side or party walls not to precede rear wall.

§ 41. In no case shall the side, end or party wall of any building be carried up in advance of the rear wall.

(Added by chapter 286, Laws of 1891, sec. 36.)

**Lintels.—Arches.**

§ 42. All lintels used to support walls, or other weights over openings shall be of sufficient strength and bearing to carry the superimposed weights, and iron beams or lintels shall, where supported at the end by brick walls or piers, rest upon an iron plate at least two inches thick, the full size of the bearing, and where beams are not over six feet in length, the plates may be omitted. All arches not having sufficient piers or abutments to resist the thrust of the superimposed loads shall have proper and sufficient iron ties.

(Added by chapter 286, Laws of 1891, sec. 36.)

**Brick walls to be anchored at angles.**

§ 43. All walls of a brick building meeting at an angle, shall be anchored to each other, every six feet in their height, by wrought-iron tie anchors, made not less than one and a half inches by three-eighths of an inch, which shall be securely built into the side or partition walls not less than thirty-six inches; and into the front and rear walls at least one-half the thickness of the front and rear walls.

(Added by chapter 286, Laws of 1891, sec. 36.)

**Walls in which beams rest to be anchored.**

§ 44. All walls of a brick building on which the end of beams rest, shall be anchored at each tier of beams, at intervals of not more than six feet apart, with good, strong, wrought-iron anchors, not less than one and a half inches by half an inch, well built into the walls and fastened at the top of the beams, and where the beams are supported by girders, the ends of the beams resting on the girders shall be butted together, end to end, and strapped by wrought-iron straps or tie irons, at the same distance apart and in the same beams as the wall anchors, and shall be well fastened.

(Added by chapter 286, Laws of 1891, sec. 36.)

**No openings or doorways to cut through party wall without permit.**

§ 45. No openings or doorways shall be cut through a party wall of a brick building without a permit from the Chief of the Fire Department, and every such doorway shall have top, bottom and sides of brick, stone or iron; shall be closed by two sets of iron or metal covered doors (separated by the thickness of the wall), to be hung to rabbeted iron frames, or to wooden frames entirely cov-

ered with metal, or to iron hinges in brick or stone rabbets, and shall not exceed ten feet in height by eight feet in width; any opening other than a doorway shall be protected in a manner satisfactory to the Chief of the Fire Department.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Iron drains.

§ 46. All buildings hereafter erected or constructed shall have only iron drains within the buildings and extending five feet outside of the wall of the buildings, and where said drain pipe passes through the wall there shall be a relieving arch, stone lintel or iron pipe inserted to relieve said iron drain. All drains below the cellar, the floor or grade shall be laid with proper fall to sewer, in a trench.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Leaders.

§ 47. All buildings shall be provided with iron pipe leaders for conducting the water from the roof through the flues, to be firmly hung in such a manner as shall protect the walls and foundations from damage, and in no case shall the leaders be allowed to flow upon the sidewalk, but shall, in all cases, be conducted by drain pipe or pipes to the sewer. All drain pipe hung to wall or ceiling shall be firmly hung.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Brick piers to have iron caps.

§ 48. Brick piers under lintels, girders or columns or brick buildings shall have a cap of iron at least two inches thick, the full size of the pier, all piers shall be built of the best quality of good, well-burnt, hard brick, laid in cement and sand mortar, and well wet when laid in warm weather.

(Added by chapter 287, Laws of 1891, sec. 37.)

#### Piers to be bonded.

§ 49. Brick piers and buttresses shall be bonded with through courses, leveled and bedded, each course, and where their foundations rest upon piles, a sufficient number shall be driven to insure a proper support.

(Added by chapter 286, Laws of 1891, sec. 36.)

**Columns, how placed.**

§ 50. Every metal column in a brick building shall rest on an iron plate of not less in thickness than two inches, or of stone of not less than eight inches thick; wooden columns supporting girders and floors in such buildings shall set on inch and a half iron plates, with sockets or counter sinkages; metal columns placed one on top of the other, shall have a plate at the top of each column, with projectors on both sides to fit into cap and base of columns, to prevent slipping, and all columns shall have holes bored where directed by the Chief of the Fire Department into and through the shell at right angles to the shaft, so as to show the thickness of shell. All bearing parts of columns and plates shall be turned and planed to true surfaces.

(Added by chapter 286, Laws of 1891, sec. 26.)

**No timber to be used in place of brick or iron.—Bond timbers.**

§ 51. No timber shall be used in the front or rear walls of any building hereafter built, erected or constructed within the city, where brick or iron is commonly used; each lintel on the inside of the front or rear walls or side shall have a secure brick arch over it, and no wall strips in any wall thereof shall exceed in thickness one-half of an inch and in width two and a half inches; and no bond timber in any wall thereof shall be more than four feet in length, and such bond timbers shall be laid at least eighteen inches apart from each other, longitudinally, on either side of any wall, and the continuous line thereof shall be broken every four feet by inserting bricks of not less than twelve inches; and no front, rear or other wall of any such building now erected or hereafter to be erected as aforesaid within the city, or any brick or stone building or buildings in the city, shall be cut off or altered without a permit so to do having been first obtained from the Chief of the Fire Department; every temporary support placed under any structure, wall, beam, girder or column during the erection, finishing, altering or repairing of any building or part thereof shall be equal in strength to the permanent support required of such construction; and the walls and roof of every building shall be strongly braced from the beams of each story until all the bearing parts of the construction are completed; it shall be lawful to insert a lintel of wood over the doors and windows of the first story of stores, of oak or Georgia pine, of such



length and size as shall be first approved by the Chief of the Fire Department.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Floors.—Floor timbers.

§ 52. All floors shall be constructed to bear a safe weight per superficial foot, exclusive of materials as follows: For dwellings, tenement or lodging houses, one hundred pounds; for buildings for light manufacturing or mechanical purposes, one hundred pounds; for public buildings, one hundred and fifty pounds; for storehouses, warehouses, machine shops and heavy mechanical purposes, two hundred and fifty pounds; these requirements shall apply to all alterations, as well as to new buildings. All timbers used in the construction of floors or roofs shall be straight grained and free from large and loose knots or weakening shakes.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Stirrup-irons.

§ 53. Every header more than four feet long, used in any building, shall be hung in stirrup-irons, of suitable dimensions for the size of the timbers, and securely joint bolted. All tail beams shall be properly framed or hung to headers, the ends of all floor beams and rafters of a brick building entering a wall, shall be cut on a splay of three inches in their width.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Scuttle frames and stairways

§ 54. Every building in the city of Albany shall have scuttle-frames not less than three by four feet in size, and covers, bulkheads and doors on the roof, made of or covered with non-combustible material, and every scuttle shall have a stationary ladder, and every bulkhead shall have a suitable stairway with sufficient guard or hand rail, to be ready for use at all times so as to afford a convenient access to the roof in case of fire, and in manufactories, dwellings, tenements or lodging houses such scuttle or bulkhead shall never be locked, but fastened by a hook or bolt on the inside, and the owner or occupant of any building not complying with these requirements shall be guilty of a misdemeanor.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Main partitions.

§ 55. All main partitions supporting in any manner floor beams or rafters of a brick building shall be placed directly over each

other, shall rest on a wall or metallic girder, and shall head and foot against each other as far as practicable.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Walls not to be built in freezing weather.**

§ 56. Stone or other walls shall not be built in freezing weather, and if frozen, shall not be built upon, when in the judgment of the Chief of the Fire Department it is unsafe so to do, until thawed and rebuilt, if injured.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Halls of tenement houses to be enclosed in fire-proof material.**

§ 57. All buildings which are known as tenement, lodging or apartment houses, which are arranged for or occupied by four or more families above the first story, which may be hereafter built or which may hereafter be altered to be occupied as above stated, shall have the halls and stairs inclosed with brick walls and the floors, stairs and ceilings of the halls shall be made wholly of iron, brick, stone, slate or marble, the stairs of such buildings shall extend to the roof and be inclosed with a bulkhead built entirely of fire-proof material, as heretofore provided.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Vaults under sidewalk.— Area railings.**

§ 58. In buildings where the space under the sidewalk is utilized, a sufficient stone or brick wall shall be built to retain the roadway of the street, and the size, end or party walls of such buildings shall extend under the sidewalk to such curb-wall; the sidewalk in all such cases shall be of non-combustible material entire, and shall be adequately supported by brick walls or iron beams and columns; openings in such walls for the admission of coal or light shall be covered with lens lights in iron frames or with iron covers having a rough surface. No plain surface of glass shall be placed in any sidewalks where any one glass measures more than four inches square. Also open areas shall be properly protected with suitable railings, and when such areas shall be covered over with iron, or with iron or glass combined, or with stone or other material of sufficient strength in such covering shall be provided as will insure safety to persons walking on the same and to carry the loads which may be placed upon the same.

(Added by chapter 286, Laws of 1891, sec. 36.)

**Arches.**

§ 59. All arches shall be at least four inches thick, arches over five feet span, shall be increased in thickness toward the haunches by additions of four inches in thickness of brick; the first additional thickness shall commence at two and a half feet from the center of the span, the second addition at six and a half feet from the center of the span, and the thickness shall be increased thence four inches for every additional five feet of span toward the haunches, or the space between the beams may be filled in with sectional hollow brick of burnt clay, or some equal good material, having a depth of not less than one and one-half inches to each foot of span, a variable distance being allowed of not over six inches in the span between the beams, the said brick arches shall be laid to a line on the center, with close joints, filled with cement-mortar in proportion of not more than two of sand and to one of cement, by measure, the arches shall be well grouted and pinned or chinked with slate and keyed.

(Added by chapter 286, Laws of 1891, sec. 35.)

**Cornices and gutters.**

§ 60. Cornices and gutters of all brick buildings or stone buildings hereafter to be erected or constructed shall be built of some non-combustible material, and in every case the greatest weight of stone, brick, iron or other material of which the cornice shall be constructed of shall be on the inside of the outer line of the wall on which the cornice shall rest, in the proportion of three to wall to two to cornice, in weight, allowance being made for the excess of leverage produced by the projection of the cornice beyond the face of the wall, and all fire-proof cornices shall be well secured to the walls with iron anchors independent of any wood-work, and in all cases the walls shall be carried up to the planking of the roof; and when the cornice projects above the roof, the walls shall be carried to the top of the cornice, and the party-wall shall, in all cases, extend up above the planking of the cornice and be coped, and all exterior wooden cornices that may now be or that may hereafter become unsafe or rotten shall be taken down, and if replaced shall be constructed of some fire-proof material; and all exterior cornices of wood or gutter that may hereafter be damaged by fire shall be taken down and if replaced shall be constructed of fire-proof material.

(Added by chapter 286, Laws of 1891, sec. 35.)

**Chimneys.**

§ 61. No chimney shall hereafter be erected or constructed or permitted to remain in the city of Albany unless built of brick, stone or iron, and the inside of all flues or chimneys the joints shall be struck up and shall be plastered on the outside below the roof after having been inspected, and shall have a fronting of masonry or iron supported by iron or corbels of brick or stone. No chimney shall be hung to an eight-inch wall or bear or rest upon wood, and no chimney corbelled from a wall shall project more than the thickness of the wall.

(Added by chapter 286, Laws of 1891, sec. 36.)

**Chimneys.**

§ 62. All chimneys and all flues in all buildings hereafter erected, constructed, altered or rebuilt, without reference to the purpose for which they may be used, shall have the joints struck up on the inside, and the fire-backs of all chimneys hereafter erected or constructed shall not be less than eight inches in thickness of solid masonry. And no tin or other metal flue or flues, pipe or pipes, or register box or boxes, of a single thickness of metal, used and intended to be used to convey heated air in any building hereafter built, altered or repaired in the city of Albany shall be allowed unless the same shall be built in a wall of brick or stone; in all other cases the said flue or flues, pipe or pipes, register box or boxes shall be made double, that is, two pipes, one inside the other, at least one-half of an inch apart, and no wooden furring or lath shall be placed against any flue, metal pipe or pipes used to convey heated air or steam in any building, but shall be lathed with improved iron lath, and in no case shall wire lathing be used, and when any wall shall hereafter be furred or lathed with wood, the space between the lathing and wall shall be filled with plaster or brick, at the top and bottom under the sides of floor-beams of each story, so as to prevent fire from passing through from floor to floor. And no air flue shall be used at any time as a smoke flue; no steam pipe or radiator shall be placed within six inches of any timber or woodwork as aforesaid; no base-flooring, wainscot or roofing or any other woodwork shall be placed against any brick or other flue until the same shall be well plastered with plaster of Paris behind such woodwork. All flues in any building shall be properly cleaned and tested upon completion of all such buildings as aforesaid. No chimney shall be started or built upon any floor or beam constructed of wood, and in no case shall a chimney be

corbelled out more than eight inches from the wall, and in all cases the corbelling shall consist of at least five courses of brick; but if supported by piers, the said piers shall start from the foundation on the same line with the chimney breast, and shall not be less than sixteen inches on the face, properly bound into the walls. All hearths shall be supported by arches of brick or stone, and no chimney in buildings already erected or hereafter to be erected or constructed shall be cut off below, in whole or in part, and supported by wood, but shall be wholly supported by brick, stone or iron, and all chimneys in any building or buildings, as aforesaid, already erected or hereafter to be erected, or any other chimney in the city of Albany which shall become dangerous in any manner whatsoever, shall be repaired and made safe or taken down; cupola chimneys of founderies and chimneys or smoke-stacks used for conveying of the smoke of any steam boiler or engine in manufactories or work-shops shall extend at least five feet above the highest point of any roof within a radius of fifty feet of such cupola, chimney or smoke-stack, and be covered at the top with spark catchers or arresters of heavy wire netting.

(Added by chapter 286, Laws of 1891, sec. 35.)

#### Smoke pipes.—Registers.

§ 63. No smoke-pipe in any building with wooden or combustible floors or ceilings shall hereafter enter any flue unless the said pipe shall be at least eighteen inches from either the floors or ceilings, and in all cases where smoke-pipes from stoves pass through stud or wooden partitions of any kind, whether the same be plastered or not, they shall be guarded by either a double collar of metal with at least four inches of air space and holes for ventilation, or by a soap-stone ring of not less than three inches in thickness and extending through the partition, or by a solid coating of plaster of Paris three inches thick, or by an earthen-ware ring three inches from the pipe. In all cases where hot water, steam, hot air or other furnaces are used, the furnace smoke-pipe must be kept at least two feet below the beams or ceiling above the same, unless said beams or ceiling shall be properly protected by a shield or metallic plate suspended above said smoke-pipe with sufficient space for the circulation of air above and below said shield; and the smoke-pipe shall in all cases be kept at least eight inches from the beams or ceilings as aforesaid; and the top of all furnaces set in brick-work must be covered with brick, stone or metal plate sup-

ported by iron bars, and so constructed as to be perfectly tight, said covering to be in addition to and not less than six inches from the ordinary covering to the hot-air chamber. If, however, there is not height enough to build the furnace top at least four inches below the floor beams or ceiling, then the floor beams must be trimmed around the furnace, and said covering, and the trimmers and headers, must be at least four inches from the same; the top of every portable furnace not set in brick shall be kept at least twelve inches below the beams and ceilings with a shield of metal plate, made tight and suspended below said beams or ceilings, and extending twelve inches beyond the top of the furnace on all sides. All hot-air registers hereafter placed in the floor or partition of any building shall be set in marble or soap-stone borders not less than two inches in width, all borders to be firmly set in plaster of Paris. And all register boxes to be made of tin plate with a flange on the top to fit the groove in the border, the register to rest upon the same. There shall also be an open space of two inches on all sides of the register box, extending from the under-side of the ceiling, below the register to the border in the floor; the outside of said space to be covered with a covering of metal plate, made tight on all sides, to extend from the under-side of the aforesaid ceiling up to and turn under the said border. Registers twelve by nineteen inches, or less than fifteen by twenty-five inches, shall have a space of three inches between the register box and casing. Registers of fifteen by twenty-five inches and more shall have a space of three and one-half inches. All gas, water or other pipes which may be introduced into any building shall not be let into the beams unless the same be placed within thirty-six inches of the end of the beams; and in no building shall the said pipes be let into the beams more than two inches in depth. In all cases where hot water, steam, hot-air or other heating appliances or furnaces are hereafter to be placed in any building, due notice shall first be given to the Chief of the Fire Department by the person or persons placing the said furnace or furnaces in said building, or by the contractor or superintendent of the work.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Placing of wooden beams.**

§ 64. In no building, whether the same be a frame building or otherwise, shall any wooden beam, girder or timber be placed on or in a wall, within sixteen inches of the inside of any flue, whether

the same be a smoke, air or any other flue, nor shall any timber be placed under any fire-place or hearth-stone, and no base, wainscot, header, or other wood-work shall be placed against any furnace or boiler flue, unless there be at least eight inches of brick-work and at least two inches of plaster of Paris between it and the flue. All furnace flues shall have eight-inch backs or side walls, and the inside four inches from the bottom of the flue to the top of the second tier of floor beams, shall be of fire-brick laid in fire-clay mortar, or iron pipe of suitable size set in fire-clay mortar, provided said pipe be surrounded with an air space of not less than one inch and four inches of brick-work. In case any furnace flue is built in the usual chimney-stack and is opposite to the trimmer arch, then that side of the flue next to the trimmer arch may be four inches thick. All boiler flues shall be lined with four inches of fire brick laid in fire-clay mortar from the bottom of the flue to the height of fifteen feet, or to the top of the second tier of floor beams, and no flue shall be hereafter used as a furnace or boiler flue unless entirely suitable for the purpose, and such existing flues, shall, if defective and dangerous, be made safe in the manner herein specified. And no smoke-pipe shall project through any external wall, window or roof.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **Boilers to be enclosed.**

§ 65. Every building in which a steam boiler of eight or more horse power is placed, shall have the space on the floor allotted for said boiler inclosed in brick-work, or some non-combustible material satisfactory to the Chief of the Fire Department, and shall be so arranged that all openings between the said boiler-room and the other parts of the building in which it is placed, shall be protected by iron or metal doors, which shall be closed at the completion of each day.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### **No boilers above cellar floor without permit.**

§ 66. No boiler to be used for steam or motive power, and no furnace for melting materials and no heater or range of any kind shall be placed upon any floor above the cellar floor, unless the same is set upon wrought-iron beams and brick arches, and in no case without a permit from the Chief of the Fire Department. All

wood-work and timbers must be removed from under and around the same. And no boiler, furnace or range set in masonry shall hereafter be placed or its location changed in any building, except as the Chief of the Fire Department shall approve. And if any chimney, flue or heating apparatus of any kind on any premises shall endanger the premises or adjoining premises, it shall be the duty of the Chief of the Fire Department to at once notify the owner or owners or agent, of said premises and if such owner or agent fails for a period of forty-eight hours after being served with a written or printed notice, to make such change or alteration of such chimney, flue or heating apparatus safe, he or they shall be guilty of a misdemeanor.

(Added by chapter 286, Laws of 1891, sec. 36.)

**Skylights over well holes.—Elevators to be enclosed.—Chief to make regulations as to passenger elevator.—Well holes to be protected.**

§ 67. In all buildings hereafter erected or that now exist in which there is a hoist-way, freight elevator or well-hole, the roof immediately over them shall be covered with a skylight of suitable dimensions. All passenger or freight elevators hereafter placed in any building shall be inclosed in solid brick walls or walls of non-combustible material to be approved, extended through and four feet above the roof, having suitable openings in the same, and the roof over all elevators shall be made of fire-proof material and covered with a glass skylight, and to be so arranged as to be readily opened in case of fire, and all elevators, either passenger or freight, which may now exist, shall have a trap-door cut into the same on floor of car, to be fastened with countersunk hinges, so that in case of fire a line of hose can be carried to the top of the building. The Chief of the Fire Department shall make such uniform regulations for the inspection of passenger elevators, with a view to the safety of passengers, and shall also prescribe such suitable qualifications for persons who are placed in charge of running passenger elevators; any repairs found necessary after an inspection are to be made without delay, and in case defects are found to exist which would endanger life by the continuous use of such elevator, then upon a written or printed notice from the Chief of the Fire Department, the use of such elevator shall cease, and shall not again be used until a certificate shall first be obtained from the Chief of the Fire Department that such elevator has been placed in safe order and is fit for use. And every store, ware-



house, factory or other building in which there is any well-hole, hoistway, hatchway or elevator, the openings through and upon each floor of said store, warehouse, factory or other building shall be provided with and be protected by good and sufficient trap-doors or self-closing hatches and safety catches or other safeguards to be approved by the Chief of the Fire Department, and shall be kept closed at all times, except when in actual use by the owner or occupant having the use and control of the same, and in case of any violation such owner or occupant having the use or control of the same shall be guilty of a misdemeanor.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Floor space not to be encumbered.

§ 68. It shall be unlawful for any person or persons having the use or control of any building to encumber the floor space, windows or stairways and cellars, with boxes, barrels, casks or other material unless a convenient passage shall be left open so as to afford free access through said building in case of fire, and every person or persons having the charge or control of any building shall cause all hay, straw, sacks, bags, paper excelsior, or any other combustible material, at the close of each day to be securely stored or removed, so as to be safe from fire, and no person or persons shall deposit ashes or cause the same to be deposited or kept in any building, except the same shall be deposited in an iron or other metallic vessel or receptacle, and any person or persons having charge of any building who shall fail to comply with this section shall be guilty of a misdemeanor.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Unsafe buildings.

§ 69. Whenever any building or part of a building in the city of Albany shall become unsafe by reason of its use or mode of construction, said Chief of the Fire Department shall have power to make such order, relative to the discontinuance or modification of such use, and the demolition, repair or strengthening of such building, after giving the parties in interest a written or printed notice and a reasonable opportunity to be heard, as the nature of the occasion requires; and to prohibit the use of such building or part of a building until the order of said Chief of the Fire Department is complied with; such order shall prescribe the time within which such use shall be discontinued or modified, or such demolition, repairs or strengthening to be made, and the said Chief of the Fire

Department shall cause a certified copy of said order to be served upon the owner or occupants of any such building or part of a building, or the agent of any such owner; every owner or occupant of any building or part of a building who shall neglect or refuse to comply with the order of said Chief of the Fire Department, or his agent or servants relative to the use of such building, or part of a building upon notice thereof, as hereinbefore provided, and every owner or occupant of any building or part of a building who shall neglect to comply with the order of said chief or his servants relative to the demolition, repair or strengthening of such building or part of a building, or the use of the same, upon notice thereof as herein provided, shall be deemed guilty of a misdemeanor.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Lights to be protected.

§ 70. All lights used in theatres, and all places of public amusements, stables, manufactories, show-windows or in any other building, shall be properly protected by globes, glass coverings, wire netting or screens over and around them. Every owner or occupant of any building or structure now erected or that may hereafter be erected, failing or refusing to comply herewith shall be guilty of a misdemeanor.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Piles of wood.

§ 71. No person or persons shall pile or cause to be piled, any boards, timber, shingles, lath, cord-wood or other lumber in the vicinity of any dwelling-house in the city of Albany, at less distance from such dwelling-house at the nearest point than double the height of such pile. Every person or persons who shall neglect or refuse to comply with this section shall be guilty of a misdemeanor.

(Added by chapter 286, Laws of 1891, sec. 36.)

#### Powers of Chief in case of fire.

§ 72. The Chief of the Fire Department of the city of Albany shall have power, with necessary assistance, to enter any building or premises for the purpose of extinguishing or checking the progress of fire, or securing or protecting property, and he may direct the leveling, pulling down or destruction of any building or buildings, or any part or portions thereof, he may judge it necessary to level, pull down or destroy, to stay the further progress of fire, and

it shall be lawful for him to enter and take possession of any building or buildings or any portion thereof for such purpose. And also shall have power, with necessary assistance, to order and direct the leveling, pulling down or destruction of any building or buildings, or any part or portion thereof he may judge is necessary to level, pull down or destroy on account of or by reason of the unsafe or dangerous condition of the same occasioned by fire; and it shall be lawful for him to enter and take possession of the same for such purpose.

#### **Assistant Engineer in absence of Chief.**

§ 73. The acts, orders and directions of an assistant engineer, in the absence of the chief, shall be deemed the acts, orders and directions of the Chief of the Fire Department, unless countermanded by him.

#### **Penalty of violation of building law.**

§ 74. The owner or owners, occupant or occupants, lessee or lessees of any structure, staging, buildings, or parts thereof, any kind whatever, upon which any violation of this title may be placed or shall exist, whether he or they may be the owner or owners, occupant or occupants of the land in fee or not, or be the lessee or lessees thereof, or has or have a qualified or contingent interest therein by virtue of some agreement or contract in writing, or in any other manner, any master, architect or architects, builders, carpenters or masons, who may be employed or assist therein, and any and all persons who shall violate any of the provisions of this title or fail to comply therewith, or any requirements thereof, or shall in any manner be liable therefor, shall severally, for each and every such violation and non-compliance, respectively, forfeit and pay a penalty in the sum of one hundred dollars; and any and all persons who shall violate any of the provisions of this title, or may be employed or assist therein, or who shall be liable therefor, shall severally for every such violation not removed or requirement not complied with, within a reasonable time, after due notice thereof shall be given to him or them respectively, forfeit and pay an additional penalty in the sum of one hundred dollars, for the recovery of which said penalties, or either of them, an action may be brought in any court of competent jurisdiction, and whenever any judgment shall be rendered therefor the same shall be collected and enforced as prescribed and directed by the

Code of Civil Procedure of the State of New York; provided, however, in all cases of violation that shall be in existence at the time this title takes effect, that no penalty shall attach until after a notice shall have been given by requiring the removal of such violation or violations.

(Added by chapter 286, Laws of 1891, sec. 36.)

§ 75. Any and all persons who, after having been served with notice of violation as hereinbefore prescribed, and who shall fail to comply therewith, and shall continue to violate any of the several provisions of this title, or who shall be accessory thereto, shall be deemed guilty of a misdemeanor, and upon conviction of each and every offense shall be fined in a sum not exceeding one hundred dollars, or may be imprisoned for a term not to exceed six months.

(Added by chapter 286, Laws of 1891, sec. 36.)

## TITLE XXI.

### ELECTIONS

(As amended by chapter 806, Laws of 1895, sec. 14.)

#### General Election Law applicable.

Section 1. All elections in said city shall be governed by the provisions of the election law of this State, except as herein otherwise expressly provided.

#### City officers to be elected at charter election.

§ 2. The officers of the city to be elected at the charter election shall be the Mayor, Recorder, Police Justice and Justices of the City Court.

#### Elective term of office of ward officers.

§ 3. The electors in each ward shall, at each charter election, elect one Supervisor and one Alderman, who shall each hold office for two years from and after the first day of January next after such election. The terms of office of the Supervisors of said city now in office shall expire on the last day of December, eighteen hundred and ninety-five.

#### Charter election when.

§ 4. The charter election shall be held on the Tuesday succeeding the first Monday in November, in the year eighteen hundred and ninety-five, and on said day in each second year thereafter.

And the municipal year shall commence on the first day of January following.

#### Notice of election to be published.

§ 5. The Clerk of the Common Council of said city shall, at least ten days before the charter election, cause a notice to be inserted in each of the official newspapers of said city, and also to be conspicuously posted in five or more public places in each election district, containing the time of opening and closing the polls, the place designated for holding the election, and a list of the officers to be chosen.

#### Official oath.

§ 6. Every person elected or appointed to any office under the city government shall, before his term of office begins, or within ten days after notice of his appointment, take and subscribe, before the Mayor, or before any judge of a court of record, an oath or affirmation faithfully to perform the duties of his office, which oath or affirmation, except that of a Commissioner of Deeds, shall be filed in the Mayor's office.

#### Compensation of inspectors of election.

§ 7. The inspectors of election in said city shall each be entitled to five dollars for each day spent either as a member of the board of registry or, on election day, as a member of the board of inspectors of election. The poll clerks shall each receive five dollars for each day spent as such poll clerk.

(The Election Law, chapter 680, Laws of 1892, sec. 17, provides that the compensation of election officers in each election district shall be a charge upon the town or city in which such election district is situated.)

### TITLE XXII.

#### SAVING AND REPEALING CLAUSES.

#### Ordinances repealed, etc.

Section 1. All statutes of this State and ordinances of said city of Albany inconsistent with the provisions of this act, so far as the same relate to the city or county of Albany, are hereby repealed; but such repeal shall not affect any right already existing or accrued, or any liability incurred by reason of any violation of any law heretofore existing, or any suit or proceeding already

instituted, or action had under said laws or ordinances, unless otherwise expressly provided in this act.

**Acts repealed.**

§ 2. Chapter two hundred and nine of the Laws of eighteen hundred and eighty-one, chapter four hundred and thirty-two of the Laws of eighteen hundred and seventy-nine, and chapter one hundred and seventy-three of the Laws of eighteen hundred and seventy-six (except the section designated section fourteen in section two of said act, and except section twelve thereof, which amends section thirty-six of title twelve of chapter seventy-seven of the Laws of eighteen hundred and seventy), chapter four hundred and forty-seven of the Laws of eighteen hundred and seventy, chapter three hundred and forty-two of the Laws of eighteen hundred and seventy-five, chapter four hundred and sixty-eight of the Laws of eighteen hundred and seventy-five, chapter one hundred and forty-four of the Laws of eighteen hundred and seventy-two, chapter three hundred and two of the Laws of eighteen hundred and seventy-two, chapter five hundred and thirty-six of the Laws of eighteen hundred and seventy-one, chapter seven hundred and sixty-seven of the Laws of eighteen hundred and seventy-one, titles one, two, three, four, five, six, seven, eight, nine, ten, eleven and thirteen of chapter seventy-seven of the Laws of eighteen hundred and seventy, except as it is herein otherwise expressly provided, are hereby repealed.

PART II.



LAWS OF THE STATE OF NEW YORK

APPLICABLE TO THE

CITY OF ALBANY.





# TITLE I.

## RELATING TO ASSESSORS, ASSESSMENTS AND TAXATION.

### CHAPTER 86 OF THE LAWS OF 1850.

An Act to provide for the assessment and collection of taxes in the  
city of Albany.

Passed March 23, 1850; three-fifths being present.

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

#### ARTICLE I.

##### OF THE BOARD OF ASSESSORS.

##### **Assessors, their number and term of office.—Oath of office.**

Section 1. There shall be elected at the next and every future charter election in the city of Albany, by general ticket, one Assessor, to serve for three years, who, together with the two Assessors already elected or appointed pursuant to the provisions of the act, chapter one hundred and eighteen of the Laws of eighteen hundred and forty-nine, or with the other Assessors hereafter to be elected or appointed, shall form a Board of Assessors for the whole city. The Assessors elected or appointed as herein provided shall take the oath of office within the time provided by law in relation to other city officers, and file the same with the County Clerk.

(See title 19 of chapter 298, Laws 1853, ante.)

##### **Qualifications and duties.**

§ 2. The said Assessors shall possess the qualifications and be subject to all the liabilities and penalties required and imposed by any law relating to the Assessors of the city of Albany now in force, consistent with the provisions of this act, and they shall perform all the duties provided for and required by this act.

**Compensation, three dollars per day.**

§ 3. Each one of the said Assessors shall receive, as full compensation, at the rate of three dollars per day for each and every day devoted to the duties of his office, for all services performed by him, not exceeding five hundred dollars in any one year; and his account for the same shall be made out and verified by affidavit, and presented for audit to the Board of Supervisors, in the manner and form now prescribed by statute in relation to town Assessors.

**Vacancies.**

§ 4. The Common Council of the city of Albany shall fill any vacancy which may occur in the said Board of Assessors; and the person so appointed shall hold his office until the next charter election, when there shall be elected an Assessor to fill the original vacancy, who shall hold his office for the remainder of the term of the Assessor in whose place he may be elected; and the person so appointed or elected shall perform all the duties, and be subject to the liabilities and penalties, and receive the same compensation as is provided for the Assessors by this act.

(See title 19 of chapter 298, Laws 1883, ante.)

## ARTICLE II.

### OF THE MANNER IN WHICH ASSESSMENTS ARE TO BE MADE, AND THE DUTIES ON THE ASSESSORS.

**Assessment when to be collected.**

§ 5. Between the third Tuesday of April and the first day of September in every year, the Board of Assessors of the city of Albany shall ascertain by diligent inquiry the names of all the taxable inhabitants in the several wards of the said city, and also all the taxable property, real or personal, within the same.

**Assessment roll.**

§ 6. They shall prepare an assessment-roll for each of the wards in the said city, in which they shall set down in separate columns, and according to the best information in their power:

**First column names.**

1. In the first column the names of all the said taxable inhabitants of the ward, and also the names of all other persons having real estate belonging to them in the ward.

**Second column, real estate.**

2. In the second column, and opposite the name of each such inhabitant or person, a brief and proper description, with the dimensions and boundaries, of the real estate in the ward belonging to such inhabitant or person; and also in the same column a similar description of the real estate in the ward, the owner of the freehold of which is unknown, or cannot be ascertained; the property so to be described shall be that only which is defined to be real estate by the general laws of this State relating to the assessment and collection of taxes.

**Third column, value of real estate.**

3. In the third column, and opposite the description of each parcel of real estate, the full value of such real estate.

**Fourth column, personal property.**

4. In the fourth column, and opposite the name of each inhabitant of the ward, the full value of all the taxable personal property owned by such inhabitant, after deducting the just debts owing by him, and his property invested in any stock of any corporation or association liable to be taxed for such stock as capital or otherwise.

**Real estate of unknown owners, how assessed.**

§ 7. When the freehold of any real estate in the said city belongs to any inhabitant thereof, or belongs to any person not being an inhabitant, or the ownership thereof is unknown, and cannot by reasonable inquiry be ascertained by the said Assessors, and said real estate shall be occupied by a tenant of the owner or otherwise, the same may be assessed to such owner of a freehold, or it may be assessed to the occupant thereof, in the discretion of the Assessors. Any assessment for the purpose of taxation of any person for any real estate in said city, which may be made against or in the name of the person in whose name the record title to said real estates, as appears by the records in the Albany County Clerk's office, is at the time of such assessment, shall be valid, and any tax levied, laid or imposed upon the real estate or against the person so assessed shall be and constitute a lien upon said real estate and may be enforced by a sale thereof, but shall not be against the person holding the record title to the property, unless he be the owner thereof in fact.

(As amended by chapter 156, Laws of 1885.)

**Real estate held by trustees.—And personal property.**

§ 8. The real and personal estate held by guardians, executors, administrators or other trustees shall be assessed, distinct from their their individual property, and shall be carried out in a separate line under their names, or under the name of any one of them, where there are several, with the addition of their representative character. Such assessment shall be made in all respects as herein provided, with respect to individual property, except that there shall be deducted from the estimated value of the personal property, any debts justly owing by the party or estate so represented, or by such trustee, guardian, executor or administrator in his representative character, and any stock held by him in such character in any corporation or association liable to be taxed therefor as capital or otherwise.

**Persons applying to have town assessment reduced, to be examined under oath.—Examination to be reduced in writing, etc.—Indorsement to be made in case of disagreement.—Copy to be furnished aggrieved party.**

§ 9. Whenever any person, on his own behalf, or on behalf of those whom he may represent, shall apply to the Board of Assessors of the city of Albany to reduce the value of his real and personal estate, as set down in the assessment-roll, it shall be the duty of such Assessors to examine such person, under oath, touching the value of his or their said real and personal estate; and after such examination, and such other supplementary evidence, under oath, as shall be presented by the party or person aggrieved, they shall fix the value thereof at such sum as they may deem just, under the rule prescribed by subdivision four of section six of article second of this act, and of section ten of this act; but if such person shall refuse to answer any question as to the value of his real or personal estate, or the amount thereof, or present sufficient supplementary evidence, under oath, to justify a reduction, the said Assessors shall not reduce the value of such real or personal estate. The examination, so taken, shall be written, and shall be subscribed by the person examined, and shall be filed in the office of the Clerk of the Common Council of the city; and any person who shall willfully swear falsely on such examination before the Assessors, shall be deemed guilty of willful and corrupt perjury. It shall also be the duty of the Assessors, whenever the valuation fixed by them, after such examination shall

exceed that sworn to by the aggrieved party or person, to indorse on the written examination the words "disagreed to by the undersigned Assessors, under the rule prescribed for making assessments, by section ten of this act, and in view of the obligations imposed by the deposition and oath, subscribed and made on the completion of the assessment-roll, to which this disagreement refers." It shall be the duty of the assessors, on the same occasion, to furnish the aggrieved party or person a duplicate copy of the before-mentioned written examination, together with the indorsement of disagreement aforesaid duly signed. The Board of Assessors of the city of Albany shall have power to administer oaths to any person applying to them under the provisions of this section.

(As amended by chapter 284, Laws of 1881.)

#### **Rule of valuation.**

§ 10. All real and personal estate liable to taxation, the value of which shall not have been specified by the affidavit of the person assessed, shall be estimated by the Board of Assessors at its full value, as they would appraise the same in the payment of a just debt due from a solvent debtor.

#### **Corporations, when assessed.**

§ 11. The corporations or associations liable to taxation, whose principal office or place of transacting the financial business of such company is situated in the city of Albany, shall make the same returns to the Board of Assessors aforesaid, or one of them, within the same time, and subject to the same penalties for neglect as prescribed in the general laws of the State in respect to returns by such corporations to Assessors of towns and wards; and in case of neglect to make such return, the said Assessors shall nevertheless proceed to assess the said corporations according to the best information in their power, in the same manner as if such returns had been fully made; but neither such assessment, nor the payment of any tax pursuant thereto, shall exonerate such defaulting corporation or association from the penalty incurred by neglecting to make any such return.

#### **Rolls, when to be completed.—Notice of completion.**

§ 12. The Board of Assessors shall complete the assessment-rolls on or before the first day of September in every year; and they shall forthwith cause notices hereof to be published in three of

the public newspapers of the said city, to be published therein respectively at least twenty days.

**Contents of such notices.**

§ 13. Such notices shall set forth that the Assessors have completed their assessment-rolls, and that the same are at the Assessors' office in the City Hall, where they may be seen and examined by any of the inhabitants of the city, or any persons interested, during twenty days; and that the Board of Assessors will meet on a certain day at the expiration of such twenty days, specifying such day, at their office in the City Hall, and remain in session five days, for the purpose of reviewing their assessments, on the application of any person conceiving himself aggrieved.

**Rolls open to inspection.**

§ 14. The Assessors shall submit their assessment-rolls, at their office in the City Hall, during the twenty days specified in such notice, to the inspection of all persons who shall apply for that purpose.

**Review and reduction of valuation.**

§ 15. The Board of Assessors shall meet at the time and place specified in the notice, and on the application of any person conceiving himself aggrieved by their assessment, shall review the same; and when the person objecting thereto shall not previously have made affidavit concerning the value of his property as herein provided, the Board of Assessors shall, on the affidavit of such person, made as herein provided, reduce their assessment to the sum specified in such affidavit.

**Other proof than his own affidavit admitted.**

§ 16. If the person objecting to the assessment can show by other proof than his own affidavit, to the satisfaction of the Board of Assessors, that such assessment is erroneous, the Board of Assessors shall review and alter the same without requiring any such affidavit.

**Property in hands of agent, how assessed.**

§ 17. When any person in possession of taxable personal property, as agent for another, shall make affidavit of the fact, specifying the property so held and the value thereof, and the name

and residence of the owner, if it appear that the same is exempt from taxation in this State, or that the same is taxable in some other city, town or ward, or to some other person than such agent, the Board of Assessors shall not include the same in their assessment of the property of such agent; but if the owner be an inhabitant of the said city, he shall be assessed therefor; and if the same be taxable in any other city, town or ward, the said Assessors shall transmit a copy of such affidavit to the Assessors of such town, ward or city.

**Affidavits, before whom taken.**

§ 18. The affidavits specified in this act shall be made before the Board of Assessors, or one of them, or any judge of a court of record, Justice of the Peace, or Commissioner of Deeds, either of whom is hereby authorized to administer an oath for that purpose; and the Board of Assessors shall cause all such affidavits to be filed in the Assessors' office.

**Rolls, when to be signed.—Certificate.**

§ 19. If no objections be made to their assessments, or immediately after they shall have disposed of the objections, the Board of Assessors, or a majority of them, shall sign the assessment-rolls of the respective wards of the city, and shall attach thereto a certificate, which shall also be signed by them, in the following form: "We do severally certify that we have set down in the foregoing assessment-roll, all the real estate situated in first or other ward, as the case may be, according to our best information; and that, with the exception of those cases in which the value of the said real estate has been sworn to by the owner or possessor thereof, we have estimated the value of the said real estate at the sums which a majority of the Board of Assessors have decided to be the true value thereof, and at which they would appraise the same in payment of a just debt due from a solvent debtor; and also that the said assessment-roll contains a true statement of the aggregate amount of the taxable personal estate of each and every person named in the said roll, over and above the amount of debts due from such person respectively, and excluding such stocks as are otherwise taxable; and that, with the exception of those cases in which the value of such personal estate has been sworn to by the owner or possessor, we have estimated the same according to our best information and belief."

**Rolls to be delivered to supervisors.**

§ 20. The assessment-rolls, thus certified, shall, on or before the first day of November in every year, be delivered by the Board of Assessors to the Supervisors of the several wards in the city of Albany respectively, who shall deliver the same to the Board of Supervisors at their next meeting.

**Copy to be delivered to board of assessors.**

§ 21. The Board of Supervisors of the city and county of Albany shall cause a fair copy of the corrected assessment-roll of each ward in the city of Albany to be delivered to the Board of Assessors, instead of the Town Clerk, as was heretofore required by law.

**If one assessor neglects his duty, the acts of the other two are valid.**

§ 22. If any Assessor shall neglect, or from any cause omit to perform his duties, the other Assessors shall perform such duties, and shall certify to the Supervisors, with their assessment-rolls, the name of such delinquent Assessor, stating therein the cause of such omission; and in such cases the proceedings and acts of any two Assessors shall be as valid as if done by the whole.

**Assessors' office in City Hall.**

§ 23. It shall be the duty of the Common Council of the city of Albany to establish, by ordinance, an Assessors' office, which shall be located in the City Hall of the said city, where shall be deposited and kept for the public use and inspection, under suitable regulations, the corrected assessment-rolls, maps of all the taxable real estate within the city, the records of the Board of Assessors, affidavits and statements of property, and all other papers which may have been received by any of the assessors, and which may be in any wise connected with the assessments for taxation.

**Assessment of taxes on real and personal estate to be separate and distinct.**

§ 24. The Supervisors of the county of Albany, in assessing the taxes to be raised on real and personal estate in the city of Albany, shall set down in a column to be prepared for that purpose in the assessment-rolls of the different wards, opposite to the amount of personal estate assessed to each inhabitant of the said city, the



sum in dollars and cents, rejecting the fraction of a cent, to be paid as a tax thereon; and in like manner shall set down in the said column opposite to the amount or value of any real estate assessed in such rolls, the sum in dollars and cents to be paid as a tax on such real estate, so that the amount of tax on personal estate and that on real estate shall always appear separate and distinct.

## ARTICLE III.

## OF THE RECEIVER OF TAXES

[Repealed by title X, chapter 77 of the Laws of 1870.]

## ARTICLE IV.

## OF THE MANNER IN WHICH TAXES ARE TO BE COLLECTED, AND THE DUTIES OF THE RECEIVER OF TAXES.

[Repealed by title X, chapter 77 of the Laws of 1870.]

## ARTICLE V.

## OF THE DUTIES AND POWERS OF THE COUNTY TREASURER IN THE COLLECTION OF TAXES.

**Treasurer not to give Comptroller account of unpaid taxes.—**  
**Whole amount of State tax to be paid to Comptroller.**

§ 41. It shall not be the duty of the County Treasurer of the county of Albany to transmit to the Comptroller any account of unpaid taxes assessed upon corporations, or upon the lands of non-residents or of unknown owners in the city of Albany, or any Collector's affidavit in relation thereto; nor shall the Comptroller credit the said County Treasurer with any unpaid taxes on lands, or upon corporations; but the whole amount of any State tax imposed on property in the city of Albany shall be paid by the County Treasurer to the Treasurer of the State, on or before the first day of July after the same shall have been assessed upon the real and personal estate of the said city, retaining the compensation to which he may be entitled.

**Loan for deficiency.—Comptroller may extend time.**

§ 42. If there are not sufficient funds then in the county treasury standing to the credit of the city of Albany to pay such State tax, the County Treasurer shall give immediate notice of the amount of the deficiency to the Chamberlain of the city of Albany, and the Common Council of the said city shall immediately make

provisions for the payment of the same by temporary loans. The Comptroller may extend the time for the payment of such deficiency for not more than four months, charging interest thereon at the rate of six per cent. per annum from the said first day of July.

**Taxes on lands imperfectly described to be reported to supervisors.—Rejected taxes, how assessed.—Correct description of land to be made.**

§ 43. The County Treasurer shall examine the accounts of arrears of taxes received from the Receiver of City Taxes, and shall reject all taxes on lands that shall be imperfectly described, and all taxes so erroneously assessed in form or substance that the collection of the same cannot be enforced, and shall deliver a transcript thereof to the Board of Supervisors at their next meeting. The Supervisors shall charge the lands or persons intended to have been assessed for the said rejected taxes with the amount of the same respectively, adding thereto the interest in arrear, at the rate of twelve per cent. per annum, to be calculated from the first day of February when the said taxes were payable, stating the tax for each year, with the interest separately, and shall direct the collection thereof in the same manner as the taxes of the year. The Supervisor of the ward to which such rejected taxes shall be assessed, on account of any imperfection in the description of the lands assessed, shall, together with the Board of Assessors, cause a correct description of such land to be entered in the next assessment-roll.

**Proceedings in case of warrants returned uncollected.**

§ 44. In every case in which a warrant issued by the Receiver of Taxes for the collection of any tax on real or personal property, or both, shall be returned uncollected, in whole or in part, and the said Receiver shall have been discharged from liability therefor, the County Treasurer may maintain an action for the recovery of the amount so remaining unpaid and uncollected, with interest at the rate of twelve per cent. per annum, to be calculated from the first day of February when the said tax was payable, in his name of office, against the person or corporation liable for such tax, or the representatives of such person or corporation, in any court of competent jurisdiction, in which the proceedings, costs, judgments and executions shall be the same, and with the like

effect, as in actions between other public officers and individuals; and the amount collected shall be applied in the same manner as if paid to the County Treasurer by the Receiver of Taxes; but any interest so collected shall be credited to the city of Albany.

## ARTICLE VI.

## OF SALES OF LANDS FOR UNPAID TAXES, AND THE CONVEYANCE AND REDEMPTION OF SUCH LANDS, AND GENERAL PROVISIONS.

**Sale of land for unpaid taxes.—Expense of sale, how paid.**

§ 45. Whenever any tax charged on real estate returned to the County Treasurer, and the interest thereon, at the rate of twelve per cent. per annum, to be calculated from the first day of February, when such tax was payable, shall remain unpaid for one year from the said first day of February, the said County Treasurer shall proceed to advertise and sell such real estate, in the manner herein provided, for the payment of such tax and interest, and the expenses of such sale. The expenses of publishing lists and notices, and of conducting the sale, shall be a charge on the lands sold, and shall be added to the tax and interest.

**Notice of sale three times a week for three months.**

§ 46. The said County Treasurer shall, immediately after the expiration of the aforesaid one year, cause to be published once a week, for twelve weeks, in two of the public newspapers of the city of Albany, a list or statement of the real estate with such tax and the interest thereon, and so liable to be sold, and also a notice that the said real estate will on a day, at the expiration of the said twelve weeks, to be specified in such notice, and the succeeding days, be sold at public auction, at the City Hall in the city of Albany, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum necessary to discharge the taxes, interest and charges aforesaid, which may be due thereon at the time of sale. Such sale shall commence on some day previously to the first day of July in the year in which the said notice is published.

(As amended by chapter 486, Laws of 1851.)

§ 47. On the day mentioned in the said notice, the said County Treasurer shall commence the sale of such real estate, and he shall continue the same from day to day until each parcel shall be disposed of.

§ 48. The purchasers at such sale shall pay the amount of their respective bids to the said County Treasurer, within forty-eight hours after the sale; and after such payment shall have been made, the said County Treasurer shall give to the purchaser of any such real estate, a certificate in writing, describing the real estate purchased, the sum paid, and the time for which the purchaser will be entitled to the possession thereof; and such purchaser and his legal representatives may, immediately upon receiving the said certificate, by virtue thereof and of this act, lawfully possess, hold and enjoy the said real estate, for his and their own proper use, until the term for which the same was sold shall be complete and ended; and he may cause the occupant of such real estate to be removed therefrom, and the possession thereof delivered to him in the same manner and by the same proceedings, by and before the same officers, as in the case of a tenant holding over after the expiration of his term, without permission of his landlord.

**Redemption within two years.**

§ 49. The owner of, or any person interested in, any real estate sold for taxes as aforesaid, may redeem the same at any time within two years after the last day of such sale, by paying to the said County Treasurer, for the use of the purchaser, his heirs and assigns, the sum mentioned in his certificate, and the interest thereon, at the rate of twelve per cent. per annum, to be calculated from the date of such certificate.

**If not redeemed purchaser entitled to a deed.—County Treasurer's fee for deed one dollar.**

§ 50. If such real estate sold for taxes, or any portion thereof, be not redeemed as herein provided, the said County Treasurer shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate for the term of years mentioned in his certificate, subject, however, to the lien of any apportionment or assessment for the improvements made by the Mayor, Aldermen and Commonalty of the city of Albany. The County Treasurer shall be entitled to demand and receive from the purchaser one dollar for preparing such conveyance.

Conveyance how made and witnessed.—Moneys, how applied.—  
Interest, how applied.

§ 51. Every such conveyance shall be executed by the Treasurer of the county of Albany, under his hand and seal, and the execution thereof shall be witnessed by the Receiver of Taxes of the city of Albany; and it shall be conclusive evidence that the sale was regular, and also presumptive evidence that all the previous proceedings were regular according to the provisions of this act. The moneys received by the said County Treasurer, upon every such sale of real estate, for taxes, interest and charges, shall be applied by him, after deducting the expenses of the sale, in like manner as if the same had been paid to him by the said Receiver of Taxes; but the interest so received shall be credited to the city of Albany.

§ 52. Whenever any purchaser under such sales shall be unable to recover possession of the real estate sold to him by reason of any error or irregularity in the assessment of any person or property, or in the levying of any tax, or in any proceedings for the collection of a tax, the Board of Supervisors of the said county shall, at any time within six years from such sale, reimburse the purchase-money so paid, with interest; and upon their refusal to neglect to do so, the same may be recovered by an action against them, and shall be paid by the County Treasurer, if he have moneys in his hands sufficient for the purpose, not otherwise specifically appropriated, upon the production of a certified copy of the judgment; and if he have no such moneys in his hands, then the same shall be added to the amount of the taxes to be levied on the city of Albany, and collected in the same manner as other contingent expenses, and when collected, shall be paid over to such purchaser; provided, however, that no money shall be paid by the County Treasurer under the provisions of this section until the party to whom such money is to be paid shall have delivered to the Assessors of the city of Albany a transcript of that part of the record of the return taxes which relates to the property in question, theretofore furnished to the County Treasurer by the Receiver of Taxes of said city, duly certified by said County Treasurer, and shall file with the County Treasurer a receipt indorsed upon a duplicate thereof, signed by one of the Assessors of said city, or by their clerk, to the effect that such transcript has been filed with the Board. Whenever any such transcript shall be filed with the Board of Assessors, the said Board shall, when the next

assessment-roll for the ward in which said property is situated is prepared, enter a description of said property therein, together with the name of the then owner thereof and the valuation of said property, in addition to and upon a line below that containing the valuation and description for the then current year, and add thereto a statement of the rate of taxation for the year for which said refunded tax was levied. The property, when so entered upon said assessment-roll, shall be assessed at an amount which shall not, in any event, exceed the assessed valuation thereof in the year in which such refunded tax was originally levied, and said assessment shall be subject to all the provisions of law in every respect relating to the assessment of taxes in the city of Albany; and all proceedings subsequent to the making of such assessments shall be the same as if said assessment were made for the purpose of the taxes of the then current year, and all notices and hearings and rights, powers and duties of owners and assessors and other officials provided for, given or done pursuant to any law, shall as fully apply to such property and the assessment thereof as to the property entered upon said roll for the purpose of levying the tax for the then current year. It shall be the duty of the Board of Supervisors, when a tax shall next thereafter be levied upon such property, to relevy a tax thereupon for the year for which such tax was refunded at the rate for said year, and all subsequent proceedings shall be taken and had in the same manner as if such relevy were the levy made for the tax of the then current year. Said tax shall be carried out on a different line and be treated as a distinct tax from that for the current year upon the same property, and shall not in any event exceed the amount of the original tax levied for the year for which the tax was refunded, and the same shall be collected and paid in all respects, in the same manner, as is provided by law for the collection and payment of taxes in said city. Whenever any property upon which a tax has been refunded shall have been subdivided, the Assessors and Supervisors, in assessing and levying the tax as above, shall apportion the same among such subdivisions thereof.

(As amended by chapter 429, Laws of 1889, and by chapter 20, Laws of 1890.)

#### **General laws of the State, when applicable.**

§ 53. Where no provision on the subject is made in this act, all the general laws of this State in relation to the assessment and

collection of taxes, particularly those relating to the canceling of any tax which shall have been paid to any collector; the repayment of any tax paid more than once; the payment of a part of a tax on land, by any person claiming a part of such land; the redemption of lands sold for taxes by persons claiming an undivided share or a specified portion thereof; the effect of such redemption in reducing the land to be conveyed; the effect of any such sale of land for taxes upon the lien of any mortgage thereon; the right of a mortgagee to redeem the same; the consequence of a neglect to do so after notice, and the lien of the mortgagee for the amount paid on such redemption; the authority to withhold conveyances when it shall be discovered that any sale of land for taxes was invalid or ineffectual to convey a title, and to refund the purchase-money and interest to the purchaser, shall, so far as they are applicable, be in force in respect to the assessment and collection of taxes in the city of Albany, and the sale of lands for taxes, except that when any authority is given, or duty enjoined by those laws on the Comptroller of the State, the same authority shall be exercised, and the same duty shall devolve on, the County Treasurer of the city and county of Albany.

**County Treasurer may employ a clerk.**

§ 54. For discharging the additional duties imposed upon the County Treasurer by this act, the said Treasurer is hereby authorized to employ a clerk, at an expense not exceeding three hundred dollars in any one year; and the Board of Supervisors may audit his account for the same, when it shall have been duly verified by affidavit, and presented to the said board in the manner and form now required by law.

**Repeal.**

§ 55. The following acts and parts of acts, viz.: An act to change the time for the collection of taxes in the city and county of Albany, and for other purposes, passed May fourteenth, eighteen hundred and forty; An act for the collection of taxes in the city of Albany, passed May fourteenth, eighteen hundred and forty-five; An act to amend article second of the act "for the collection of taxes in the city of Albany," passed May fourteenth, eighteen hundred and forty-five, passed November sixteenth, eighteen hundred and forty-seven, are hereby repealed; and all other acts inconsistent with the provisions of this act, are hereby repealed so far as respects the city of Albany; but such repeal shall not

revive any act already repealed, nor affect any appointment to any office heretofore created, which is continued by this act, or any act done, or right accrued, or any suit, proceeding or prosecution had or commenced, or any penalty incurred previous to the passage of this act.

§ 56. This act shall take effect immediately.

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CHAPTER 486 OF THE LAWS OF 1851.

An Act to amend the acts relating to the city of Albany, passed March 23, 1850, and April 12, 1842.

Passed July 10, 1851; three-fifths being present.

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

Section 1. [Amends § 46 of article VI of chapter 86, Laws 1850, ante, p—.]

**Proceedings in case purchaser neglects to pay.**

§ 2. If any purchaser at any sale of lands for unpaid taxes, heretofore made or hereafter to be made pursuant to the provisions of the act hereby amended, shall neglect or refuse to pay the amount of his bid or bids within the time mentioned in the forty-eighth section of said act, the County Treasurer may state an account against such purchaser and deliver it to the District Attorney of the county of Albany, who shall be entitled to recover the same, with costs, from such purchaser, by an action in the name of the County Treasurer, and for that purpose he shall forthwith cause a suit to be instituted therefor, or the County Treasurer may, in his discretion, resell the said lands upon which such bids so remaining unpaid were made, as hereinafter provided.

**Resale, when to be made.**

§ 3. At any time after the expiration of ten days after the sale of any lands for unpaid taxes, made in pursuance of the act hereby amended, when any purchaser at such sale shall not have paid the amount of his bid, or the same shall not have been collected from him, it shall be lawful for the County Treasurer to cancel such sale, by which all the rights of said purchaser, under such bid, shall be extinguished.



**Certificates of sale.**

§ 4. When the County Treasurer shall have canceled any sale in the manner herein provided, he may issue a certificate of such sale to any other person who shall pay the amount of such certificate, which would be payable by the original purchaser in case the said sale had not been canceled. If such certificate cannot be thus sold, the lot, piece or parcel of land upon which the tax was charged shall be included in the list of land advertised for sale at the next ensuing sale, and the amount due thereon (in which shall be included with the tax the costs and expenses of the previous sale, together with interest on the same, at the rate of twelve per cent. per annum) shall be added to any other tax interest or charges which may be properly charged thereon at such sale, and shall then be sold in the same manner as other lands are sold at such sale.

**Certificate to new purchaser.**

§ 5. The change of purchaser, if the County Treasurer shall sell the certificate as provided in the last previous section, shall be noted in the sales books, and the time when made and the certificate issued to such new purchaser, shall vest in him and his legal representatives the same right he would have acquired had he been the successful bidder at the sale.

**All bids to be paid before certificate to be delivered.**

§ 6. No certificate shall be delivered by the County Treasurer to any purchaser at such sale, until after the said purchaser shall have paid the full amount of all his bids.

**Fire limits.**

§ 7. No wooden building of any description shall hereafter be erected within the limits or bounds now prescribed by the ordinances of the Common Council of the city of Albany prohibiting the erection of wooden buildings, or within such extended limits or bounds as may hereafter be prescribed by said Common Council; and so much of the sixty-fourth section of the act, entitled "An act to combine into one act the several acts relating to the city of Albany," passed April twelfth, eighteen hundred and forty-two, as is inconsistent with this amendment, is hereby repealed; and the removal of any wooden building within such limits, as the same are now fixed or may hereafter be extended,

from any one place to any other place within said limits shall be taken and deemed to be an erection of such building within the meaning of the sixty-fourth and sixty-fifth sections of said act, and subject the proprietor or proprietors thereof to all the penalties imposed by the said sixty-fifth section of said act.

§ 8. This act shall take effect immediately.

#### CHAPTER 153 OF THE LAWS OF 1876.

An Act to require the filing of maps in the Assessors' office in the city of Albany.

Passed April 22, 1876; three-fifths being present.

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

**Maps to be filed in assessors' office in certain cases.**

Section 1. Whenever a piece or parcel of land, situate in the city of Albany, shall be offered for sale or sold and a map thereof made, it shall be the duty of the owner or owners to file forthwith a copy of said map in the office of the Assessors of said city.

**Penalty for neglect or refusal.**

§ 2. Any person or persons who shall refuse or fail to comply with the first provision of this act shall incur a penalty of twenty-five dollars for each offense, to be recovered by civil action in the name of the city of Albany.

#### CHAPTER 79 OF THE LAWS OF 1883.

An Act to regulate the transaction of business in the county of Albany

Passed March 7, 1883; three-fifths being present.

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

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**Moneys to be disbursed by City Chamberlain.**

§ 11. The amount of salaries of the Assessors of the city of Albany, as provided for by chapter four hundred and forty-seven of the Laws of eighteen hundred and seventy, shall hereafter be included in the tax budget of said city, and be received and paid

out monthly by the Chamberlain of said city instead of by the County Treasurer.

(This is the only section of this act that relates to the city of Albany.)

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CHAPTER 513 OF THE LAWS OF 1883.

An Act in relation to the exhibition of the assessment-rolls of the city of Albany, and delivery of the same to the clerk of the Board of Supervisors.

Passed June 2, 1883; three-fifths being present.

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

**Completed assessment-rolls to remain in custody of assessors and be open for examination.**

Section 1. The completed assessment-rolls of the city of Albany, after having been opened for inspection, as required by chapter eighty-six of the Laws of eighteen hundred and fifty, shall remain in the custody of the Assessors, who shall verify the said completed assessment-rolls and open the same for public inspection and examination from the third Thursday in November to the fourth Thursday in November in each year, of which opening of said verified assessment-rolls fifteen days prior notice shall be given by a publication of such notice daily for such fifteen days in three of the public newspapers of the said city. And such opening of the assessment-rolls and such notice shall be deemed a compliance, in the city of Albany, with the requirements of chapter two hundred and sixty-nine of the Laws of eighteen hundred and eighty.

**When to be delivered by clerk of board of supervisors.**

§ 2. The completed and verified assessment-rolls of the city of Albany shall be delivered by said Assessors to the clerk of the Board of Supervisors on or before the first day of December of each year.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

## CHAPTER 522 OF THE LAWS OF 1887.

An Act to authorize the Board of Supervisors of Albany county to correct erroneous assessments, and to repay taxes erroneously collected.

Passed June 3, 1887; three-fifths being present.

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

**Duties of assessors, as to correction of errors.—Duty of board of supervisors.**

Section 1. Whenever any manifest clerical error shall exist in the transcribing of any assessment or tax, or in carrying out the amount of any tax levied upon any property, or against any person or corporation in any town, village, city or ward in the county of Albany, during the two years last past, or shall hereafter occur in the tax-rolls or other records, it shall be the duty of the Assessors of such town, village, city or ward where such clerical error shall have occurred to furnish to the person or corporation injured thereby a transcript of the assessment or record in which such error shall exist, with a statement of what the error was and the excess of the tax levied or paid in consequence thereof, which transcript and statement shall be signed by a majority of such Assessors. The person or corporation injured by such error may thereupon present a claim for such excess to the Board of Supervisors of Albany county, in the manner prescribed by law for the presentation of claims against the county of Albany, and the same shall be considered and acted upon by said board, and be allowed and audited at such sum as shall be proper, and the sum so allowed shall be deducted from the tax levied against such person or corporation, or, if already paid, shall be repaid to him or it.

§ 2. This act shall take effect immediately.

## CHAPTER 159 OF THE LAWS OF 1874.

An Act to legalize and confirm all laws, ordinances and resolutions heretofore passed by the Common Council of the city of Albany, and approved by the Mayor thereof, directing or authorizing the construction or building of any drain or sewer, together with the contracts made or entered into thereunder by said Common Council or Board of Contract and Apportionment of said city, to provide for the taking and acquiring of real estate and appurtenances for the purpose of constructing, building or maintaining any drain or sewer built, or to be built, or constructed, assessing the damages and recompense of the owner or owners thereof, and for the apportionment and assessment of such damages and recompense, and the expense of building and constructing such drain or sewer, with the incidental expenses attending the same, and for the enforcing and collecting of such apportionments and assessments.

Passed April 19, 1874; three-fifths being present.

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

**Ordinances, contracts, etc., legalized.**

Section 1. All laws, ordinances and resolutions heretofore passed by the Common Council of the city of Albany, and approved by the Mayor of said city, directing or authorizing the construction or building of any drain or sewer therein, together with the contracts made or entered into thereunder by said Common Council, or by the Board of Contract and Apportionment of said city, and the construction and building of the drain or sewer under said law, ordinances, resolution and contract, are and the same is hereby ratified, legalized, confirmed and made valid.

**Lands may be taken.—Damages, how to be assessed.**

§ 2. In case the Common Council of said city of Albany shall deem it necessary, by a vote of two-thirds of all the members elected to said Common Council, to be taken by yeas and nays and entered in its minutes, to take within the said city any grounds or other real estate, with the appurtenances, belonging to any person or persons, for the purposes of constructing, building or maintaining any drain or sewer heretofore built or constructed, or hereafter

to be built or constructed, under any law, ordinance or resolution of the said Common Council, the title to such ground, real estate and appurtenances may be acquired and taken, and the damages and recompense of the owner and owners awarded and assessed, in the manner provided in and by title seven of chapter seventy-seven of the Laws of eighteen hundred and seventy, and the other portions of said chapter affecting the same, and the several amendments of and to said title and chapter.

**Compensation, costs, etc., to be assessed upon property benefited.**

—How enforced.

§ 3. The damages and recompense to such owner and owners, and the expense of building and constructing such drain or sewer, with the incidental costs and expenses attending the same, shall be apportioned and assessed among all the houses and lots and vacant lots and franchises intended to be benefited by such drain or sewer, in proportion to the advantages which each shall be deemed to acquire, in the manner provided in and by title eight of chapter seventy-seven of the Laws of eighteen hundred and seventy, and the other portions of said chapter affecting the same, and the several amendments of and to said title and chapter, and such apportionment and assessment, when completed, shall have all the validity and effect provided for in and may be enforced and collected in the manner provided for in and by said title and chapter.

§ 4. This act shall take effect immediately.

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#### CHAPTER 262 OF THE LAWS OF 1875.

An Act to confirm and levy certain assessments for street improvements in the city of Albany, and to regulate the collection thereof.

Passed May 11, 1875; three-fifths being present.

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

**Streets and avenues, cost of paving, etc.—Clinton avenue.—Madison avenue.—Rights of purchasers.**

Section 1. The cost and expenses of paving, flagging, curbing, excavating, filling and forming the streets and avenues in the city of Albany, hereinafter mentioned, which cost and expenses have been fixed and determined upon, by or under the direction of the

Common Council of said city, in the following cases: Clinton avenue, from the east line of Dove street to the center of Robin street, the assessment and apportionment for which was confirmed by said Common Council, December twentieth, eighteen hundred and sixty-nine; Clinton avenue from the center of Robin street to the center of Ontario street, the assessment and apportionment for which was confirmed by said Common Council, September nineteenth, eighteen hundred and seventy; Clinton avenue from the center of Ontario street to the intersection of Clinton and Central avenues, the assessment and apportionment for which was confirmed by said Common Council, November fourteenth, eighteen hundred and seventy; Madison avenue, from the west line of Knox street, to a line fifty feet west of Snipe street, the assessment and apportionment for which was confirmed by said Common Council, May third, eighteen hundred and seventy-two; Madison avenue, from a line fifty feet west of Snipe street, to six hundred and sixty feet west of Robin street, the assessment and apportionment for which was confirmed by said Common Council, January fifth, eighteen hundred and seventy-four, are hereby made a lien and assessment on the lands and premises included in the several respective districts of assessment adjacent to each of such improvements as heretofore fixed and determined upon, by the Common Council of said city, and are now of public record in said city, and the amount of each of said several assessments, together with the interest as stated in section two of this act, is levied upon the several pieces of land and premises within said respective districts, and in the same proportions in which the same have already been assessed and apportioned thereon by said Common Council, levied as a tax to be collected and applied by said city as provided by law. But nothing herein contained shall apply to any property within the said respective districts, and upon which a tax or assessment is hereby levied, which has been purchased in good faith subsequent to any decision of the General Term of the Supreme Court for the Third department, holding any tax or assessment herein mentioned void, provided, such purchase was made prior to February twelfth, eighteen hundred and seventy-five.

#### Collection of assessments.—Interest.

§ 2. The Chamberlain of the city of Albany is hereby authorized and directed to collect any and all assessments mentioned in the first section of this act, pursuant to chapter seventy-seven, of the

Laws of eighteen hundred and seventy and the acts amendatory thereof, so far as the same are applicable to the collection of unpaid assessments, duly confirmed by the Common Council of said city. The Chamberlain shall charge and collect interest on all apportionments and assessments aforesaid, from the fifteenth day after the same were confirmed by the Common Council till the same are paid and satisfied, unless the said Common Council has heretofore consented to relinquish the payment of interest, and in such cases no interest shall be charged during the time for which the same was relinquished.

**Lots sold subject to assessments.—Certificate of sale.**

§ 3. In cases where, since the time the assessments mentioned in the first section of this act, or either of them, were made and confirmed by the Common Council of said city, any part or parcels of lots originally assessed have been sold subject to such assessment by the owners thereof it shall be lawful for the Chamberlain of the city of Albany to receive from the present owner or owners of such parts or parcels, their proportionate share of the original assessment of the great lot and to release and discharge such parcels from the said assessments, and the balance of such original assessment shall remain a lien upon the residue of such great lot. In case of default in the payment, the balance due on such residue, the Chamberlain shall, in advertising the same for sale, as heretofore provided, describe such original lot and then state what portions thereof have been released and discharged and the amount of the assessments remaining upon the residue. The purchaser on such sale shall receive a certificate showing what part of the great lot has been bid in by him, and such sale shall as to such part be in all respects valid, subject to the provisions of the act aforesaid.

§ 4. This act shall take effect immediately.



## CHAPTER 443 OF THE LAWS OF 1877.

An Act to confirm and levy a certain assessment for excavating, filling and forming Swan street from Elm street to Morton street in the city of Albany, and conferring upon the Mayor and a majority of the Common Council of said city power to reduce the said assessment fifty per cent.

Passed June 15, 1877; three-fifths being present.

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

**Costs of filling, etc., certain streets made a lien and assessment on certain lands.**

Section 1. The costs and expense of excavating, filling and forming Swan street from Elm street to Morton street in the city of Albany, pursuant to a law passed by the Common Council of said city June fifteenth, eighteen hundred and seventy-four, as assessed and fixed by the several resolutions of the Common Council of said city and now of record, is hereby made a lien and assessment on the lands and premises included in the district of assessment adjacent to said improvement, which said district has been heretofore fixed and are now of record as aforesaid, and each of said assessments is hereby levied on the several pieces of land and premises within said district, and in the same proportions in which the same have already been assessed and apportioned thereon as aforesaid, levied as a tax to be collected and applied by said city for the uses and purposes pertaining thereto.

Proceedings heretofore had in levying tax therefor, confirmed, etc.—Power to reduce assessments fifty per cent conferred on Mayor, etc.—Owners discharged from remainder of assessment.

§ 2. The proceedings heretofore had for the purpose of levying, laying or apportioning said sums heretofore levied and taxed as aforesaid upon the lands and premises situated in the said district of assessment are hereby confirmed and made legal and valid, and of each and every sum heretofore so levied and apportioned as an assessment on any particular piece or parcel of land, and the power and authority to reduce the said several assessments upon the said several lots fifty per cent, and not otherwise, is hereby granted and conferred upon the Mayor and a majority of the Common Council of the city of Albany, and as to the remaining portion of each of said sums and assessments, such proceedings shall be

deemed of no force or effect, and the said particular pieces or parcels of land on which the same have been respectively assessed and apportioned as aforesaid, and the owners thereof are as to such remaining portion, discharged and freed from such assessment due from any lien therefrom.

**Chamberlain to collect same.**

§ 3. The Chamberlain of the city of Albany is hereby authorized and directed to collect the aforesaid fifty per cent and no more of said assessment in and by this act legalized, validated and levied pursuant to and according to the provisions of chapter seventy-seven of the Laws of eighteen hundred and seventy, and the acts amendatory thereof, so far as the same are applicable to the collection of unpaid assessments duly confirmed by the Common Council of said city.

**Refunding moneys.**

§ 4. The Chamberlain of the city of Albany is directed and required to refund to any person who may have paid to him any assessment charged against his or her lot under and pursuant to the law or ordinance in this act referred to, one-half of the amount so paid and of assessment so levied as aforesaid and paid to him; the object and intent of this section being to place those persons who have paid their assessments upon the same equality with those persons who have not paid the same.

§ 5. This act shall take effect immediately.

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#### CHAPTER 271 OF THE LAWS OF 1881.

An Act to confirm and levy certain assessments and taxes imposed upon shareholders in the several National and State banks in the city of Albany, assessed and imposed during the year eighteen hundred and eighty.

Passed May 13, 1881; three-fifths being present.

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

**Amount of assessments on bank shares assessed on shareholders who have not paid tax.—Proviso.**

Section 1. The amounts of all assessments attempted to be levied and taxes imposed upon the shareholders in National and State

banks in the city of Albany during the year eighteen hundred and eighty, as the same now appear of record in the assessment-roll of the sixth ward in said city, and now in the hands of the receiver of taxes therein, are hereby assessed and levied upon such shareholders whose names now appear in said assessment-roll as assessed upon their bank shares; such assessment and taxes being the same in amount as would have been legally imposed upon and collected from said shareholders, in case the Assessors of the city of Albany had complied with all the provisions of law relating to the assessment and collection of taxes in and for said city. The assessment hereby made being only levied and assessed upon those stockholders in the several banks aforesaid, who have not paid the tax attempted to be legally assessed against them by the Assessors of said city; provided, however, that the time limited for any party aggrieved to procure a writ of certiorari to review such assessment upon the ground that it is unequal in that the assessment has been made at a higher proportionate valuation than other property on the same roll by the same officers, and that the petitioner is or will be injured by such alleged unequal assessment, pursuant to the provisions of chapter two hundred and sixty-nine of the Laws of eighteen hundred and eighty, entitled "An act to provide for the review and correction of illegal, erroneous or unequal assessments," shall not be deemed to have expired until fifteen days after this act becomes a law.

**Tax legalized as to all who have paid tax.**

§ 2. The tax attempted to be legally assessed by said Board of Assessors of Albany, upon shareholders in National and State banks in the city of Albany, is hereby legalized and confirmed with reference to those shareholders who have already paid the amount of such tax.

**Tax to be collected.**

§ 3. The Receiver of Taxes of the city of Albany and the marshal thereof are hereby commanded to collect the amount of the tax hereby levied and assessed against the stockholders in said banks, in the same manner and by the same proceedings and at the same time as if the assessments hereby made and levied had been regularly and duly made and levied by the Assessors of the city of Albany in the year eighteen hundred and eighty, and as if such assessments were legal and valid.

§ 4. This act shall take effect immediately.

## CHAPTER 459 OF THE LAWS OF 1881.

An Act to confirm and levy certain assessments for street improvements in the city of Albany, and to regulate the collection thereof.

Passed June 4, 1881; three-fifths being present.

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

**Cost and expense of paving, etc., made a lien.—Acts of city officers confirmed.**

Section 1. The cost and expenses of paving, flagging, curbing, excavating, filling and forming the streets and avenues in the city of Albany, hereinafter mentioned, which cost and expenses have been fixed and determined upon, by or under the direction of the Common Council of said city, in the following cases: McCarty avenue, from Browne street to Delaware avenue, the assessment and apportionment for which was confirmed by the Common Council of said city, on the twelfth day of March, eighteen hundred and seventy-seven; First avenue, from South Pearl street to a point two hundred feet west of Glen street, the assessment and apportionment for which was confirmed by said Common Council February ninth, eighteen hundred and eighty; State street, from Swan street to Robin street, the assessment and apportionment for which was confirmed by said Common Council December seventeenth, eighteen hundred and seventy-seven; Western avenue, from Lexington avenue to a point west of Allen street, the assessment and apportionment for which was confirmed by said Common Council May thirteenth, eighteen hundred and seventy-eight; Ten Broeck street, from Clinton avenue to Livingston avenue, the assessment and apportionment for which was confirmed by said Common Council January sixth, eighteen hundred and eighty-one, are hereby made a lien and assessment on the lands and premises included in the several respective districts of assessment adjacent to each of such improvements, as heretofore fixed and determined by the Common Council of said city, the proceedings of which are now of public record in said city; and the amount of each of said several assessments, together with the interest as stated in section two of this act, is levied upon the several pieces of land and premises within said respective districts and in the same proportion in which the same have already been assessed and apportioned thereon by said Com-

mon Council, levied as a tax to be collected and applied by said city as provided by law. And the acts and proceedings of the city officers of said city, covered by the resolution of the Common Council of November fifteen eighteen hundred and eighty, for the repair of the carriage-way and cross-walks of Clinton avenue at the intersection of Ten Broeck street, and the work as so done are hereby legalized, ratified and confirmed, and the said city authorized to pay for the same.

**Payments to be credited.—Assessments to be canceled on payment of fifty per centum.—Collection of assessments not paid within six months.**

§ 2. The Chamberlain of said city shall credit as payment of the several assessments made and levied under the provisions of this act, any payments which have been heretofore made of the assessments mentioned in the first section. Upon payment to the Chamberlain of said city of fifty per centum of the amount of the several apportionments and assessments unpaid on McCarty avenue, and on payment to the Chamberlain of said city of fifty per centum of the several apportionments and assessments, with interest from March the first, eighteen hundred and eighty, on the lands on the north side of First avenue, lying west of a point four hundred and sixty feet west of South Pearl street, and on the south side of First avenue lying west of a point five hundred and seven feet west of South Pearl street; provided such payments are made within six months after the passage of this act, the Chamberlain is hereby authorized and directed to cancel and discharge the several assessments and apportionments levied on the lots and lands for which such assessments are paid. As to such assessments on lands on McCarty avenue and First avenue, in this section mentioned, not paid within six months as herein provided and as to all the other assessments and apportionments in this act mentioned, the Chamberlain of the city of Albany is hereby authorized and directed to collect any and all assessments mentioned in the first section of this act, pursuant to chapter seventy-seven of the Laws of eighteen hundred and seventy, and the acts amendatory thereof, so far as the same are applicable to the collection of unpaid assessments, duly confirmed by the Common Council of said city. The Chamberlain shall charge and collect interest on all apportionments and assessments aforesaid, from the fifteenth day after the same were confirmed by the Common Council till the same are paid and satisfied, except as to inter-

est on assessments as to Western avenue, as provided by chapter four hundred and forty-five of the Laws of eighteen hundred and seventy-six.

**Balance due contractors to be paid by city.—Fifty per centum to be refunded certain lot owners.**

§ 3. The balance due the contractors for the work done and materials furnished under the law for grading, filling and forming McCarty avenue, and also First avenue, for which the assessments hereinbefore mentioned were made, shall be paid by the city to said contractors severally; the amounts shall be included in the budget or statement to be transmitted to the Board of Supervisors by the Common Council of the city in the year eighteen hundred and eighty-one, and raised in the same manner as other taxes are raised. The Chamberlain of said city is directed and required to refund to the owners of lots numbered, respectively, seven, seventeen, nineteen, nineteen and one-half, on the north side of McCarty avenue, also lots sixteen, sixteen and one-half and eighteen, on the south side of McCarty avenue, as said lots are numbered and designated in book "K" of apportionment maps of the city of Albany and as they are set forth and described in the apportionment for the work done on McCarty avenue, confirmed by the Common Council of said city as in the first section hereof stated, fifty per centum of the amount as paid, of said assessment levied as aforesaid.

**Costs of actions discontinued to be paid by city.**

§ 4. Any action now pending to restrain the collection of any of the assessments or apportionment made valid and effectual by this act, if discontinued by the plaintiff therein within thirty days after the passage hereof, the Chamberlain of the city of Albany is directed to pay the taxable costs and disbursements of the plaintiff to the plaintiff's attorney from any fund in his hands applicable to the expenses of the city government; said Chamberlain shall also pay in the same manner to the plaintiff's attorney the costs as taxed in any judgment obtained against the said city restraining and enjoining the collection of any of the said assessments or apportionments upon the execution and delivery to said Chamberlain of a proper satisfaction thereof.

§ 5. This act shall take effect immediately.

## CHAPTER 265 OF THE LAWS OF 1886.

An Act to confirm and legalize certain contracts in the city of Albany.

Passed May 4, 1886; three-fifths being present.

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

Section 1. The action of the Board of Contract and Apportionment of the city of Albany in awarding certain contracts for local improvements in said city, on file in the Street Department of said city, as follows: For constructing a brick and stone cement sewer, along and on the line of Patroon's creek, from the Hudson river to the westerly line of North Pearl street, the contracts for which are severally dated as follows: On the tenth day of February, eighteen hundred and eighty-five, and one on the sixteenth day of October, eighteen hundred and eighty-five; for constructing brick and cement sewers in Broadway, on both sides of said street, from Patroon's creek to the north line of said city, which was awarded July twentieth, eighteen hundred and eighty-five, and the contract executed and dated July twenty-second, eighteen hundred and eighty-five; for constructing brick and cement sewers, in Lark street and Myrtle avenue, from the penitentiary grounds to Lexington avenue, the contract for which was awarded on the twentieth day of July, eighteen hundred and eighty-five, and the contract for lighting the city, which was awarded on the first day of February, eighteen hundred and eighty-six, and executed and dated February fifth, eighteen hundred and eighty-six, and contract executed and dated August fifth, eighteen hundred and eighty-five, are hereby in all things legalized and confirmed, and said contracts, and each of them, and the steps leading to the awarding and execution of the same, are hereby in all things legalized and confirmed.

§ 2. This act shall take effect immediately.

## CHAPTER 463.

An Act in relation to certain street improvements and sewers in the city of Albany, to legalize, confirm and levy certain assessments therefor, and to legalize and confirm sales thereunder.

Passed May 26, 1886; three-fifths being present.

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

Certain assessments and apportionments legalized.—For Second avenue improvement.—Hudson avenue paving.—First street improvement.—Drain in State street.—Sewer in Jay street.—Quail street improvement.—West street improvement.—First street drain.—Lark street sewer.—Cortland place drain.—West street improvement.—Elk street paving.—First street improvement.—Ontario street and Central avenue drain.—Filling vacant lots.—Ibid.—Drain in Swan street.—Sewer in Clinton avenue.—State street sewer.—Hamilton street drain.—Hudson avenue sewer.—Green and Norton street sewer.—Lark street drain.—Oak street drain.—Delaware avenue Lark street drain.—Elk street drain.—Oak street drain.—Delaware avenue drain.—Sanders street drain.—First avenue drain.—James street paving.—Steuben street paving.—State street paving.—Lodge street paving.

Section 1. All the assessments and apportionments made and confirmed by the Board of Contract and Apportionment of the city of Albany, for the following named street improvements, in the following several cases: Paving, grading, forming and laying drains in Second avenue, from Sloan street to Delaware avenue, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the seventh day of January, eighteen hundred and eighty-four; reforming, recurbing and repaving Hudson avenue from Broadway to number sixty-seven Hudson avenue, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the seventh day of January, eighteen hundred and eighty-four; excavating, filling and forming First street from Lexington avenue to Ontario street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the seventeenth day of November, eighteen hundred and eighty-four;



laying a stone-ware pipe drain in State street, from Cortland place to the creek bed west of Quail street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the twenty-first day of November, eighteen hundred and eighty-three; constructing brick and cement sewer in Jay street, from Hawk street to Swan street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the fourth day of February, eighteen hundred and eighty-four; excavating, filling, forming and flagging Quail street from Clinton avenue to Livingston avenue, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the seventeenth day of November, eighteen hundred and eighty-four; excavating, filling, forming and paving West street from Robin street to Perry street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the Nineteenth day of January, eighteen hundred and eighty-five; laying a stone-ware pipe drain in First street from Lexington avenue to fifty feet east of Judson street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the third day of March, eighteen hundred and eighty-four; constructing brick and cement sewer in Lark street from Clinton avenue to First street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the third day of March, eighteen hundred and eighty-four; laying a stone-ware pipe drain in Cortland place from Washington avenue to three hundred and thirty feet south, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the fourth day of August, eighteen hundred and eighty-four; excavating, filling, forming and paving West street from Perry street to Quail street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the sixth day of October, eighteen hundred and eighty-four; recurbing and repaving with granite Elk street, from Eagle street to Hawk street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the fifteenth day of December, eighteen hundred and eighty-four; excavating, filling, forming and paving First street, from Knox street to Lexington avenue, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said

city on the fifth day of January, eighteen hundred and eighty-five; laying a stone-ware pipe drain in Ontario street and Central avenue, from stone arch south of Central avenue to the drain north of Central avenue, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the second day of March, eighteen hundred and eighty-five; filling vacant lots on Eagle, Hawk, Providence and Warren streets, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the seventh day of December, eighteen hundred and eighty-five; filling vacant lots on Warren, Hawk and Swan streets and Park and Myrtle avenues, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the fourth day of January, eighteen hundred and eighty-six; laying a stone-ware pipe drain in Swan street, from Elk street to Road street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the sixth day of July, eighteen hundred and eighty-five; constructing brick and cement sewer in Clinton avenue, from Dove street to Lark street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the nineteenth day of October, eighteen hundred and eighty-five; constructing brick and cement sewers in State street, from the Basin to Eagle street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the fourth day of January, eighteen hundred and eighty-six; laying a stone-ware pipe drain in Hamilton street, from Ontario street to a point three hundred and seventy-four and two-thirds feet west, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the sixth day of July, eighteen hundred and eighty-five; constructing brick and cement sewer in Hudson avenue from Basin to Eagle street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the fourth day of January, eighteen hundred and eighty-six; constructing brick and cement sewer in Green and Norton streets, from State street to the west side of South Pearl street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the sixteenth day of November, eighteen hundred and eighty-five; laying a stone-ware pipe drain

in Lark street, from sixty-six feet south of Madison avenue to Yates street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the twentieth day of July, eighteen hundred and eighty-five; laying a stone-ware pipe drain in Elk street fifty feet west of Lark street to Knox street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the twentieth day of July, eighteen hundred and eighty-five; laying a stone-ware pipe drain in Oak street, from sixty-five feet north of Third street to Second street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the twentieth day of July, eighteen hundred and eighty-five; laying a stone-ware pipe drain in Delaware avenue, from seventy-five feet south of Madison avenue, to drain north of Myrtle avenue, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the fifth day of October, eighteen hundred and eighty-five; laying stone-ware pipe drain in Sanders street, from Second avenue to a point four hundred feet south, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the nineteenth day of October, eighteen hundred and eighty-five; laying a stone-ware pipe drain in First avenue, from South Pearl street to Cherry Hill street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the nineteenth day of October, eighteen hundred and eighty-five; recurbing and repaving with granite James street, from Maiden lane to Columbia street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the fourth day of January, eighteen hundred and eighty-six; recurbing and repaving with granite Steuben street, from Broadway to Eagle street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the seventh day of December, eighteen hundred and eighty-five; recurbing and repaving with granite State street, from Eagle street to Swan street, the assessment and apportionment for which was confirmed by said Board of Contract and Apportionment of said city on the fourth day of January, eighteen hundred and eighty-six; recurbing and repaving with granite Lodge street, from Steuben street to Columbia street, the assessment and apportionment for which was confirmed by said

Board of Contract and Apportionment of said city on the fourth day of January, eighteen hundred and eighty-six; and each and every of the above-named assessments and apportionments are hereby in all things legalized and confirmed.

**Assessments to be a lien on certain adjacent districts.—How levied and collected.**

§ 2. The amount of each of said assessments is hereby made a lien and assessment on the lands and premises included in the several respective districts of assessment adjacent to each of such improvements as heretofore fixed and determined by the said Board of Contract and Apportionment of said city, the proceedings of which are now of public record in said city, and the amount of each of said several assessments, together with interest thereon from and after the date of said assessments and apportionments respectively, and is hereby levied upon the several pieces of land and premises within said respective districts, and in the same proportions in which the same have already been assessed and apportioned thereon by said Board of Contract and Apportionment and levied as a tax to be collected and applied by said city as provided by law.

**Duty of City Chamberlain.**

§ 3. The Chamberlain of said city shall credit as payment of the several assessments made and levied under the provisions of this act any payments which have been heretofore made and levied of the assessments mentioned in the first section.

**Certain sales legalized.**

§ 4. All sales made under or pursuant to, or for the non-payment of any or either of the foregoing named assessments, are hereby in all things legalized and confirmed.

**Proviso as to pending actions.**

§ 5. None of the provisions of this act shall in any way affect any action or special proceeding now pending for the vacating or setting aside of the assessments sought to be confirmed thereby.

§ 6. This act shall take effect immediately.

## CHAPTER 9 OF THE LAWS OF 1887.

An Act to enable the trustees of the sinking fund of the city of Albany to take up bonds issued for street improvements.

Passed February 9, 1887; three-fifths being present.

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

Section 1. Whenever the time for the payment of any assessment for street improvements has been extended by act of the Legislature, and city bonds have been issued and sold, and the cost of the work for such improvements has been paid out of the proceeds of such bonds, and the assessments for such work have not been collected in time to pay such bonds at their maturity, the trustees of the sinking fund of the city of Albany may, out of any moneys in their hands not invested in New York State or United States bonds, take up and pay any such bonds that have matured. And the assessments thereafter collected for such improvements, with the interest thereon, shall be paid by the Chamberlain of said city to the trustees of the sinking fund. This act shall not apply to any bonds issued after January first, eighteen hundred and eighty-nine.

(As amended by chapter 139, Laws of 1890.)

§ 2. This act shall take effect immediately.

## CHAPTER 425 OF THE LAWS OF 1889.

An Act to authorize the Board of Contract and Apportionment of the city of Albany to assess the expense of certain work and improvements upon the property respectively benefited thereby.

Approved by the Governor, June 11, 1889. Passed, three-fifths being present.

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

Section 1. The Board of Contract and Apportionment of the city of Albany is hereby authorized and directed to assess in the manner provided by chapter two hundred and ninety-eight of the Laws of one thousand eight hundred and ninety-three, entitled "An act to provide for the government of the 'city of Albany,'" upon each and every of the various buildings, lots and franchises respectively benefited thereby, such and so much of the expense of any work done in the city of Albany the cost of which it was

provided by law should be assessed upon the property benefited thereby, as shall in the opinion of said board equal the benefit which said buildings, lots and franchises received from the said work or improvement as actually done, in all cases in which any assessment or apportionment for work so done shall have been vacated or set aside by any court having jurisdiction thereof, during the period of time subsequent to the fifteenth day of November, one thousand eight hundred and eighty-three, and up to the fifteenth day of November, one thousand eight hundred and eighty-five, but in making such assessment and apportionment of the amount which shall be assessed under the provisions of this act, no account shall be taken of, nor shall any amount be assessed as accrued interest upon the costs of any such work; nor shall any building, lot or franchise upon which any assessment heretofore made for the payment of the expense of any of the above-described work or improvement has been paid or discharged, be assessed for such work in the manner hereinbefore provided, nor shall anything contained herein or in the said act, entitled "An act to provide for the government of the 'city of Albany,'" be construed as making it mandatory upon said Board of Contract and Apportionment to assess, as herein provided, all or any portion of the expense of any of the work or improvements hereinbefore referred to. The assessments made pursuant to the provisions of this act shall be paid into the fund known as the contingent fund.

§ 2. This act shall take effect immediately.

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#### CHAPTER 600 OF THE LAWS OF 1893.

An Act to reduce, confirm and levy certain assessments in the city of Albany, to provide for the payment thereof, and in relation to certain sales thereunder.

Approved by the Governor, May 5, 1893. Passed, three-fifths being present.

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

**Reduction of certain assessments.—Levy and collection thereof.**

**—Discharge of assessments upon payments.—Redemption from tax sales.—Repayments to certain persons.—Tax for deficiencies.**

Section 1. The assessment for lands taken by the city of Albany "in the matter of acquiring title to lands which are deemed neces-

sary for opening, continuing and extending of Myrtle avenue, Park avenue, Warren street, Mercer street, Providence street and Woodlawn avenue, from Quail street to Partridge street, in the city of Albany," which assessment was confirmed by the Board of Contract and Apportionment of said city of Albany, on the seventeenth day of August, eighteen hundred and ninety-one, is hereby reduced to fifty per centum of the amount of said assessment as originally laid and confirmed against the various pieces or parcels of land within the respective districts of assessment as fixed and determined for said improvement, upon compliance by the respective owners of said various pieces or parcels of land with the terms and conditions hereinafter provided, and fifty per centum of said assessment to all amounts not heretofore paid is hereby confirmed and the same is hereby levied as a tax on the several pieces or parcels of land on which the said original assessment has been heretofore assessed and apportioned, and upon making the payments within the time as hereinafter in this section provided, no more than fifty per centum of the amounts as aforesaid assessed and apportioned on or against any of the pieces or parcels of land assessed as aforesaid shall be collected for or on account of said improvement. Upon payment to the Chamberlain of said city on or before the first day of September, eighteen hundred and ninety-four, of the said assessments as hereinbefore reduced and levied, with interest from the date of the confirmation of said assessment as aforesaid, at the rate of six per centum per annum, the said Chamberlain is hereby authorized to cancel and discharge the several assessments levied on the lots and lands for which such assessments are paid. In case said lots and lands, upon which such assessment hereby reduced was levied, have been sold and have been purchased by the city, such lots and lands may be redeemed from such sale by paying to the Chamberlain, on or before the first day of September, eighteen hundred and ninety-four, fifty per centum of the amount of such assessment with interest as aforesaid. In case such lots and lands shall have been sold to any party other than the city the same may be redeemed from such sale by paying to the Chamberlain, on or before the first day of September, eighteen hundred and ninety-four, fifty per centum of the amount of said assessment, with interest as aforesaid, and the balance of the amount due to such purchaser shall be paid by the Chamberlain of the city of Albany out of any moneys in his custody not appropriated for any special purpose. Upon competent proof, by

affidavit or otherwise, that the full amount of the original assessment levied on or against either or any of said pieces or parcels of land has been paid before the sale thereof or has been redeemed subsequent to said sale, the Chamberlain shall repay and refund to the person or persons who paid or redeemed the same, or to his, her or their heirs or assigns, fifty per centum of the amount so paid for such assessment or such redemption, as the case may be, the same to be paid by the Chamberlain out of any funds in his custody not specially appropriated for any other use or purpose; and if such funds shall prove insufficient for all the payments in this section provided for, then the amount of such deficiency shall be inserted in the next annual tax budget of said city, and raised by tax, and thereafter paid to the person or persons entitled as aforesaid to receive it.

(As amended by chapter 629, Laws of 1894.)

**Certain sales annulled.—Assessments, when due and payable.—**

**Payment of entire assessment by owner.—Collection of assessments.**

§ 2. The sales heretofore made by the city of Albany of lots, pieces or parcels of land for the non-payment of the assessments for the "excavating, filling, forming and grading of Myrtle avenue in the city of Albany from the west line of Lake avenue to the east line of Ontario street," which assessments were confirmed by the Board of Contract and Apportionment of said city on the twenty-first day of September, eighteen hundred and ninety-one, are hereby annulled and the said assessments, as originally assessed and apportioned, shall be due and payable in the manner following, anything in the charter or laws relating to the city of Albany to the contrary notwithstanding, viz.: One-fourth part of such assessments, with interest on the same from the date of the confirmation of said assessment as aforesaid at and after the rate of six per centum per annum, shall be payable on the first day of September, eighteen hundred and ninety-four, and one-fourth part thereof, with like interest on the whole amount of the assessment remaining unpaid from the date at which the last previous payment is provided to be made, shall be and become due on each succeeding first day of September, until the whole of such assessment shall be paid. The owner of any piece of property so assessed may, at any time, pay to the Chamberlain of the city of Albany the entire assessment upon his property, with interest, at the rate aforesaid, from the date of



the confirmation of such assessment to the time of such payment. In case any said assessment or any payment in this section provided for shall not be made when, as above provided for, the same becomes due and payable, then such amount shall be collected by a sale of the property assessed, and by such other, if any, proceedings as may be provided by law for the collection of ordinary assessments in said city.

(As amended by chapter 629, Laws of 1894.)

§ 3. This act shall take effect immediately.

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#### CHAPTER 761 OF THE LAWS OF 1894.

An Act to vacate certain assessments for improving Second avenue in the city of Albany.

Became a law May 23, 1894, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. The assessments for excavating, filling, forming, grading, flagging and paving, with granite blocks, Second avenue, between Sloan street and the intersection of Delaware and Second avenues, in the city of Albany, and also for laying drains therein and constructing man-holes and receiving basins, confirmed by the Board of Contract and Apportionment of said city, on the seventh day of January, eighteen hundred and eighty-four, and all sales to said city thereunder, are hereby vacated, canceled and annulled, and the said Board of Contract and Apportionment, and the Chamberlain of said city are each hereby directed to cancel and discharge the said assessments and sales upon the records of their respective offices.

(As amended by chapter 984, Laws of 1895, sec. 1.)

§ 2. The said Chamberlain of the said city of Albany is hereby directed and required to pay and refund to the person or persons who have paid the aforesaid assessments, or either of them, or to his, her or their heirs or assigns, upon demand, the full amount of such payment, with interest thereon from the date of payment of the same, out of any funds in his custody, not especially appropriated for any other use or purpose, and if such funds shall prove insufficient for such repayment, as above provided, then the amount of such deficiency shall be inserted in the next annual tax budget of said city of Albany, and raised by tax,

and thereafter paid to the person or persons entitled as aforesaid to receive it.

(Added by chapter 984, Laws of 1895, sec. 2.)

§ 3. This act shall take effect immediately.

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CHAPTER 445 OF THE LAWS OF 1876.

An Act in relation to that portion of the great western turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city, on the west

Passed June 2, 1876; three-fifths being present.

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

**Portion of Great Western turnpike conveyed to Commissioners of Washington Park.**

Section 1. The president, directors and first company of the great western turnpike road are hereby authorized to convey to the Board of Commissioners of the Washington Park of the city of Albany all that portion of their said turnpike road lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting said road west of Allen street, in said city, on the west, such conveyance to be without prejudice to any rights or franchises of said company, except such as may be expressly thus conveyed. And the said Board of Commissioners is hereby authorized and required to accept such conveyance, and to improve the said portion of said road when conveyed as an approach to said Washington park; but nothing herein contained shall be construed as authorizing the said commissioners to close the said portion of the said road, or to exclude the public from the use thereof as a highway.

**Manner of improvement.—Payments therefor.**

§ 2. In case the said conveyance shall be made as in the foregoing section provided, then the said Board of Commissioners may establish a grade, and grade the said portion of said road, and improve and ornament the same, and lay and construct a pavement, sidewalks, curbs and sewers upon the same, in such manner and with such materials as the owners of at least one-

half the land fronting on said portion of said road, measuring by lineal feet, have heretofore consented to, or may hereafter consent to, in writing; provided, however, that the manner of such improvement, and the kind of materials to be used, shall also be approved by the said Board of Park Commissioners, and without such approval the Park Commissioners shall not be required to go on with any work on said road. In case such approval is given, then the expense of such improvements shall be provided for and paid in the manner following, that is to say: Bonds of the city of Albany, not to exceed the sum of one hundred and eighty-five thousand dollars, shall be issued upon the requisition of the Park Commissioners: such requisition shall be made in writing, signed by the president of the board, upon the Mayor, and shall state the amount for which the bonds are required and the purposes for which they are to be issued. Upon receiving such requisition the Mayor shall forthwith cause such bonds to be prepared, which shall be signed by him and countersigned by the Chamberlain and the Clerk of the Common Council. They shall be styled the city of Albany, Western avenue improvement bonds. The bonds shall be divided into three equal amounts and payable, respectively, in six, seven and eight years from their date. They shall bear interest at the rate of six per centum, payable semi-annually at some bank in the city of New York or Albany. The said bonds shall be sold by the Chamberlain of said city, at public auction, at not less than par, and the avails thereof shall be delivered by the Chamberlain to the treasurer of said Park Commissioners, to be used for the purpose of paying the cost and expense of said grading, paving and sidewalks. The payment of the interest thereon shall be provided for by being included in the annual tax budget of the city, sent to the Board of Supervisors. The payment of the principal as it falls due shall be made out of the fund that shall arise from the payment by the owners of the land fronting on the above-named portion of said road or avenue, of the amount of their assessments as hereinafter provided; but if from any cause such fund shall be insufficient, or shall not have been collected, then the city shall provide for the punctual payment of such bonds by a loan which the Common Council is hereby authorized to make, and such portion of such loan shall be placed in the annual tax budget as to the finance committee of the Common Council shall seem proper, until all of such loan shall be paid; but the whole thereof shall be paid in not to exceed five years; and if at the end of that time any portion remains

unpaid, it shall be included in the annual tax budget for that year.

#### Apportionment of costs.

§ 3. The apportionment and assessments for the cost and expense of said pavement, sidewalks, curbs and sewers, are to be made (not including therein the expense of grading, sodding, planting trees or other ornamentation) upon the owners of land fronting on that portion of said road to be improved in the manner aforesaid, the assessment upon each owner to bear the same proportion to the whole of such cost and expense that the number of lineal feet fronting on said improved portion of said road. In making such apportionment and assessment, owners of land lying opposite to said improved portion of said road, and separated therefrom only by an intersecting and adjacent street, whether such street be actually opened and used or not, shall be assessed as if such land fronted directly on said improved portion of said road. The portion of said work on cross streets shall be pro rated in the manner usual in the city of Albany. Such assessment on each owner to be payable, one-third in five years, one-third in six years and one-third in seven years from the date of the confirmation of such assessment; but any owner so assessed may, at any time after such confirmation, pay the amount thereof to the city Chamberlain, and on such payment shall be allowed a rebate in the amount of his assessment, at the rate of five per centum per annum from the time of payment to the time when said assessment would become due.

#### By whom made.—Collection.

§ 4. Such assessment shall be made by the Board of Contract and Apportionment of the city of Albany, under the rule of assessment as prescribed in this act, and by the same proceedings, so far as may be consistent with this act, as are provided for in and by title eight of an act passed March sixteenth, eighteen hundred and seventy, entitled "An act to amend the act to combine into one act the several acts relating to the city of Albany," passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof, and also to repeal the act to establish a capital police district, and to provide for the government thereof, passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, in so far as they relate to the city of Albany, and the amendments thereto; and such assessments shall be controlled and their

collection enforced in the same manner provided for in said title of said act, and with the same right of redemption of land sold as is therein provided for; and such assessment, when confirmed, shall be a lien on the lands assessed until the same shall be paid, but the said assessment shall not bear interest until the first installment of the same shall be due, and each installment thereof shall be paid with interest from the time when it shall become due.

#### **Application of collections.**

§ 5. The moneys arising from the payment of the assessments, either before they become payable or at the time thereof, may be invested by the Chamberlain under the direction of the trustees of the sinking fund whenever, in their judgment, they may deem it proper, and such moneys shall only be used for the purpose of paying the bonds of the city herein provided for as they shall become due, or any loan that may have been effected for such purpose, or to reimburse the city the amount of any tax that may have been levied and collected for the purpose of paying any portion of the principal of such bonds, or of the loan made for the same object.

#### **Road to be in charge of Park Commissioners.—Encroachments forbidden.**

§ 6. The portion of said real road when conveyed to said Park Commissioners and improved by them as above provided shall be deemed an approach to the park, and shall be maintained and kept in repair by said Commissioners and shall be under the control and charge of said Commissioners, subject to the limitations contained in the first section of this act; and it shall not be lawful for any owner of property fronting on said avenue to encroach upon the same by building any stoop, portico or other structure which shall project over the line of said avenue, or to encumber any portion of said avenue so improved, with materials for building or other structures; and it shall be the duty of said Commissioners, and they are hereby given the necessary power, to enforce the provisions of this act relating to encroachments of obstructions.

#### **Boundaries of road.**

§ 7. The boundaries of said portion of said road shall be ascertained and fixed by the City Surveyor of the city of Albany, and

all fences and structures encroaching on said boundaries shall be removed so as to conform thereto.

§ 8. This act shall take effect immediately.

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CHAPTER 290 OF THE LAWS OF 1880.

An Act to permit and authorize the city of Albany to issue the bonds of said city for the payment of the expense of draining, grading, forming, paving and flagging a portion of South Pearl street, in the city of Albany, and to extend the time of payment of the assessments therefor.

Passed May 14, 1880; three-fifths being present.

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

**When city has provided for grading, etc., South Pearl street, bonds may be issued.—Denomination of, etc.—Proceeds of, how to be applied.—Assessments to be liens, but sales not to be made for five years.**

Section 1. Whenever the city of Albany shall have, pursuant to the Laws of the State of New York and the ordinances of said city having reference thereto, provided for the draining, forming and grading, paving and flagging, South Pearl street, in said city, from Gansevoort street to a point three hundred and forty feet south of McCarty avenue, and the work shall be completed and apportioned, and said apportionment shall be confirmed, the said city is hereby and shall be authorized and empowered to issue the bonds of the city of Albany for the amount of the expense of such work when assessment for the same shall be confirmed, which said bonds shall be called the South Pearl street improvement bonds. They shall be issued in such denomination as the finance department of said city shall determine; shall be signed by the Mayor, countersigned by the Chamberlain and the Clerk of the Common Council, and shall be payable in seven years after their date, and draw interest at the rate of not exceeding five per centum per annum. Such bonds shall not be sold at less than par. With the proceeds of the sale of such bonds, there shall be paid by the Chamberlain the costs and expenses of said work and the costs and expenses of said bonds, and the surplus, if any, shall be applied to the fund to be provided for the payment of said bonds. The amount apportioned and assessed for such improvement shall, respectively, be liens upon the houses

and lots and vacant lots assessed therefor; but there shall be no interest charged thereon, nor any sales therefor, until the expiration of five years from the date of confirmation aforesaid, and the provision of the law relative to the charging of interest on unpaid assessments in said city is hereby suspended in relation to the assessment made for said improvement for five years, after which time the same shall fully apply.

**Finance department may establish rules for rebate of interest, etc.—Division of lots and apportionment of assessment.**

§ 2. The finance department of said city may establish rules and regulations for the rebate of interest on said assessments, and regulate the amount to be rebated on such assessments paid before the expiration of said five years. In case the owner or owners of any large lots upon which any assessment has been made, as hereinbefore provided, shall subdivide the same into smaller lots, and desire the amount of the original apportionment apportioned upon said smaller lots, it shall be the duty of the owner or owners of such large lot to have a survey and map thereof made, by or under the direction of City Surveyor and Engineer, the original of which to be placed on file and retained in the office of the City Surveyor and Engineer, and a copy thereof to be filed in the Clerk's office of the county of Albany, and upon the request of such owner or owners, approved by the City Surveyor and Engineer, the finance department shall divide such original amount assessed upon such large lot, and reapportion and assess the same upon such smaller or subdivision lots, and when confirmed such amounts as may be so reapportioned shall be received by the Chamberlain in payment for and operate as a release of the lien created by the original assessment, so far as such lien may apply to such subdivision lot.

**When amount to be placed in tax budget.**

§ 3. The year preceding the maturity of said bonds, the amount thereof and interest to the maturity thereof shall be placed in the budget and raised by tax, and the bonds paid at maturity. The proceeds of the collections and sales on said assessments shall be kept separately and added at the end of the year to the fund; after the bonds and interest thereon shall have been fully paid, the surplus, if any there be remaining in the fund, shall be transferred to the general fund.

§ 4. This act shall take effect immediately.

## CHAPTER 291 OF THE LAWS OF 1880.

An Act for grading and planking Delaware avenue, in the city of Albany, from the north line of Warren street to the division line between the city of Albany and the town of Bethlehem, and to provide for the payment of the same.

Passed May 14, 1880; three-fifths being present.

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

**On petition of owners representing three-fourths lineal feet frontage on Delaware avenue, city to provide for grading and planking same.—General tax to pay for same.**

Section 1. Whenever a petition shall be presented to the Common Council of the city of Albany, signed by the owners of the real estate representing three-fourths of the lineal feet frontage upon Delaware avenue, between Warren street and the division line between the city of Albany and the town of Bethlehem, asking for the grading and planking of the same, in accordance with the provisions of this act, the city of Albany shall, in pursuance of the laws of the State of New York, and of the ordinances of said city having reference thereto, provide for the grading and planking of said Delaware avenue, from the north line of Warren street to the division line between said city and the town of Bethlehem, such planking to be of hard wood, not less than eight feet in length and three inches in thickness, laid upon four hard-wood stringers, and laid in the road bed of said avenue; and when said work shall be completed, the city of Albany is hereby authorized to provide for the payment of the cost of the same by a general tax upon the city of Albany, to be provided for in the next annual tax budget of the city of Albany, and collected in the manner provided for the collection of taxes in said city, and when so collected the same shall be used for the payment of the cost of the work herein provided for.

**How work to be done and repaired.—Contracts.—Suits against contractor.**

§ 2. The work provided to be done under and by the provisions of this act shall be done, and the plank-road thereafter shall be kept in good condition and repair, under contracts to be made, let and entered into by the city of Albany, acting by the Board of Contract and Apportionment thereof, but only after due public



notice for bids for such work shall be given. The contracts shall be made for a period of two years, and the contractor shall give a bond, with a penalty of twice the aggregate amount to be paid under said contract, with two sufficient sureties, each of whom shall be a freeholder in this State, and shall justify in twice the penalty of the bond. Any owner of land abutting upon the road so to be improved may, from time to time, sue in his name and recover from the contractor, or from the sureties upon his bond, or from all of them, fifty dollars for each and every failure of the contractor to comply with any of the provisions of said contract, if such failure shall continue for three whole days after written notice, specifying the defects in said road, shall have been personally served on said contractor; or for five days after a similar notice shall have been deposited in the post-office in the city of Albany, duly inclosed in an envelope, with the proper postage prepaid thereon, directed to said contractor at his place of residence (which residence shall be mentioned in the contract).

**After May 12, 1876, expense of road to be paid by owners of property on same.**

§ 3. This act shall continue in force until May first, eighteen hundred and eighty-six, at and after which time the city of Albany shall be relieved from the further expense of maintaining and keeping in order said road; and the same shall be maintained and kept in order at the expense of the owners of abutting property, as in the case of the paved streets in the city of Albany.

**Not to prevent paving road.**

§ 4. This act shall not prevent the paving of said road if the adjoining owners shall, at any time, duly petition therefor, in accordance with the provisions of the charter of the city of Albany.

§ 5. This act shall take effect immediately.

## CHAPTER 299 OF THE LAWS OF 1887.

An Act to provide for the improvement of a portion of Delaware avenue in the city of Albany and the streets intersecting the same, and for the payment of the expenses thereof.

Passed May 10, 1887; three-fifths being present; without the approval of the Governor.

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

**Delaware avenue, proceedings for improvement of part of.**

Section 1. Whenever a petition is made to the Common Council of the city of Albany in the form and manner authorized, and duly certified by the City Engineer and Surveyor as required by the charter of the city of Albany for the grading, filling, forming, curbing and paving the carriage-way with oblong dimension granite blocks of the best quality, of that portion of Delaware avenue between the north line of Warren street and a point in said Delaware avenue south thereof in the city of Albany, said Common Council is authorized to establish a grade for such street and the streets intersecting the same; and also to provide for the general manner of execution of such work, and to take such action as under the charter of said city and the laws relating to the same shall be proper in the premises, and to direct such work to be done, and it shall be the duty of the Board of Contract and Apportionment and the other boards, authorities and officers of said city to carry the same into execution and effect.

**Work, how to be done.—Expense thereof, how assessed.—To be a lien upon lands.**

§ 2. Such work, in the foregoing section provided for, if authorized by the Common Council, shall be done in all respects in accordance with the laws of the State of New York and the laws, ordinances and resolutions of the Common Council of the city of Albany. Whenever such work shall have been completed the expenses thereof shall be imposed and assessed upon the property benefited thereby in like manner and form as other assessments for work done in said city are laid and imposed, and such assessment, when so made, shall be conclusive evidence of the regularity of all prior proceedings taken and had under the provisions of this act, and shall be and constitute a lien and charge upon the several pieces of land therein described, and the gen-

eral provisions of the charter of the city of Albany now existing, or hereafter to be enacted, as to the validity of any assessment to the extent of any certificates of indebtedness issued in payment thereof, shall be applicable and shall apply to the assessment in this act provided for to the extent of any bonds issued hereunder to pay for the same.

**Assessments, when due and payable.— Discharge of liens, on payment of assessments.— Sale of property for unpaid assessments.— City Chamberlain to advertise and sell lands.**

§ 3. If such petition shall be duly presented to the Common Council and shall be certified by the City Engineer and Surveyor, as above provided for, then and in such case the assessment for the expense of such work above provided for shall be and become due and payable in the manner and at the times and in the proportions following, and not otherwise, that is to say, one-tenth part of each such assessment, with interest thereon from and after the date of the confirmation of such assessment, at and after the rate of three per centum per annum, shall be payable on the first day of September following the confirmation of such assessment, and one-tenth part thereof, with like interest from the date of the confirmation of such assessment, shall be and become due and payable on each succeeding first day of September until the whole of such assessment shall be paid. The owner of any piece of property so assessed may, at any time, pay to the Chamberlain of the city of Albany the assessment upon his property, with interest at the rate aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment. In case any payment so above provided for shall not be made when as above provided for, it becomes due and payable, then such amount shall be collected by a sale of the property assessed, and by such other, if any, proceeding as may be provided by law for the collection of ordinary assessments in said city. It shall be the duty of the Chamberlain of the city of Albany immediately when any such default shall take place, to proceed, under the provisions of the charter of said city, to advertise the premises assessed for such amount so in default, and to sell the same for the amount due thereon, with interest on such amount from the time of such default, at the rate prescribed by the charter of said city in the case of ordinary city assessments, together with the costs and charges of the notice and

sale. The property shall be sold subject to all subsequent payments chargeable thereto under the said assessment, and subject to any other city assessment then a lien thereon, and the Chamberlain's certificate of sale and the Chamberlain's declaration of sale shall each be conclusive evidence of the regularity of all proceedings prior thereto, including the sale.

**Improvement bonds to issue.—Sale thereof.—Rate of interest.—Annual tax to pay interest and principal.—Payment to contractors.—Provisions of section 3 and section 4, when to apply.**

§ 4. It shall be the duty of the Board of Finance of the city of Albany, upon the confirmation of any assessment mentioned in section three of this act, to cause to be prepared and executed in the usual form, bonds of said city to be known as Delaware avenue improvement bonds, and to sell so many of the same as near as may be, as shall produce an amount equal to such assessment, at public auction, at not less than par, after notice of such intended sale shall have been published for ten days, Sundays and legal holidays excepted, in the three city newspapers appointed and authorized to publish city notices in the city of Albany. Such bonds shall bear interest at not exceeding three and one-half per centum per annum, and shall be so respectively made payable, that of the principal sum thereby secured, there shall fall due on each first day of September after their issue, bonds representing such sum as shall, under the provisions of this act, be payable upon the assessment to represent which said bonds shall be issued. The interest upon such bonds shall be raised in the annual tax budget of said city, and the principal thereof shall be paid by the city, as they respectively mature, out of the amount collected from the assessment to pay the amount of which the bonds were issued. Should there not be sufficient money in the Chamberlain's hands, collected from such assessment, to pay the bonds or any of them when they mature, then such bonds shall be paid out of the general-debt sinking fund of the city, and in such case any money thereafter collected from the assessment shall be paid into such sinking fund. The proceeds of such bonds shall be applied to the payment of the amount due to the contractor and any other expenses represented in and covered by such assessment. The provisions of sections three and four of this act shall not be applicable to any work done hereunder, and any assessment for

such work shall be collected and paid in all respects as other assessments are now collected and paid in under the provisions of the charter of said city unless the Common Council shall, in the law and ordinance providing for the doing of such work, direct that the provisions of this act as to the loaning of the credit of the city therefor shall be applicable thereto, which provision in the law or ordinance for such work the owners signing a petition for the doing of said work are authorized to make a condition of said petition's taking effect.

**Gas and water pipes, drains, etc., laying of.**

§ 5. All drains or culverts hereafter to be constructed, and all gas, water or other pipes hereafter to be laid, relaid or placed in said street between the points above designated, shall be constructed and laid under the sidewalk, and not under the carriage-way thereof.

§ 6. This act shall take effect immediately.

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CHAPTER 319 OF THE LAWS OF 1888.

An Act to provide for the improvement of a portion of Delaware avenue, in the city of Albany, and the streets intersecting the same, and for the payment of the expense thereof.

Approved by the Governor May 17, 1888. Passed, three-fifths being present.

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

Section 1. Whenever a petition is made to the Common Council of the city of Albany, which petition shall be in the manner and form authorized and required by the charter of the city of Albany, and duly certified by the City Engineer and Surveyor as required by the charter of the city of Albany, for the grading, filling, forming, curbing and paving and repaving the carriage-way and sidewalk with such kind of pavement as shall be set forth in said petition, of that portion of Delaware avenue between the south side of Madison avenue and the south boundary line of the city of Albany, or between the south side of Madison avenue and any point south of the south side of Madison avenue as designated in said petition; or between the north side of Warren street and any point south of the north side of Warren street as designated in said petition, said Common Council is authorized to establish

a grade for such street; and also to provide for the general manner of execution of such work, and to take such action as under the charter of said city and the laws relating to the same shall be proper in the premises, and to direct such work to be done; and it shall be the duty of the Board of Contract and Apportionment, and the other boards, authorities and officers of said city, to carry the same into execution and effect.

§ 2. Such work, in the foregoing section provided for, if authorized by the Common Council, shall be done in all respects in accordance with the Laws of the State of New York and the laws, ordinances and resolution of the Common Council of the city of Albany. Whenever such work shall have been completed, the expenses thereof shall be imposed and assessed upon the property benefited thereby in like manner and form as other assessments for work done in said city are laid and imposed, and such assessment, when so made, shall be conclusive evidence of the regularity of all prior proceedings taken and had under the provisions of this act, and shall be and constitute a lien and charge upon the several pieces of land therein described; and the general provisions of the charter of the city of Albany now existing, or hereafter to be enacted, as to the validity of any assessment to the extent of any certificates of indebtedness issued in payment thereof, shall be applicable and shall apply to the assessment in this act provided for to the extent of any bonds issued hereunder to pay for the same.

§ 3. If such petition shall be duly presented to the Common Council, and shall be certified by the City Engineer and Surveyor, as above provided for, then, in such case, the assessment for the expense of such work above provided for shall be and become due and payable in the manner and at the time and in the proportions following, and not otherwise, that is to say, one-tenth part of each such assessment, with interest on the whole amount of the entire assessment up to that time remaining unpaid from and after the date of the confirmation of such assessment, at and after the rate of three per centum per annum, shall be payable on the first day of September following the confirmation of such assessment, and one-tenth part thereof, with like interest on the whole amount of the entire assessment up to that time remaining unpaid from the date of the confirmation of such assessment, shall be and become due and payable on each succeeding first day of September until the whole of such assessment shall

be paid. The owner of any piece of property so assessed may, at any time, pay to the Chamberlain of the city of Albany the assessment upon his property, with interest at the rate aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment. In case any payment so above provided for shall not be made when, as above provide for, it becomes due and payable, and then such amount shall be collected by a sale of the property assessed, and by such other, if any, proceeding as may be provided by law for the collection of ordinary assessments in said city. It shall be the duty of the Chamberlain of the city of Albany immediately when any such default shall take place, to proceed, under the provisions of the charter of said city, to advertise the premises assessed for such amount so in default, and to sell the same for the amount due thereon, with interest on such amount from the time of such default, at the rate prescribed by the charter of said city in the case of ordinary city assessments, together with the costs and charges of the notice and sale. The property shall be sold subject to all subsequent payments chargeable thereto under the said assessment, and subject to any other city assessment then a lien thereon, and the Chamberlain's certificate and the Chamberlain's declaration of sale shall each be conclusive evidence of the regularity of all proceedings prior thereto, including the sale.

§ 4. It shall be the duty of the board of finance of the city of Albany, upon the confirmation of any assessment mentioned in section three of this act, to cause to be prepared and executed in the usual form, bonds of said city, to be known as Delaware avenue improvement bonds, and to sell so many of the same, as near as may be, as shall produce an amount equal to such assessment, at public auction, at not less than par, after notice of such intended sale shall have been published for ten days, Sundays and legal holidays excepted, in the three city newspapers appointed and authorized to publish city notices in the city of Albany. Such bonds shall bear interest at (not exceeding) three and a half per centum per annum, and shall be so respectively made payable, that of the principal sum thereby secured to be paid there shall fall due on each first day of November following, each first day of September succeeding the confirmation of the assessment above provided for, bonds representing one-tenth part of the aforesaid assessment, to represent which said bonds shall

be issued. The principal and interest on such bonds shall be paid by the city as they respectively mature, out of the amount collected from the assessment to pay the amount of which the bonds were issued. Should there not be sufficient money in the Chamberlain's hands, collected from such assessment, to pay the bonds, or any of them, or the interest thereon, when they mature, then such bonds or interest shall be paid out of the general debt sinking fund of the city, and in such case any money thereafter collected from the assessment shall be paid into such sinking fund. The proceeds of such bonds shall be applied to the payment of the amount due to the contractor and any other expense represented in and covered by such assessment. The provisions of sections three and four of this act shall not be applicable to any work done hereunder, and any assessment for such work shall be collected and paid in all respects as other assessments are now collected and paid in, under the provisions of the charter of said city, unless the Common Council shall, in the law and ordinance providing for the doing of such work, direct that the provisions of this act as to the loaning of the credit of the city therefore\* shall be applicable thereto, which provision in the law or ordinance for such work, the owner signing a petition for the doing of said work are authorized to make a condition of said petition taking effect.

(As amended by chapter 176, Laws of 1891.)

§ 5. All drains or culverts hereafter to be constructed, and all gas, water or other pipes hereafter to be laid, relaid or placed in said streets between the points above designated, shall be constructed and laid under the sidewalks and not under the carriage-way thereof; and all water, sewer and gas pipes now laid in said streets shall be taken up and relaid under the sidewalk before the carriage-way is paved as herein provided for. The chairman of the Board of Supervisors is hereby authorized to sign the petition mentioned in the first section of this act, for and on behalf of the county of Albany and on account of the land used in connection with the penitentiary property on said Delaware avenue. The provisions of the charter of the city of Albany as to ordinary repairs to granite block or other kind of square stone pavement shall apply to the Trinidad asphalt pavement if selected by the property owners to be laid on Delaware avenue.

§ 6. This act shall take effect immediately.



## CHAPTER 693 OF THE LAWS OF 1881.

An Act to permit and authorize the city of Albany to issue the bonds of said city for the payment of the expense of excavating, filling, forming, curbing and paving with dimension granite blocks Clinton avenue, in said city of Albany, from North Pearl street, in said city, to a point west in said avenue to be determined by the Common Council of said city, and to provide for the payment of said bonds.

Passed August 12, 1881; three-fifths being present.

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

**When city may issue bonds.—How issued.—Sale of proceeds how applied.—Liens.—Rebate of interest.**

Section 1. Whenever the city of Albany shall have, pursuant to the Laws of the State of New York, and the ordinances of said city having reference thereto, provided for the excavating, filling, forming, curbing and paving with dimension granite blocks, Clinton avenue, in said city of Albany, from North Pearl street, in said city of Albany, to a point west in said avenue to be determined by the Common Council of said city, and the necessary work therefor shall be completed and the cost and expense thereof apportioned and assessed, and said apportionment and assessment therefor shall be confirmed, the said city is hereby and shall be authorized and empowered to issue the bonds of the city of Albany for the amount of the cost and expense of such work, which said bonds shall be called the Clinton avenue improvement bonds. Such bonds shall be signed by the Mayor and countersigned by the Chamberlain and the Clerk of the Common Council of said city, and shall be issued in such denominations and be payable at such a period, and bear interest at such rate, not exceeding five per centum per annum, as may be determined by the finance department of said city prior to the issuing of such bonds. Such bonds shall be sold at public auction by the Chamberlain of said city at not less than par. With the proceeds of the sale of such bonds there shall be paid by the Chamberlain the costs and expenses of said work and the cost and expenses of issuing said bonds, and the surplus, if any, shall be applied to the fund to be provided for the payment of said bonds. The amounts apportioned and assessed for such improvement shall, respectively, be liens upon the houses and lots and vacant lots assessed therefor; but

there shall be no interest charged thereon, nor any sales therefor, until the expiration of five years from the date of the confirmation aforesaid, and the provisions of law relative to the charging of interest on unpaid assessments in said city is hereby suspended in relation to the assessment made for said improvement for five years, after which time the same shall fully apply. The finance department of said city may establish rules and regulations for the rebate of interest on said assessments, and regulate the amount to be rebated on such assessments paid before the expiration of said five years. The payment of the interest on said bonds shall be provided for by being included in the annual tax budget of the said city, sent to the Board of Supervisors.

**Advertisement, etc., not to be made until Corporation Counsel gives certificate.**

§ 2. The advertisement for proposals to do the necessary work for said improvement and the letting of the contract therefor shall not be made until the Corporation Counsel certifies as to the legality and correctness of all the necessary steps and proceedings taken under the laws and ordinances of said city to that time. The contract for the doing of the necessary work therefor shall be let to the lowest responsible bidder.

**Assessment, etc., to be made by Board of Contract.**

§ 3. The assessment and apportionment of the cost and expenses of said improvement shall be made by the Board of Contract and Apportionment of said city of Albany, as is provided for in and by title eight of an act passed March sixteenth, eighteen hundred and seventy, entitled "An act to amend the 'Act to combine into one act the several acts relating to the city of Albany,' passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof, in so far as they relate to the city of Albany," and the amendments thereto.

**Tax to pay bonds.**

§ 4. The year preceding the maturity of said bonds the amount thereof equal to the amount of the unpaid assessments and apportionments therefor, with interest thereon to the maturity of said bonds, shall be placed in the tax budget and raised by tax and the said bonds paid at maturity. The moneys arising from the payment of the assessments, either before they become payable or at the time thereof, may be invested by the Chamberlain,

under the direction of the trustees of the sinking fund, whenever, in their judgment, they may deem it proper, and such moneys shall only be used for the purpose of paying the bonds of the city herein provided for. The surplus, if any there be remaining in the fund after the payment of said bonds, shall be transferred to the general fund.

§ 5. This act shall take effect immediately.

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CHAPTER 458 OF THE LAWS OF 1881.

An Act to permit and authorize the city of Albany to issue the bonds of the said city for the payment of the expense of draining, grading, forming, paving and flagging a portion of Second avenue in the city of Albany, and to extend the time of payment of the assessments therefor.

Passed June 4, 1881; three-fifths being present.

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

**When city may issue bonds for paving, etc.—Denomination of, etc.—Assessments to be liens.**

Section 1. Whenever the city of Albany shall have, pursuant to the Laws of the State of New York, and the ordinances of said city having reference thereto, provided for the draining, forming and grading, paving and flagging, Second avenue, in the said city, from Sloan street to the intersection of Second and Delaware avenues, and the work shall be completed and apportioned, and said apportionment shall be confirmed, the said city is hereby and shall be authorized and empowered to issue the bonds of the city of Albany for the amount of the expense of such work when assessment for the same shall be confirmed, which said bonds shall be called the Second avenue improvement bonds. They shall be issued in such denomination as the finance department of said city shall determine, shall be signed by the Mayor, countersigned by the Chamberlain and Clerk of the Common Council, and shall be payable in seven years after their date, and draw interest at the rate of not exceeding five per centum per annum. Such bonds shall not be sold at less than par. With the proceeds of the sale of such bonds there shall be paid by the Chamberlain the costs and expenses of said work and the costs and expenses of said bonds, and the surplus, if any,

shall be applied to the fund to be provided for the payment of said bonds. The amounts apportioned and assessed for such improvements shall, respectively, be liens upon the houses and lots and vacant lots assessed therefor; but there shall be no interest charged thereon, nor any sales therefor, until the expiration of five years from the date of confirmation aforesaid, and the provision of the law relative to the charging of interest on unpaid assessments in said city is hereby suspended in relation to the assessment made for said improvement for five years, after which time the same shall fully apply.

**Rebate of interest, etc., on assessments.—Subdivision of lots.—  
Reapportionment of amount on.**

§ 2. The finance department of said city may establish rules and regulations for the rebate of interest on said assessments, and regulate the amount to be rebated on such assessments paid before the expiration of said five years. In case the owner or owners of any large lots upon which any assessment has been made, as hereinbefore provided, shall subdivide the same into smaller lots and desire the amount of the original apportionment apportioned upon said smaller lots, it shall be the duty of the owner or owners of such large lots to have a survey and map thereof made by or under the direction of the City Surveyor and Engineer, the original of which to be placed on file and retained in the office of the City Surveyor and Engineer, and a copy thereof to be filed in the Clerk's office of the county of Albany; and upon the request, in writing, of such owner or owners, approved by the City Surveyor and Engineer, the Board of Contract and Apportionment shall divide such original amount assessed upon such large lot, and reapportion and assess the same upon such smaller or subdivision lots, and when confirmed such amounts as may be so reapportioned shall be received by the Chamberlain in payment for and operate as a release of the lien created by the original assessment, so far as such lien may apply to such division lot.

**Tax to pay bonds.**

§ 3. The year preceding the maturity of said bonds, the amount thereof equal to the amount of the unpaid assessments and interest to the maturity thereof shall be placed in the budget and raised by tax, and the bonds paid at maturity. The proceeds

of the collections and sales on said assessments with the amount raised by tax shall be kept separately and added at the end of the year to the fund for the payment of said bonds, with the interest thereon, and after the bonds and interest thereon shall have been fully paid, the surplus, if any there be remaining in the fund, shall be transferred to the general fund.

**When work to be advertised and let.**

§ 4. The Board of Contract and Apportionment are authorized to cause the work for said improvement to be advertised and let after the Corporation Counsel shall have certified to the regularity of all the proceedings taken prior to such advertisement and letting; and then the contract shall be let to the lowest responsible bidder.

§ 5. This act shall take effect immediately.

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CHAPTER 75 OF THE LAWS OF 1886.

An Act to provide for the improvement of that portion of Broadway between the north line of De Witt street and the north boundary line of the city of Albany, and the streets intersecting the same, and for the payment of the expenses thereof.

Passed March 26, 1886; three-fifths being present.

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

**Petition to Common Council for Broadway improvement.—Duty of City Surveyor.—Duty of Common Council.—Duty of Board of Contract.**

Section 1. The owners or agents of the owners of the land representing more than one-half the aggregate number of feet of frontage upon that portion of Broadway between the north line of De Witt street and the north boundary line of the city of Albany, in the city of Albany, may, at any time within three months from and after the time that this act shall take effect, present to the Common Council of said city a petition in writing, subscribed by such owners or their agents and duly acknowledged before some officer authorized to take the acknowledgment of deeds, asking for the grading, filling, forming, flagging the sidewalks, curbing and paving the carriage-way with oblong dimen-

sion granite blocks of the best quality, of that portion of Broadway in said city above specified, subject to such provisions as to character and quality of work and materials not inconsistent herewith, as may be specified in such petition. It shall thereupon be the duty of the City Engineer and Surveyor of said city to inquire and ascertain whether such owners themselves, or by their agents, have subscribed such petition, and whether the persons so subscribing the same represented more than one-half of the aggregate number of feet of frontage upon the aforesaid portion of Broadway, and if he shall find that such is the fact he shall so certify upon such petition, and his certificate shall be conclusive evidence of such facts, and of each of them, and it shall thereupon be the duty of the said Common Council forthwith to establish a grade for such street and the streets intersecting the same; and also to provide for the general manner of execution of such work, and to take such action as under the charter of said city and the laws relating to the same shall be proper in the premises, and to direct such work to be done, and it shall be the duty of the Board of Contract and Apportionment and the other boards, authorities and officers of said city to carry the same into execution and effect.

**Work, how to be done.—Board of Contract may direct certain repairs.—Cost of work, how assessed.**

§ 2. Such work, in the foregoing section provided for, shall be done in all respects in accordance with the Laws of the State of New York and the laws, ordinances and resolutions heretofore passed by the Common Council of the city of Albany applicable to the premises, which said laws, ordinances and resolutions are hereby ratified and made valid; provided, however, that as to so much of the carriage-way of the street as is now laid in granite blocks, and so much of the sidewalks as is flagged, the contract for such work may, in the discretion of the Board of Contract and Apportionment, provide simply for the relaying and putting in proper order and repair of the present granite block pavement and of the present flagging, instead of the furnishing of new granite blocks and new flagging therefor. Whenever such work shall have been completed, the expense thereof shall be imposed and assessed upon the property benefited thereby in like manner and form as other assessments for work done in said city are laid and imposed.

Assessments for street improvement and sewers, when to be payable.—Sale of lands for non-payment of assessments.—Duty of City Chamberlain as to sale.

§ 3. If such petition shall be duly presented to the Common Council and shall be certified by the City Engineer and Surveyor, as above provided for, then and in such case the assessment for the expense of such work above provided for, and any assessment which may be laid or imposed upon property benefited, to cover the expense of certain sewers or drains now in process of construction or to be hereafter constructed under certain laws of the Common Council of the city of Albany, passed on March sixteen, eighteen hundred and eighty-five, and entitled as follows: A law to provide for draining Broadway from the arch or culvert to be constructed over Patroon's creek to the south line of North Ferry street; and a law to authorize and provide for the construction and laying of brick and cement sewers in Broadway, from the arch or culvert to be constructed over Patroon's creek, to the north line of the city, shall be and become due and payable in the manner and at the times and in the proportions following and not otherwise, that is to say, one-fifth part of each such assessment shall be payable on the first day of September of the year next succeeding the year in which such assessment shall be confirmed, and one-fifth part thereof shall be and become due and payable on each succeeding first day of September until the whole amount of such assessment shall be paid. In case any payment so above provided for shall not be made when, as above provided for, it becomes due and payable, then such amount shall be collected by a sale of the property assessed, and by such other, if any, proceeding as may be provided by law for the collection of ordinary assessments in said city. It shall be the duty of the Chamberlain of the city of Albany, immediately when any such default shall take place, to proceed, under the provisions of the charter of said city, to advertise the premises assessed for such amount so in default, and to sell the same for the amount due thereon, together with interest thereon from the time of such default at the rate prescribed by the charter of said city in the case of ordinary city assessments. The property shall be sold subject to all subsequent payments chargeable thereto under the same assessment and subject to any other city assessment thereon a lien thereon.

**Board of Finance to execute and sell improvement bonds.—Rate of interest and when payable.—Interest and principal, how paid.**

§ 4. It shall be the duty of the board of finance of the city of Albany, upon the confirmation of any assessment mentioned in section three of this act, to cause to be prepared and executed, in the usual form, bonds of said city, to be known as Broadway improvement bonds, equal in the aggregate to the amount of said assessment, and to sell the same at public auction at not less than par, after notice of such intended sale shall have been published for ten days, Sundays and legal holidays excepted, in the three city newspapers appointed and authorized to publish city notices in the city of Albany. Such bonds shall bear interest at not exceeding three and one-half per centum per annum, and shall be so respectively made payable that of the principal sum thereby secured there shall fall due on each first day of September after their issue bonds representing such sum as shall, under the provisions of this act, be payable upon the assessment to represent which said bonds shall be issued. The interest upon such bonds shall be raised in the annual tax budget of said city, and the principal thereof shall be paid by the city, as they respectively mature, out of the amount collected from the assessment to pay the amount of which the bonds were issued. Should there not be sufficient money in the Chamberlain's hands collected from such assessments to pay the bonds, or any of them, when they mature, then such bonds shall be paid out of the general debt sinking fund of the city, and any money thereafter collected from the assessment shall be paid into such sinking fund.

**Proviso as to drains, gas and water-pipes.**

§ 5. All drains or culverts hereafter to be constructed, and all gas, water or other pipes hereafter to be laid, relaid or placed in said street between the points above designated, shall be constructed and laid under the sidewalks and not under the carriage-way thereof.

**Board of Finance may issue improvement bonds.—How executed and sold.—Rate of interest, and when payable.—Proceeds from bonds, how applied.—Proviso.**

§ 6. The board of finance of the city of Albany are hereby authorized to issue bonds of the city of Albany to an amount



such, that the proceeds thereof shall amount to the sum of one hundred and seventy thousand dollars, to be known as Broadway improvement bonds. Said bonds shall be signed by the Mayor and Chamberlain of the city. Said bonds shall be executed, issued and sold in the manner provided in section four of this act; they shall bear interest at the rate of not more than three and one-half per centum per annum, and the principal thereof shall be payable in five equal annual installments, commencing September first, eighteen hundred and eighty-nine. The interest and principal of said bonds shall be raised and paid in the manner provided in section four of this act. The proceeds of the bonds hereby authorized to be issued shall be used to pay for the work described and set forth in sections one, two and three of this act, that is already completed and accepted by the Street Commissioner of the city of Albany, and the Chamberlain shall pay the same to the persons and in the amounts directed by the Board of Contract and Apportionment of the city of Albany. When, under the provisions of section four of this act, the board of finance of the city of Albany issue bonds as therein provided, they shall deduct from the amount to be issued by them the amount of the bonds issued under the provisions of this section.

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#### CHAPTER 305 OF THE LAWS OF 1887.

An Act to provide for the opening, grading and construction of a boulevard, from a point on Livingston avenue, opposite Thornton street, northerly to Van Rensselaer boulevard in the city of Albany.

Passed May 11, 1887; three-fifths being present; without the approval of the Governor.

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

#### **Opening of Northern Boulevard.—Assessment of work of bridging.—Specifications.**

Section 1. The city of Albany is authorized and empowered to take proceedings for the opening and construction of a boulevard to be known as the Northern boulevard, from a point on Livingston avenue where the same is now intersected by Knox street in a northerly direction to and across Tivoli creek or Patroon's creek, in such direction as may be designated, and with such

grades as may be approved by the Board of Contract and Apportionment to such point in the road or avenue known as Van Rensselaer boulevard as may be designated by said board. The work of bridging over any land shall be assessed upon the land abutting upon the line of the boulevard formed by such bridge. The specifications for such work shall include and cover the cost of construction of the same in such wise as to include all excavating, filling, forming, grading, bridging and other construction necessary to establish a boulevard of such width, grade and surface as may be prescribed and fixed by said board.

(As amended by chapter 391, Laws of 1892.)

**Land-owners may perform grading, etc., in front of their lands.**

§ 2. The owner or owners of any land abutting upon said boulevard shall be at liberty, under such rules and regulations, and after such reasonable notice and within such reasonable time, not less than three nor more than twelve months, as the Board of Contract and Apportionment may prescribe, to pay the expenses of, and cause to be done the work of opening, grading, filling and forming the said boulevard in front of the land owned by such owner or owners, and any owner or owners so paying the expense of and doing the work in that portion of the boulevard, in front of his or their land, shall not, nor shall his or their land be liable, or be assessed for any of the expense of the work done under this act.

**Expenditure for work, etc., how paid.—Amount, how raised and assessed.—Limitation of outlay.**

§ 3. Such expenditure as shall be necessary to excavate, fill and form such boulevard, and to culvert so much of Patroon's creek as runs thereunder, from a point about two hundred feet south of Patroon's creek, and marked "division line," on a map heretofore made by R. H. Bingham, dated March five, eighteen hundred and eighty-seven, and signed by the City Engineer and Surveyor of the city of Albany and filed in his office, to a line fence passing near to a large pine tree, which pine tree is shown on said map as in the center line of said proposed boulevard, being about seven hundred feet easterly from the said point marked "division line," shall be paid by the Chamberlain of the city of Albany out of any unappropriated moneys in his hands, and the amount thus paid shall be included and raised, five-

sixths parts thereof in the next city tax budget, and one-sixth part thereof shall be by the Board of Supervisors of Albany county assessed upon the taxable property of the town of Water-vliet, in said county, in the next tax levy made after such amount shall be certified by the Chamberlain of the city of Albany to said board, and shall be raised by tax and paid over to said Chamberlain and be by him repaid to the fund from which it was taken; provided, however, that the amount to be expended for so excavating, filling and forming such boulevard between said "division line" and said "line fence" near said "pine tree," and for culverting so much of Patroon's creek as runs thereunder, shall not exceed thirty-five thousand dollars, and in case such work cannot be done for the sum of thirty-five thousand dollars this act shall not take effect.

(As amended by chapter 231, Laws of 1892.)

**Assessment upon owners of adjoining land.—To be a lien thereon.**

§ 4. All the rest of the expense of the work hereby authorized shall be assessed against the owner or owners of the several pieces of land lying and being respectively opposite to the respective places at which the work shall be done or the expense shall be incurred, in such wise, that each such owner or owners shall pay the expense of the work done in front of, or opposite to his or their own land, except as other wise provided for in section three herein; and such assessment shall be and constitute a lien upon the respective pieces of land to a point such distance back from the line of said boulevard as the Board of Contract and Apportionment shall determine that the benefit of such work extends.

**Proceedings for acquiring title to lands.—Assessment of expense.**

§ 5. The city of Albany is hereby authorized to take proceedings in accordance with the provisions of the city charter for the purpose of acquiring the title to any land, or any easement or right therein which shall be necessary or proper for the purpose of carrying into effect this act and the expense of acquiring and paying for the land, easement or right so acquired, shall be apportioned and assessed upon the property benefited by said work and collected therefrom and from the owners thereof in the manner

in which assessments for such purpose are now by the general provisions of said charter of the city of Albany provided to be enforced.

(As amended by chapter 391, Laws of 1892.)

**Gas and water pipes, etc., how laid.—Extension of water mains.**

§ 6. No drains or culverts hereafter to be constructed, and no gas, water or other pipes hereafter to be laid or placed in said boulevard, excepting such as shall be laid in streets intersecting or crossing the same, shall be constructed and laid within twenty-five feet of the center line thereof, but shall be laid or placed within the limits of that portion of said boulevard to be set apart for sidewalks, and the Water Commissioners of said city are hereby authorized and directed, within one year after said boulevard has been completed, and the work thereof accepted by the Board of Contract and Apportionment, to lay water pipes or mains on each side of said boulevard between Livingston avenue and a point eighteen hundred feet north of the same, in accordance with the provisions of this section.

§ 7. This act shall take effect immediately.

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#### CHAPTER 352 OF THE LAWS OF 1887.

An Act to enable the city of Albany to repair, extend, complete and preserve the Beaver creek sewer in the city of Albany.

Passed May 17, 1887; three-fifths being present; without the approval of the Governor.

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

**Beaver creek sewer, contract for improvement of.—Laws applicable.**

Section 1. The Board of Contract and Apportionment of the city of Albany is hereby authorized and empowered to enter into a contract or contracts for repairing, extending and completing the Beaver creek sewer, arch or culvert from the end of the present sewer at or near the intersection of Myrtle avenue and Lark street to such point east thereof, not further than the west line of Grand street, as may be necessary to complete said arch or sewer, and put the part heretofore constructed in good condition and to build man-holes, receiving basins and connecting drains to said sewer, and to cause the surrounding low grounds to be

filled to such depth as to cause the surface drainage to flow to and into the main sewer. Said main sewer to be covered with not less than four feet of earth for its entire length. Such contract or contracts shall be let and said work done pursuant to and subject to all the laws and ordinances governing and relating to the construction of sewers and the making of local public improvements in the city of Albany.

**City bonds to issue for one-half cost of work.—Remaining one-half of cost, how assessed for benefits.—Assessments, how made.—To be a lien upon lands.—Sale thereof for non-payment.**

§ 2. When the work shall have been completed and accepted by the proper authorities, the board of finance of the city of Albany shall issue bonds of the city of Albany, signed by the Mayor and Chamberlain, for the entire expense of extending the sewer, mentioned in the first section of this act, from the west line of Grand street to a point about forty feet to the east hereof and also for fifty per centum of the expense of the balance of the work herein provided to be done, such bonds shall bear interest at the rate of not more than three and one-half per centum per annum, and shall be made payable in equal annual payments, commencing two years from the date of their issue, and the whole amount to be paid in twenty years from the date of their issue; the amount necessary to make such annual payments, together with the interest on such bonds, shall be placed in the annual tax budget and paid. The Board of Contract and Apportionment shall proceed to apportion and assess the remaining fifty per centum of the expense of the work herein provided for, upon the real estate, franchises, houses and lots and vacant lots that they shall adjudge to be benefited by such work in proportion as they shall adjudge each piece of property so assessed to have been benefited by such work. Such assessment and apportionment shall be made in like manner and form as other assessments for work done in the city of Albany are made and imposed; and the same shall be a lien upon the houses and lots and vacant lots adjudged to be benefited thereby, and the same shall be sold for non-payment thereof in the same manner as is provided for the sale of property for the non-payment of assessments in and by the charter of the city of Albany.

§ 3. This act shall take effect immediately.

(As amended by chapter 262, Laws of 1888.)

## CHAPTER 362 OF THE LAWS OF 1890.

An Act to enable the city of Albany to extend and complete the Beaver creek sewer in the city of Albany, and to provide for the expense thereof.

Approved by the Governor May 19, 1890. Passed, three-fifths being present.

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

Section 1. Whenever the city of Albany shall have, pursuant to the Laws of the State of New York and the ordinances of said city having reference thereto, provided for extending and completing the Beaver creek sewer, arch or culvert from the westerly termination of the present sewer in Myrtle avenue, about thirty feet east of the easterly line of Lexington avenue, to a point westerly therefrom to be determined by the Common Council, not farther than the easterly termination of the sewer in Park avenue, about fifteen feet east of the easterly line of Allen street, and for building man-holes, receiving basins and connecting drains to said sewer, and for covering said main sewer with not less than four feet of earth for its entire length, and such work shall have been completed and accepted by the proper authorities, the expense thereof shall be raised as provided in the second section of this act. The contract or contracts for such work shall be let and said work done pursuant and subject to all the laws and ordinances governing and relating to the construction of sewers and the making of local improvements in the city of Albany.

§ 2. When said work shall have been completed and accepted by the proper authorities, as aforesaid, the board of finance of the city of Albany shall issue the bonds of the city of Albany, signed by the Mayor and Chamberlain, for fifty per centum of the expense of the work herein provided to be done. Such bonds shall bear interest at the rate of not more than three and one-half per centum per annum, and shall be made payable in equal annual payments, commencing two years from the date of their issue, and the whole amount to be paid in twenty years from the date of their issue. The amount necessary to make such annual payments, together with the interest on such bonds, shall be placed in the annual tax budget and paid. The Board of Contract and Apportionment shall proceed to apportion and assess the remaining fifty per centum of the expense of the work herein pro-

vided for, upon the real estate, franchises, houses and lots and vacant lots that they shall have adjudged to be benefited by such work in proportion as they shall adjudge each piece of property so assessed to have been benefited by such work. Such assessment and apportionment shall be made in like manner and form as other assessments for work done in the city of Albany are made and imposed; and the same shall be a lien upon the real estate, franchises, houses and lots and vacant lots adjudged to be benefited thereby, and the same may be sold for non-payment thereof in the same manner as is provided for the sale of property for the non-payment of assessments in and by the charter of the city of Albany.

§ 3. This act shall take effect immediately.

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#### CHAPTER 231 OF THE LAWS OF 1888.

An Act to provide for the improvement of a portion of Central avenue and Watervliet avenue in the city of Albany, and the construction of a sewer in a portion of Central avenue in said city, and for the payment of the expenses thereof.

Became a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, May 8, 1888. Passed, three-fifths being present.

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

Section 1. Whenever a petition is made to the Common Council of the city of Albany in the form and manner authorized and duly certified by the City Engineer and Surveyor as required by the charter of the city of Albany for the grading, filling, forming, curbing and paving the carriage-way with oblong dimension granite blocks of the best quality, of that portion of Central avenue between the east line of Main avenue and the west line of Watervliet avenue; and of that portion of Watervliet avenue between Central avenue and the New York Central railroad bridge; and the construction of sewers in Central avenue from Ontario street to Watervliet avenue in said city, said Common Council is authorized to establish a grade for such streets; and also to provide for the general manner of execution of such work, and to take such action as under the charter of said city and the laws relating to the same shall be proper in the premises, and to direct such work to be done; and it shall be the duty of the

Board of Contract and Apportionment, and the other boards, authorities and officers of said city to carry the same into execution and effect.

§ 2. Such work, in the foregoing section provided for, if authorized by the Common Council, shall be done in all respects in accordance with the laws of the State of New York and the laws, ordinances and resolutions of the Common Council of the city of Albany. Whenever such work shall have been completed, the expenses thereof shall be imposed and assessed upon the property benefited thereby in like manner and form as other assessments for work done in said city are laid and imposed, and such assessment, when so made, shall be conclusive evidence of the regularity of all prior proceedings taken and had under the provisions of this act, and shall be and constitute a lien and charge upon the several pieces of land therein described; and the general provisions of the charter of the city of Albany now existing, or hereafter to be enacted, as to the validity of any assessment to the extent of any certificates of indebtedness issued in payment thereof, shall be applicable and shall apply to the assessment in this act provided for to the extent of any bonds issued hereunder to pay for the same.

§ 3. If such petition shall be duly presented to the Common Council and shall be certified by the City Engineer and Surveyor, as above provided for, then in such case the assessment for the expense of such work above provided for shall be and become due and payable in the manner and at the time and in the proportions following, and not otherwise, that is to say, one-fifth part of each such assessment, with interest on the whole amount of the entire assessment up to that time remaining unpaid from and after the date of the confirmation of such assessment, at and after the rate of three and one-half per centum per annum, shall be payable on the first day of September following the confirmation of such assessment, and one-fifth part thereof, with like interest on the whole amount of the entire assessment up to that time remaining unpaid from the date of the confirmation of such assessment, shall be and become due and payable on each succeeding first day of September until the whole of such assessment shall be paid. The owner of any piece of property so assessed may, at any time, pay to the Chamberlain of the city of Albany the assessment upon his property, with interest at the rate aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assess-



ment. In case any payment so above provided for shall not be made when as above provided for it becomes due and payable, and then such amount shall be collected by a sale of the property assessed, and by such other, if any, proceeding as may be provided by law for the collection of ordinary assessments in said city. It shall be the duty of the Chamberlain of the city of Albany immediately when any such default shall take place, to proceed, under the provisions of the charter of said city, to advertise the premises assessed for such amount so in default, and to sell the same for the amount due thereon, with interest on such amount from the time of such default, at the rate prescribed by the charter of said city in the case of ordinary city assessments, together with the costs and charges of the notice and sale. The property shall be sold subject to all subsequent payments chargeable thereto under the said assessment, and subject to any other city assessment then a lien thereon, and the Chamberlain's certificate and the Chamberlain's declaration of sale shall each be conclusive evidence of the regularity of all proceedings prior thereto, including the sale.

§ 4. It shall be the duty of the board of finance of the city of Albany, upon the confirmation of any assessment mentioned in section three of this act, to cause to be prepared and executed in the usual form, bonds of said city to be known as Central avenue and Watervliet avenue improvement bonds, and to sell so many of the same, as near as may be, as shall produce an amount equal to such assessment, at public auction at not less than par, after notice of such intended sale shall have been published for ten days, Sundays and legal holidays excepted, in the three city newspapers appointed and authorized to publish city notices in the city of Albany. Such bonds shall bear interest at (not exceeding) three and one-half per centum per annum, and shall be so respectively made payable, that of the principal sum thereby secured to be paid there shall fall due on each first day of November following each first day of September succeeding the confirmation of the assessment above provided for bonds representing one-fifth part of the aforesaid assessment, to represent which said bonds shall be issued. The principal and interest upon such bonds shall be paid by the city, as they respectively mature, out of the amount collected from the assessment to pay the amount of which the bonds were issued. Should there not be sufficient money in the Chamberlain's hands, collected from such assessment, to pay the bonds or any of them, or the interest thereon

when they mature, then such bonds or interest shall be paid out of the general debt sinking fund of the city, and in such case any money thereafter collected from the assessment shall be paid into such sinking fund. The proceeds of such bonds shall be applied to the payment of the amount due to the contractor and any other expenses represented in and covered by such assessment. The provisions of sections three and four of this act shall not be applicable to any work done hereunder, and any assessment for such work shall be collected and paid in all respects as other assessments are now collected and paid in, under the provisions of the charter of said city, unless the Common Council shall in the law and ordinance providing for the doing of such work direct that the provisions of this act as to the loaning of the credit of the city therefor, shall be applicable thereto, which provision in the law or ordinance for such work, the owners signing a petition for the doing of said work are authorized to make a condition of said petitions taking effect.

§ 5. All drains or culverts hereafter to be constructed, and all gas, water or other pipes hereafter to be laid, relaid or placed in said streets between the points above designated, shall be constructed and laid under the sidewalks and not under the carriage-way thereof.

§ 6. This act shall take effect immediately.

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#### CHAPTER 389 OF THE LAWS OF 1892.

An Act to provide for the improvement of a portion of Central avenue in the city of Albany, and streets intersecting the same and for the payment of the expenses thereof.

Approved by the Governor April 30, 1892. Passed, three-fifths being present.

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

**Central avenue, proceedings for improvement of portion of.—  
Proviso as to letting of contracts.**

Section 1. Whenever a petition is made to the Common Council of the city of Albany, which petition shall be in the manner and form authorized and required by the charter of the city of Albany, and duly certified by the City Engineer as required by the charter of the city of Albany, for the grading, filling, forming, curbing, paving and repaving the carriage-way and sidewalk with such

kind of pavement, excepting and excluding cobble-stones, as shall be set forth in said petition of that portion of Central avenue between the west line of Knox street and the east line of Main avenue, in the city of Albany, or between the west line of Knox street and any point west of the west line of Knox street as designated in said petition, provided that portion of said street or avenue so intended to be improved as aforesaid shall be not less than two thousand lineal feet in extent. Said Common Council is authorized to establish a grade for said street and the streets intersecting the same, and provide for the general manner of execution of such work, and to take such action as under the charter of said city and the laws relating to the same as shall be proper in the premises, and to direct such work to be done; and it shall be the duty of the Board of Contract and Apportionment and the other appropriate boards and authorities and officers in said city to carry the same into execution and effect, after said Common Council shall have authorized the performance of the work. But no proceedings shall be taken by said Board of Contract and Apportionment towards the letting of the contract for the performance of any portion of the work and improvement hereinbefore described until after such time when the amount of all bonds issued by the said city of Albany for street improvements then outstanding, together with those proposed to be issued under and by virtue of this chapter, shall be less than seven hundred and fifty thousand dollars.

**Work, how to be done.—Assessment of expense.—Provisions of charter, applicable.**

§ 2. Such work, in the foregoing section provided for, if authorized by the Common Council, shall be done in all respects in accordance with the laws of the State of New York and the laws, ordinances and resolutions of the Common Council of the city of Albany. Whenever such work shall have been completed, the expenses thereof shall be imposed and assessed upon the property benefited thereby in like manner and form as other assessments for work done in said city are levied and imposed, and such assessment, when so made, shall be conclusive evidence of the regularity of all prior proceedings taken and had under the provisions of this act, and shall be and constitute a lien and charge upon the several pieces of land therein described; and the general provisions of the charter of the city of Albany now existing, or hereafter to be enacted as to the validity of any assessment

to the extent of any certificate of indebtedness issued in payment thereof, shall be applicable and shall apply to the assessment in this act provided for to the extent of any bonds issued hereunder to pay for the same.

**Assessments, when due and payable.—Discharge of liens of assessments.—Sale of property for unpaid assessments.**

§ 3. If such petition shall be duly presented to the Common Council and shall be certified by the City Engineer as above provided for, then in such case the assessment for the expense of such work above provided for shall be and become due and payable in the manner and at the time and in the proportions following, and not otherwise, that is to say, one-tenth part of each such assessment, with interest on the whole amount of the entire assessment up to that time remaining unpaid from and after the date of the confirmation of such assessment, at and after a rate to be fixed as hereinafter stated not exceeding, however, five per centum per annum, shall be payable on the first day of September following the confirmation of such assessment, and one-tenth part thereof, with like interest on the whole amount of the entire assessment up to that time remaining unpaid from the date at which the last previous payment of interest is provided to be paid, shall be and become due and payable on each succeeding first day of September until the whole of such assessment shall be paid. The owner of any piece of property so assessed may, at any time, pay to the Chamberlain of the city of Albany, the assessment upon his property, with interest at the rate so fixed as aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment. In case any payment so above provided for shall not be made when as above provided for it becomes due and payable, then such amount shall be collected by a sale of the property assessed, and by such other, if any, proceeding as may be provided for by law for the collection of ordinary assessments in said city. It shall be the duty of the Chamberlain of the city of Albany immediately when any such default shall take place, to proceed, under the provisions of the charter of said city, to advertise the premises assessed for such amount so in default, and to sell the same for the amount due thereon, with interest on such amount from the time of such default, at the rate prescribed by the charter of said city in the case of ordinary city assessments, together with the costs and charges of the notice and sale. The property shall

be sold subject to all subsequent payments chargeable thereto under the said assessment, and subject to any other city assessments then a lien thereon, and the Chamberlain's certificate and the Chamberlain's declaration of sale shall each be conclusive evidence of the regularity of all proceedings prior thereto, including the sale.

**Improvement bonds to issue.—Sale thereof.—Interest and when payable.—Payment of principal and interest.—Payment to contractors.—Provisions of act, when to apply.**

§ 4. It shall be the duty of the board of finance of the city of Albany, upon the confirmation of any assessment mentioned in section three of this act, to cause to be prepared and executed in the usual form, bonds of said city to be known as Central avenue improvement bonds, and to sell so many of the same as near as may be, as shall produce an amount equal to such assessment, at public auction, at not less than par, after notice of such intended sale shall have been published for ten days, Sundays and legal holidays excepted, in the three city newspapers appointed and authorized to publish city notices in the city of Albany. Such bonds shall bear interest at a rate to be fixed by the board of finance, not exceeding five per centum per annum, and shall be so respectively made payable, that of the principal sum thereby secured to be paid, there shall fall due on each first day of November following each first day of September succeeding the confirmation of the assessment above provided for, bonds representing one-tenth part of the aforesaid assessment to represent which said bonds shall be issued. The principal and interest upon such bonds shall be paid by the city as they respectively mature, out of the amount collected from the assessment to pay the amount for which the bonds were issued. Should there not be sufficient money in the Chamberlain's hands, collected from such assessment, to pay the bonds or any of them or the interest thereon when they mature, then such bonds or interest shall be paid out of the general debt sinking fund of the city, and in such case any money thereafter collected from the assessment shall be paid into such sinking fund. The proceeds of such bonds shall be applied to the payment of the amount due the contractor and any other expense represented in and covered by such assessment. The provisions of sections three and four of this act shall not be applicable to any work done hereunder, and any assessment for such work shall be collected and paid in all respects as other

assessments are now provided to be collected and paid in, under the provisions of the charter of the said city, unless the Common Council shall in the law or ordinance providing for the doing of such work direct that the provisions of this act as to the loaning of the credit of the city therefor shall be applicable thereto, which provision in the law or ordinance for such work, the owners signing a petition for the doing of said work are authorized to make a condition of said petition taking effect.

§ 5. This act shall take effect immediately.

CHAPTER 397 OF THE LAWS OF 1888.

An Act to provide for the improvement of a portion of Lake avenue, in the city of Albany, and the streets intersecting the same, and for the payment of the expense thereof.

Approved by the Governor May 26, 1888. Passed, three-fifths being present.

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

Section 1. Whenever a petition is made to the Common Council of the city of Albany, which petition shall be in the manner and form authorized and required by the charter of the city of Albany, and duly certified by the City Engineer and Surveyor as required by the charter of the city of Albany, for the grading, filling, forming, curbing and paving and repaving the carriage-way and sidewalk with such kind of pavement as shall be set forth in said petition, Lake avenue in the city of Albany from the south side of Madison avenue to the New Scotland plank-road; said Common Council is authorized to establish a grade for such street; and also to provide for the general manner of execution of such work, and to take such action as under the charter of said city and the laws relating to the same shall be proper in the premises, and to direct such work to be done; and it shall be the duty of the Board of Contract and Apportionment, and the other boards, authorities and officers of said city to carry the same into execution and effect.

§ 2. Such work, in the foregoing section provided for, if authorized by the Common Council, shall be done in all respects in accordance with the laws of the State of New York and the laws, ordinances and resolutions of the Common Council of the city of Albany. Whenever such work shall have been completed, the expenses thereof shall be imposed and assessed upon the property

benefited thereby in like manner and form as other assessments for work done in said city are laid and imposed, and such assessment, when so made, shall be conclusive evidence of the regularity of all prior proceedings taken and had under the provisions of this act, and shall be and constitute a lien and charge upon the several pieces of land therein described; and the general provisions of the charter of the city of Albany now existing, or hereafter to be enacted, as to the validity of any assessment to the extent of any certificates of indebtedness issued in payment thereof, shall be applicable and shall apply to the assessment in this act provided for to the extent of any bonds issued hereunder to pay for the same.

§ 3. If such petition shall be duly presented to the Common Council and shall be certified by the City Engineer and Surveyor, as above provided for, then in such case the assessment for the expense of such work above provided for shall be and become due and payable in the manner and at the time and in the proportions following, and not otherwise, that is to say, one-fifth part of each such assessment, with interest on the whole amount of the entire assessment up to that time remaining unpaid from and after the date of the confirmation of such assessment, at and after the rate of interest specified in the bonds of the city issued under this act, shall be payable on the first day of September following the confirmation of such assessment, and one-fifth part thereof, with like interest on the whole amount of the entire assessment up to that time remaining unpaid from the date of the confirmation of such assessment, shall be and become due and payable on each succeeding first day of September until the whole of such assessment shall be paid. The owner of any piece of property so assessed may, at any time, pay to the Chamberlain of the city of Albany the assessment upon his property, with interest at the rate aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment. In case any payment so above provided for shall not be made when as above provided for it becomes due and payable, and then such amount shall be collected by a sale of the property assessed, and by such other, if any, proceeding as may be provided by law for the collection of ordinary assessments in said city. It shall be the duty of the Chamberlain of the city of Albany immediately when any such default shall take place, to proceed, under the provisions of the charter of said city, to advertise the premises assessed for such amount so in default,

and to sell the same for the amount due thereon, with interest on such amount from the time of such default, at the rate prescribed by the charter of said city in the case of ordinary city assessments, together with the costs and charges of the notice and sale. The property shall be sold subject to all subsequent payments chargeable thereto under the said assessment, and subject to any other city assessment then a lien thereon, and the Chamberlain's certificate and the Chamberlain's declaration of sale shall each be conclusive evidence of the regularity of all proceedings prior thereto, including the sale.

§ 4. It shall be the duty of the Board of Finance of the city of Albany, upon the confirmation of any assessment mentioned in section three of this act, to cause to be prepared and executed in the usual form, bonds of said city to be known as Lake avenue improvement bonds and to sell so many of the same as near as may be, as shall produce an amount equal to such assessment, at public auction, at not less than par, after notice of such intended sale shall have been published for ten days, Sundays and legal holidays excepted, in the three city newspapers appointed and authorized to publish city notices in the city of Albany. Such bonds shall bear interest at (not exceeding) three and one-half per centum, and shall be so respectively made payable, that of the principal sum thereby secured to be paid there shall fall due on each first day of November following each first day of September succeeding the confirmation of the assessment above provided for, bonds representing one-fifth part of the aforesaid assessment, to represent which said bonds shall be issued. The principal and interest upon such bonds shall be paid by the city, as they respectively mature, out of the amount collected from the assessment to pay the amount of which the bonds were issued. Should there not be sufficient money in the Chamberlain's hands, collected from such assessment, to pay the bonds, or any of them, or the interest thereon, when they mature, then such bonds or interest shall be paid out of the general debt sinking fund of the city, and in such case any money thereafter collected from the assessment shall be paid into such sinking fund. The proceeds of such bonds shall be applied to the payment of the amount due to the contractor and any other expense represented in and covered by such assessment. The provisions of sections three and four of this act shall not be applicable to any work done hereunder, and any assessment for such work shall be collected and paid in all respects as other assessments are now col-



lected and paid in, under the provisions of the charter of said city, unless the Common Council shall in the law and ordinance providing for the doing of such work direct that the provisions of this act as to the loaning of the credit of the city therefor shall be applicable thereto, which provision in the law or ordinance for such work, the owners signing a petition for the doing of said work are authorized to make a condition of said petition's taking effect.

§ 5. All drains or culverts hereafter to be constructed, and all gas, water or other pipes hereafter to be laid, relaid, or placed in said streets between the points above designated, shall be constructed and laid under the sidewalks and not under the carriage-way thereof; and all water, sewer and gas pipes now laid in said streets shall be taken up and relaid under the sidewalk before the carriage-way is paved as herein provided for. The chairman of the Board of Supervisors is hereby authorized to sign the petition mentioned in the first section of this act, for and on behalf of the county of Albany and on account of the land used in connection with the alms-house property on said Lake avenue.

§ 6. This act shall take effect immediately.

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#### CHAPTER 630 OF THE LAWS OF 1894.

An Act to provide for the improvement of a portion of Third avenue in the city of Albany and streets intersecting the same, and for the payment of the expenses thereof.

Became a law May 10, 1894, with the approval of the Governor. Passed, three-fifths being present.

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

**Action of Council as to improvements.—Duty of Board of Contract.—Restrictions as to letting of contract.**

Section 1. Whenever a petition is made to the Common Council of the city of Albany, which petition shall be in the manner and form authorized and required by the charter of the city of Albany, for the grading, filling, forming, curbing, paving and repaving the carriage-way with such kind of pavement, excepting and including cobble-stones, as shall be set forth in said petition, of that portion of Third avenue, between the east line of Elizabeth

street and the west line of Hawk street, said Common Council is authorized to establish a grade for said street and the streets intersecting the same, and provide for the general manner of execution of such work and to direct such work to be done, and it shall be the duty of the Board of Contract and Apportionment and the other appropriate boards and officers in said city to carry the same into execution and effect after it shall have been authorized by the Common Council to be done. But no proceedings shall be taken by said Board of Contract and Apportionment towards the letting of the contract for the performance of any portion of the work and improvement hereinbefore described until after such time when the amount of all bonds issued by the said city of Albany for street improvements then outstanding, together with those proposed to be issued under and by virtue of this chapter, shall be less than seven hundred and fifty thousand dollars.

**Work, how done.—Expense thereof, how assessed.—Lien upon lands.—Provisions of charter applicable.**

§ 2. Such work, in the foregoing section provided for, if authorized by the Common Council, shall be done in all respects in accordance with the laws of the State of New York and the laws, ordinances and resolutions of the Common Council of the city of Albany. Whenever such work shall have been completed, the expenses thereof shall be imposed and assessed upon the property benefited thereby in like manner and form as other assessments for work done in said city are levied and imposed, and such assessment, when so made, shall be conclusive evidence of the regularity of all prior proceedings taken and had under the provisions of this act, and shall be and constitute a lien and charge upon the several pieces of land therein described; and the general provisions of the charter of the city of Albany now existing, or hereafter to be enacted as to the validity of any assessment to the extent of any certificate of indebtedness issued in payment thereof, shall be applicable and shall apply to the assessment in this act provided for to the extent of any bonds issued hereunder to pay for the same.

**Assessments, when payable.—Payment of entire assessment.—**

**Sale of property for unpaid assessments.—Chamberlain to advertise and sell same.—Manner of sale.**

§ 3. If such petition shall be duly presented to the Common Council and shall be certified by the City Engineer, as above provided for, then in such case the assessment for the expense of such work, above provided for, shall be and become due and payable in the manner and at the time and in the proportions following, and not otherwise, that is to say, one-fifth part of each such assessment, with interest on the whole amount of the entire assessment up to that time remaining unpaid from and after the date of the confirmation of such assessment, at and after a rate to be fixed as hereinafter stated, not exceeding, however, five per centum per annum, shall be payable on the first day of September following the confirmation of such assessment, and one-fifth part thereof, with like interest on the whole amount of the entire assessment, up to that time remaining unpaid from the date at which the last previous payment of interest is provided to be paid, shall be and become due and payable on each succeeding first day of September, until the whole of such assessment shall be paid. The owner of any piece of property so assessed may, at any time, pay to the Chamberlain of the city of Albany, the assessment upon his property, and the interest at the rate so fixed as aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment. In case any payment, so above provided for, shall not be made when as above provided for it becomes due and payable, then such amount shall be collected by a sale of property assessed and by such other, if any, proceedings as may be provided for by law for the collection of ordinary assessments in said city. It shall be the duty of the Chamberlain of the city of Albany, immediately when any such default shall take place, to proceed, under the provisions of the charter of said city, to advertise the premises assessed for such amount so in default, and to sell the same for the amount due thereon, with interest, on such amount from the time of such default, at the rate prescribed by the charter of said city in the case of ordinary city assessments, together with the costs and charges of the notice of sale. The property shall be sold, subject to all subsequent payments chargeable thereto under the said assessment, and subject to any other city assessments then a lien thereon, and the

Chamberlain's certificate and the Chamberlain's declaration of sale shall each be conclusive evidence of the regularity of all proceedings prior thereto, including the sale.

**Improvement bonds, issue of.—Sale thereof.—Principal, when due and payable.—Payment of bonds and interest.—Application of proceeds.—Provisions not applicable.—Collection and payment of assessments.**

§ 4. It shall be the duty of the board of finance of the city of Albany, upon the confirmation of any assessment mentioned in section three of this act, to cause to be prepared and executed, in the usual form, bonds of said city, to be known as Third avenue improvement bonds, and to sell so many of the same, as near as may be, as shall produce an amount equal to such assessment, at public auction, at not less than par, after notice of such intended sale shall have been published for ten days, Sundays and legal holidays excepted, in the three city newspapers appointed and authorized to publish city notices in the city of Albany. Such bonds shall bear interest at a rate to be fixed by the board of finance, not exceeding five per centum per annum, and shall be so respectively made payable that of the principal sum thereby secured to be paid there shall fall due on each first day of November following each first day of September succeeding the confirmation of the assessment above provided for, bonds representing one-fifth part of the aforesaid assessment, to represent which said bonds shall be issued. The principal and interest upon such bonds shall be paid by the city as they respectively mature, out of the amount collected from the assessment to pay the amount for which the bonds were issued. Should there not be sufficient money in the Chamberlain's hands collected from such assessment to pay the bonds, or any of them, or the interest thereon, when they mature, then such bonds or interest shall be paid out of the general debt sinking fund of the city, and in such case any money thereafter collected from the assessment shall be paid into such sinking fund. The proceeds of such bonds shall be applied to the payment of the amount due the contractor and any other expense represented in and covered by such assessment. The provisions of sections three and four of this act shall not be applicable to any work done hereunder, and any assessment for such work shall be collected and paid in all respects as other assessments are now provided to be collected and paid in under the provisions of the

charter of the said city, unless the Common Council shall, in the law or ordinance providing for the doing of such works, direct that the provisions of this act as to the loaning of the credit of the city therefor shall be applicable thereto, which provision in the law or ordinance for such work, the owners signing a petition for the doing of said work are authorized to make a condition of said petition taking effect.

§ 5. This act shall take effect immediately.

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CHAPTER 356 OF THE LAWS OF 1874.

An Act in relation to the redemption of real estate sold for the non-payment of assessments in the city of Albany.

Passed May 7, 1874; three-fifths being present.

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

**Sale for assessment not to affect mortgage lien.**

Section 1. No sale for real estate hereafter made for the non-payment of any assessment in the city of Albany shall destroy or in any manner affect the lien of any mortgage thereon duly recorded, except as hereinafter provided.

**Purchaser to give mortgagee notice.**

§ 2. It shall be the duty of the purchaser at such sale to give the mortgagee a written notice of such sale, requiring him to pay the amount of the purchase-money, with interest at the rate allowed by law thereon, within six months after the giving of such notice.

**If payment be made sale to be of no effect.**

§ 3. If such payment shall be made, the sale shall be of no further effect, and the mortgagee shall have a lien on the premises for the amount paid, with the interest which may thereafter accrue thereon, at the rate of seven per cent per annum, in like manner as if the same had been included in his mortgage.

**Effect of non-payment.**

§ 4. In case the mortgagee shall fail to make such payment within the time so limited, he shall not be entitled to any benefit of section one of this act.

**Terms mortgagee and purchaser defined.**

§ 5. The term mortgagee, as used in this act, shall be construed to include assignees whose assignment shall be duly recorded, and personal representatives; and the term purchaser shall be construed to include assignees, and real and personal representatives, as the case may be.

**Notice, how given.**

§ 6. The notice required by section two of this act may be given either personally or in the manner required by law in respect to notices of non-acceptance or non-payment of notes or bills of exchange, and a notarial certificate thereof shall be presumptive evidence of the fact; such certificate may be recorded in the clerk's office of the county of Albany, in the same manner and with the same effect as is by law prescribed in respect to deeds or other evidences of title to real estate.

**Notice, duty of purchasers as to.**

§ 7. In all cases of lands hereafter to be sold for arrears of assessments, in said city of Albany, it shall be the duty of the purchaser, or of the person claiming under him, to give the owner or occupant the notice required by section two of this act.

§ 8. This act shall take effect immediately.

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**CHAPTER 345 OF THE LAWS OF 1883.**

An Act to legalize and confirm upon certain conditions the assessments contained in the assessment-rolls of the respective wards in the city of Albany for the years eighteen hundred and seventy-six, eighteen hundred and seventy-seven and eighteen hundred and seventy-eight.

Passed April 30, 1883; three-fifths being present.

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

**Assessment-rolls legalized.**

Section 1. The assessments contained in the assessment-rolls of the respective wards of the city of Albany for the years eighteen hundred and seventy-six, eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, and which are now on file in the office of the Receiver of Taxes of the city, are hereby in all things legalized and confirmed, subject to the rights of the

shareholders or their personal representatives in National or State banks which were located in said city during those years, and the assessments against whom, by reason of their ownership of such shares, were collected by process of law, to claim a deduction from or cancellation of such assessments as provided for in the next section.

**Notice of review of assessments to be published.**

§ 2. Within ten days after the passage of this act, the Assessors of the city of Albany shall publish a notice subscribed by them, in the official papers of the city, daily, Sundays and holidays excepted, for three weeks, notifying all of such above described shareholders that at the office of such Assessors in the city of Albany for three weeks subsequent to the last day of the publication of such notice, Sundays and holidays excepted, the Assessors will be in attendance and will hear any application that may be made to them for the purpose of deducting from the assessments aforesaid any amount which such shareholder or his personal representative would have been entitled to deduct under the law as it existed in the year when the assessment was placed in the roll, had such application then been made.

**Shareholders may apply to have assessment reduced or canceled.**

§ 3. During the time above named any of such above described shareholders assessed in any of such rolls, or any one representing them, may appear before such assessors and make application to have a reduction or cancellation of such assessment upon any ground which would have been a legal ground at the time when such assessment was placed in the roll, and upon the facts as they existed at the time when such assessment was placed in such roll. The Assessors shall have power to administer an oath to the applicant, and after an examination of him upon the material facts of such application, shall grant to him such deduction from or cancellation of the assessment in question as he would have been legally entitled to upon the facts as they existed at the time when the assessment to reduce or cancel which the application is made was placed in the roll.

**Certificate to be made and signed by Assessors.**

§ 4. After the expiration of the time for hearing applications the Assessors, or a majority of them, shall sign a certificate stating

the name of the shareholder or his personal representative, who is entitled to a deduction from the amount contained in the assessment-roll, and the amount of such deduction and the amount of the interest thereon from the fifteenth day of December of the year to which the deduction applies up to the first day of February, eighteen hundred and eighty-four, and the certificate shall be made up in duplicate, and one of them sent to the Board of Supervisors of the county at its fall session in eighteen hundred and eighty-three, and the other to the County Treasurer.

**Board of Supervisors to add amount named in certificate to tax levy.**

§ 5. The Board of Supervisors shall at such session add to the amount to be raised by tax for county purposes the total amount named in such certificate for the principal and interest of such deduction therein named, and such sum shall be levied, assessed and collected in the same way as other taxes for county purposes and paid to the County Treasurer with other county funds.

**Payment by County Treasurer.**

§ 6. The County Treasurer, upon receipt of the moneys raised by tax, shall pay to the parties named in such certificate sent him by the Assessors the amount therein specified as due such persons.

§ 7. This act shall take effect immediately.

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CHAPTER 386 OF THE LAWS OF 1887.

An Act to legalize and confirm the affidavits contained in the assessment-rolls of the respective wards of the city of Albany from the year eighteen hundred and seventy-two to the year eighteen hundred and eighty-five, both inclusive.

Passed May 19, 1887; three-fifths being present; without the approval of the Governor.

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

Section 1. The affidavits contained in the assessment-rolls of the respective wards of the city of Albany from the year eighteen hundred and seventy-two to the year eighteen hundred and eighty-five, both years inclusive, and which are now on file in the office of the Receiver of Taxes of the city are hereby in all things legalized and confirmed. But none of the provisions of this



act shall apply to any action or proceeding commenced before January first, eighteen hundred and eighty-seven.

§ 2. This act shall take effect immediately.

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CHAPTER 341 OF THE LAWS OF 1883.

An Act to provide for the taxation of certain shareholders in the National Albany Exchange Bank.

Passed April 30, 1883; three-fifths being present.

**Preamble.**

Whereas, Certain shareholders in the National Albany Exchange Bank, who are hereinafter named, were, in the years eighteen hundred and seventy-six, eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, assessed in the Sixth Ward in the city of Albany upon their shares of stock owned in said National Albany Exchange Bank, which was, during such times, a banking association, incorporated under the laws of the United States, and doing business in the city of Albany; and

Whereas, By reason of such assessments which were assumed by the authorities of the city of Albany to have been good and valid assessments, the said stockholders hereinafter named were taxed by reason of their ownership of such shares, in amounts set forth in the assessment-rolls, for each of said years, for the Sixth Ward of the city of Albany, which are now on file in the office of Receiver of Taxes of said city, and are there of record; and

Whereas, By reason of such alleged assessment and taxation the various amounts set forth in such rolls against the names of the said stockholders were collected by warrant by the Marshal of the city of Albany, in the spring of each of the years eighteen hundred and seventy-seven, eighteen hundred and seventy-eight and eighteen hundred and seventy-nine, and the amount thus collected was paid into the treasury of the county of Albany by the said Marshal, and was received by the Treasurer of such county at such times, and disbursed by him in the manner provided for by law; and

Whereas, An action was commenced in the United States Circuit Court for the northern district of New York by an assignee of many of such shareholders to recover from the county of Albany the taxes paid by such shareholders during such years aforesaid, which action was based among other grounds upon the alleged invalidity of such assessments, because of the alleged

absence of any valid act providing for the taxation of shareholders in national banks, and the Supreme Court of the United States has decided that the act of the Legislature of this State, passed in eighteen hundred and sixty-six, and claimed by the plaintiff in the action aforesaid to be wholly void, was not wholly void, but served as a basis for a possible legal and valid assessment upon the owners of shares in national banks in the State of New York; and

Whereas, Since the time when the taxes were collected another suit has been instituted by such shareholders or their assignee to recover back the amounts thus paid or collected for the taxes of eighteen hundred and seventy-six, eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, into the treasury of the county of Albany, with interest thereon from the time of such payment, and which suit will be grounded upon the allegation, among others, that the assessment upon such bank shares was not made in the roll provided for that purpose until after the first of September in each year, and upon the further alleged ground that the oaths provided by law to be taken by the Assessors, and to be attached to the assessment-rolls, did not comply with the law; and

Whereas, The same form of oath was attached to all the assessment-rolls for the city of Albany in the years aforesaid, and all the taxes provided for in each of said rolls were paid or collected under the same form of oath as is complained of by the shareholders above referred to, and the same kind of an assessment was made against the shareholders in all the banks, both State and National, located in the city of Albany, during the years aforesaid, and the amounts assessed against such shareholders were voluntarily paid by all other shareholders in all the other banks, with the exception of the shareholders in said National Albany Exchange Bank; and

Whereas, The assessments complained of are alleged to have been void on the grounds already stated, among others, and the grounds of such illegality would apply in the one case to all other holders of bank shares in banks located in the city of Albany, and in the other to all the taxpayers of the city of Albany contained in said rolls; and

Whereas, It would be equitable and improper to permit the shareholders of the National Albany Exchange Bank, during the years mentioned above, in case of a recovery of the amounts heretofore paid by them into the county treasury on account of taxes,

to thus wholly escape taxation by reason of the ownership of shares of the bank aforesaid, during the years aforesaid; now, therefore,

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

**Assessors to levy and assess shareholders.—Amounts.—Assessments to be separately made.**

Section 1. The Assessors of the city of Albany, on or before the first day of September, eighteen hundred and eighty-three, are hereby directed to levy and assess upon such of those persons and corporations who were shareholders in the National Albany Exchange Bank on the first day of September, eighteen hundred and seventy-six, and also upon such of those persons and corporations who were shareholders in said bank on the first day of September, eighteen hundred and seventy-seven, and also upon such of those persons and corporations who were shareholders in said bank on the first day of September, eighteen hundred and seventy-eight (the names of such various shareholders in said years herein intended to be included and to be taxed, being hereinafter specially set forth), the sum of nine thousand and twenty-four dollars and sixty-six cents, with interest from the third day of May, eighteen hundred and seventy-seven, to September first, eighteen hundred and eighty-three, upon those persons who were shareholders in said bank on the first day of September, eighteen hundred and seventy-six, as hereinafter stated; and the sum of eight thousand six hundred and ninety-four dollars and fifty-four cents, with interest from the seventeenth day of April, eighteen hundred and seventy-eight, to September first, eighteen hundred and eighty-three, upon those persons who were shareholders in said bank on the first day of September, eighteen hundred and seventy-seven, as hereinafter stated; and the sum of seventy thousand seven hundred and sixteen dollars and twenty-two cents, with interest from the twenty-second day of April, eighteen hundred and seventy-nine, to September first, eighteen hundred and eighty-three, upon those who were shareholders in said bank on the first day of September, eighteen hundred and seventy-eight, as hereinafter stated. Such assessments shall be separately made for each of such years, and shall be made pro rata upon the different shareholders in proportion to the number of shares held by each as such number appear on the assessment-rolls in the Sixth Ward of Albany for the years in question, now on file and of record in the office of the Receiver

of Taxes of said city. The assessments shall be made by such Assessors upon the assessment-roll of the Sixth Ward in the city of Albany, for the year eighteen hundred and eighty-three, that being the ward and city where the said bank is located and was located in the years above mentioned. The Assessors, in making the assessments above provided for, shall be subject to all the provisions, so far as applicable, of the general provisions of the law relating to assessments in and for the city of Albany.

**Review of assessment, notice of.**

§ 2. In addition to the provisions of law applicable to the city of Albany, providing for the publication of notice for reviewing the annual assessment for purposes of general taxation, the Assessors shall add to the general notice for the year eighteen hundred and eighty-three, a statement that as to all who were shareholders in the said National Albany Exchange Bank on the first day of September, eighteen hundred and seventy-six, and also as to all who were such shareholders on the first day of September, eighteen hundred and seventy-seven, and also as to all who were such shareholders on the first day of September, eighteen hundred and seventy-eight (the names of all of the shareholders herein intended to be taxed for each of said years, being hereinafter named), an opportunity will be given them during the time mentioned in such notice for the general review of assessments, for them to appear and show any legal cause why the assessment should be reduced or canceled.

**Shareholders may appear and show cause for reducing or canceling assessment.—Willful false swearing perjury.**

§ 3. During such time as is stated in the last section, any of such shareholders shall have the right to appear before the Assessors and show any legal cause or ground for reducing or canceling the assessment, and it shall be reduced or canceled accordingly. And in making such assessment upon the shareholders for each year aforesaid, there shall be allowed all the deductions in regard to each year aforesaid which were in such year allowed by law in assessing other taxable personal property owned by individual citizens of this State, and upon any claim for reduction on account of indebtedness, which indebtedness must have existed on the first day of September, eighteen hundred and seventy-six, or eighteen hundred and seventy-seven, or eighteen hundred and seventy-eight, as the case may be, upon which the reduction is asked, the share-

holder may state that he was indebted on such day or days, and upon proof of such fact upon oath, and of the amount of such indebtedness, at such times, to the satisfaction of the Assessors, and that the amount of deduction applied for had not already been allowed him on any assessment heretofore made against him for taxable personal property in that year, the Assessors shall deduct the amount of such indebtedness from the said assessment. The Assessors may administer oaths for the purposes of such examination. Willful false swearing upon any material matter upon such investigation before said Assessors shall be deemed perjury. After such hearing or opportunity for such hearing has been had, and the time for review has expired, the Assessors shall finally complete the assessment, but no amount of tax that has been reduced or canceled in the case of any shareholder shall be added to the amount of the tax upon any other shareholder, but the amount of the tax to be levied and collected shall be thereby and to that amount and in that manner reduced in the case of such shareholder.

**Proceedings to collect tax not to be taken till judgment is docketed or judgment-roll filed.**

§ 4. No proceedings shall be taken in any manner to collect from any of such shareholders any portion of the amount of any tax levied upon them or either of them, under and by virtue of the provisions of this act, until a judgment shall be docketed or judgment-roll filed in some court of record of this State or of the United States, in an action in favor of such shareholders or their assignees or personal representatives, providing for the recovery from or through the county of Albany, or its Board of Supervisors, of the amounts of the tax levied and collected from the said shareholders herein mentioned, or any of them, for the taxes of any of the years eighteen hundred and seventy-six and eighteen hundred and seventy-seven and eighteen hundred and seventy-eight aforesaid. And in case any claim of any shareholder hereinafter named shall in such judgment be finally held groundless, and no recovery therein allowed, then no proceedings shall ever be taken to enforce the collection of any tax against such shareholders herein levied for the year in which, by such judgment, such claim to recover back the tax heretofore paid shall be finally held groundless. In case of proceedings to review any such judgment as is above mentioned, no proceedings shall be taken to enforce the collection of any tax herein provided to be levied until

the final decision on such proceedings, and until the judgment shall finally provide for such payment as aforesaid.

**Warrant to collect tax, when to issue.**

§ 5. When it shall finally be determined by the judgment aforesaid, as is provided for in the last section, the Receiver of Taxes of the city of Albany shall issue his warrant to the Marshal of the city, commanding him to collect from each of the shareholders therein named the amount therein specified as due from each, with interest thereon at and after the rate of six per centum from January first, eighteen hundred and eighty-four. The shareholders named shall be those and only those whose names are mentioned herein, and whose claims to recover have been allowed in and by such judgment; and the amounts named in the warrant shall in no case exceed the amount assessed against such shareholder by the Assessors, with interest as aforesaid, nor the amount of the claim and interest as allowed in such judgment.

**Warrant, how executed.**

§ 6. The said Marshal, immediately upon the warrant being placed in his hands, shall proceed to execute it, and to that end shall give public notice, in each of the official papers in the city, for three successive days, stating that such warrant has been placed in his hands for collection, and that the amounts therein specified can be paid to him at the office of the Receiver of Taxes, during the business hours of the office, for ten days after the final publication of such notice, Sundays and holidays excepted. Such notice shall contain the names of the stockholders contained in said warrant, and the amounts due from each. A copy of such notice, shall, before the expiration of the period of publication, be served upon some officer of the bank aforesaid, at its banking-house in the city of Albany. From the time of the service of such notice on an officer of the bank as above mentioned, a lien shall exist upon every share of stock in said bank owned by any shareholder named in the said warrant, and if transferred after the service of such notice, the transfer shall be subject to such lien.

**Duty of officers of bank to retain amount necessary to pay tax from dividends.**

§ 7. For the purpose of collecting the tax provided for in this act, and in addition to any other power which the Marshal has

under and by virtue of the provisions of law to enforce the collection of taxes in the city of Albany, which powers are hereby conferred upon such Marshal, it shall be the duty of the officer of the bank aforesaid to retain so much of the dividend or dividends belonging to such shareholder, as shall be necessary to pay the amount of the tax herein provided for, until it shall be made to appear to such officer or officers that such tax has been paid.

**Amounts collected, how disposed of.**

§ 8. The amounts collected by the Marshal shall, from time to time, and as fast as collected, be paid by him to the County Treasurer; and such Marshal shall have the right to retain, as his compensation for the special services provided for in this act, the sum of five per cent upon all sums collected and paid over to said Treasurer. The said Marshal shall, at the expiration of sixty days from the time of his receipt of the warrant from the Receiver of Taxes, file the same with a certificate or statement of his action thereunder, in the office of the County Treasurer of the county of Albany, where it shall remain as of record.

**County Treasurer has power to collect tax remaining unpaid after return of tax warrant.**

§ 9. If any tax remain unpaid when the Marshal files the warrant in the office of the County Treasurer, the said County Treasurer shall then have power to collect the same by action in any court of competent jurisdiction, or by proving the same against the estate of any deceased shareholder, the same as if the tax were a just debt due and owing by the shareholder to the said Treasurer. Such action shall be commenced in the name of the County Treasurer with the addition of his name of office, and upon expiration of term, removal or other vacancy, the action shall be continued in the name of his successor, as of course, and upon an order of the court duly made.

**Collection in case shareholder has died.**

§ 10. In case of the death of any shareholder mentioned in this act, after the levy and before the collection of such tax, and in case the same is not voluntarily paid by the representatives of his estate after such tax has become due and payable, the Marshal, in addition to all other powers, may seize upon any personal property belonging to the testator or intestate in his lifetime, which he may find in the county of Albany, and sell the same in the

same manner, and upon the same notice as property is sold in the city of Albany upon executions issued upon judgments of the Justices' Court in and for said city; and the County Treasurer shall have, in cases of non-payment of such taxes, all the powers as against the personal representatives of such deceased shareholder, as are given him in and by section nine of this act with relation to the cases of shareholders still living.

#### **Sums collected to be credited county.**

§ 11. All sums raised by virtue of the provisions of this act shall, when received by the County Treasurer, be credited to the county of Albany, and shall be applied toward the payment of the various contingent expenses legally chargeable to the county of Albany.

#### **Names of shareholders.**

§ 12. The following are the names of the shareholders in the said bank on the first day of September, eighteen hundred and seventy-six, to whom the provisions of this act are intended to apply: Mary E. Allen, William J. Blackall, Martha P. Butler, Thomas B. Cole, Theodore F. Cornell, estate William Dickson, Milo R. Eames, Azuba G. Fairchild, Sarah M. Gardner, Thomas H. Greer, Sylvester Hale, Sarah A. Lansing, Mary L. G. Lewis, William M. McElroy, estate of James McNaughton, Mary Patrick, Henry C. Peck, estate Amos Pilsbury (C. P. Williams and A. V. De Witt, executors), Robert C. Pruyn, Adam Shields, Lemon Thompson, James C. Visscher, John L. Voorhees, George P. Wilson, estate of Abram Wing, estate of C. W. Bender, Anson H. Blakeman, Nicholas Clapper, Thomas Comstock, Ann Darling, Edward A. Durant, Hester S. Emerson, Daniel H. Gardner, William Gould, Thos. H. Greer, ex-estate of Ebenezer Hill, Carolina M. Lathrop, Shibolet B. McCoy, John McElroy, Lansing Merchant, Spencer L. B. Peck, Samuel L. Peck, Agnes Pruyn, Eliza F. Spoor, Francis Vail, Thomas E. Van Loon, Clement Warren, Abraham F. Wilson, Henry H. Bulkley, William M. Bender, estate of Gould Blakeman, Amelia A. Cobb, Commerce Insurance Company, Sarah Dey Ermand, Gideon D. Eames, John T. Foote, Charlotte Gardner, Sarah M. Gould, estate of John Gould, Harriet Hilton, Charles B. Lansing, James McElroy, Peter Monteath, Henry T. Mesick, Nancy L. Peck, Myron R. C. Peck, John V. L. Pruyn, James Roy, William G. Thomas, Catharine Van Schaaek, Edward Visseher, estate of John T. Wendover, Josiah B. Williams, Chauncey P. Williams.



**Ibid.**

§ 13. The following are the names of the shareholders in the said bank on the first day of September, eighteen hundred and seventy-seven, to whom the provisions of this act are intended to apply: Mary E. Allen, estate of C. W. Bender, William M. Bender, William J. Blackall, Anson H. Blakeman, estate of Gould Blakeman, Martha P. Butler, Nicholas Clapper, Amelia A. Cobb, Thomas B. Cole, Thomas Comstock, Commerce Insurance Company, Theodore F. Cornell, Mary A. Darling, Sarah Dey Ermand, estate of William Dickson, Edward A. Durant, Gideon D. Eames, Milo R. Eames, Hester S. Emerson, John T. Foote, Azuba G. Fairchild, Daniel H. Gardner, Charlotte Gardner, Sarah M. Gardner, William Gould, Sarah M. Gould, Thos. H. Greer, Thos. H. Greer, executor, estate of John Gould, William Gould, Jr., Sylvester Hale, estate of Ebenezer Hill, Harriet Hilton, Sarah A. Lansing, Carolina M. Lathrop, Charles B. Lansing, Mary L. G. Lewis, Shibolet B. McCoy, James McElroy, William McElroy, Peter Monteath, estate of James McNaughton, estate of Peter McNaughton, Lansing Merchant, Henry T. Mesick, Mary Patrick, Spencer S. B. Peck, Henry C. Peck, Samuel S. Peck, Myron R. C. Peck, estate of Amos Pilsbury (C. P. Williams and A. V. De Witt, executors), John V. L. Pruyn, Robert C. Pruyn, Agnes Pruyn, James Roy, Adam Shields, Eliza F. Spoor, William G. Thomas, Lemon Thompson, Francis Vale, Catharine Van Schaek, James C. Visscher, executor, Thomas E. Van Loon, Edward Visscher, John L. Voorhees, Mrs. N. L. Van Alstyne, Richard Van Rensselaer, Richard Van Rensselaer, administrator, Richard Van Rensselaer, executor, Clement Warren, S. H. Wendover, George P. Wilson, Abraham F. Wilson, Josiah B. Williams, estate of Abraham Wing, Chauncey P. Williams.

**Ibid.**

§ 14. The following are the names of the shareholders in the said bank on the first day of September, eighteen hundred and seventy-eight, to whom the provisions of this act are intended to apply: Mary E. Allen, Mrs. Maria Bender, William M. Bender, William J. Blackall, Anson H. Blakeman, estate of Gould Blakeman, Martha P. Butler, Sarah A. Clapper, Amelia A. Cobb, Thomas B. Cole, Phoebe Comstock, Commerce Insurance Company, Theodore T. Cornell, Ann Darling, Sarah Dey Ermand, estate of William Dickson, Edward A. Durant, Milo E. Eames, Milo R. Eames, Hester S. Emerson, Azuba G. Fairchild, Daniel H.

Gardner, Charlotte Gardner, Sarah M. Gardner, William Gould, Sarah M. Gould, Thomas H. Greer, Thomas H. Greer, executor, estate of John Gould, William Gould, Jr., Sylvester Hale, Oscar L. Hasey, estate of Ebenezer Hill, Harriet Hilton, Sarah A. Lansing, Carolina M. Lathrop, Charles B. Lansing, Mary L. G. Lewis, Shibolet B. McCoy, James McElroy, William McElroy, Peter Monteath, estate of James McNaughton, Henry P. McNaughton, Lansing Merchant, Henry T. Mesick, Jessie McN. Miller, Mary Patrick, Spencer L. B. Peck, Henry C. Peck, Samuel S. Peck, Myron R. C. Peck, estate of Amos Pilsbury (C. P. Williams and A. V. De Witt, executors), estate of John V. L. Pruyn, Robert C. Pruyn, Agnes Pruyn, estate of James Roy, Adam Shields, Eliza F. Spoor, William G. Thomas, Lemon Thompson, Francis Vail, Catharine Van Schaack, James C. Visscher, executor, Thomas E. Van Loon, Edward Visscher, John L. Voorhees, Mrs. N. L. Van Alstyne, Richard Van Rensselaer, Richard Van Rensselaer, administrator, Richard Van Rensselaer, executor, Clement Warren, S. H. Wendover, George P. Wilson, Abraham F. Wilson, Josiah B. Williams, estate of Abraham Wing, Jennie McN. Wright, Chauncey P. Williams.

**Assessment sufficient if shareholder has since died, provided personal service of notice is made on executor or administrator.**

§ 15. In cases where the original assessment was made in the name of a shareholder who has since that time died, the assessment herein levied is sufficient if still under his name, provided personal service of the notice mentioned in section two of this act, with a statement, signed by the Assessors, that the demand is made upon him as executor or administrator of the deceased shareholder, shall be made on such executor or administrator, within or without the State, at least ten days prior to the time of meeting of the Assessors. And in cases where the original assessment was against the estate of a shareholder, the assessment herein in the same way is sufficient as against the executor or administrator of such deceased shareholder. In all cases no personal claim shall or can be made against such executors or administrators who shall only be liable to pay from any funds belonging to the estate of the deceased shareholders in their hands, and who shall retain enough for that purpose, but if, before the passage of this act, the estate shall have been distributed and settled then no further proceedings shall be taken to collect the amount of any tax hereby levied against a deceased shareholder.

Proceedings may be reviewed by certiorari, etc.

§ 16. The shareholders assessed under the provisions of this act shall have the same right and opportunity of reviewing by certiorari or other legal proceedings the decisions of the Assessors that other persons assessed upon the assessment-rolls of said city may by law be entitled to.

§ 17. This act shall take effect immediately.

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CHAPTER 139 OF THE LAWS OF 1870.

An Act to annex parts of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes, and to annex a part of the city of Albany to the town of Watervliet.

Passed April 6, 1870; three-fifths being present.

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

**Part of Bethlehem annexed to Albany.—Part of Watervliet annexed to Albany.**

Section 1. All that part of the town of Bethlehem, in the county of Albany, embraced within the following described limits, shall be and is hereby annexed to and made part of the city of Albany, to wit:

Beginning at the north-westerly corner of the east abutment of the Albany and Susquehanna railroad bridge, over the Albany and Bethlehem turnpike, and running thence north-westerly parallel with the present south bounds of the city of Albany, to a point ten chains west of the west line of the Delaware turnpike; thence north-easterly at right angles with the last-named line to a point three-fourths of one mile from the present south bounds of the city of Albany, measured at right angles with the city line; thence north-westerly and parallel with the present south bounds of the city to a point two chains west of the west range of Allen street produced; thence north-easterly three-fourths of one mile to a point in the south bounds of the city of Albany two chains west of the west line of Allen street; thence south-easterly along the present south bounds of the city of Albany to the Rensselaer county line; thence southerly along the Rensselaer county line two hundred and sixty-four feet; thence north-westerly to the face of the dock on the south side of the Island creek; thence north-

westerly along the face of said dock to a point opposite the west range of Green street; thence westerly and southerly along the east low-water line of the Island creek to a point in range of the first boundary line produced south-easterly to the Island creek; thence north-westerly along said line to the north-westerly corner of the east abutment of the Albany and Susquehanna railroad bridge, the place of beginning.

Also, all that part of the town of Watervliet, in the county of Albany, embraced within the following described limits, shall be and is hereby annexed to and made part of the city of Albany, to wit:

Beginning at a point in the present north boundary line of the city of Albany, three-fourths of one mile west of the west range of Allen street, as laid down on the city map, running thence north-easterly on a line at right angles with the present north line of the city of Albany one chain north of low-water line of the main channel of Patroon's creek; thence running easterly and parallel with the general course of said creek, and one chain northerly therefrom to a point six thousand seven hundred and twenty feet from the center of the "Russell road," measured along the center line of the New York Central railroad; thence north-easterly on a line drawn at right angles with the present north bounds of the city to a point one and one-fourth miles from the said city line; thence south-easterly and on a line parallel with the present north bounds of the city, and at the distance of one and one-fourth miles therefrom, to a point three thousand three hundred and twenty feet westerly of the west line of the Watervliet turnpike and railroad; thence north-easterly on a line parallel with said Watervliet turnpike and railroad one thousand six hundred feet; thence south-easterly on a line drawn at right angles with the said Watervliet turnpike and railroad to the Rensselaer county line; thence southerly along the Rensselaer county line to the northerly line of the present bounds of the city of Albany, and thence along the same westerly to the place of beginning.

**Rate of tax for fifteen years in parts of towns annexed to the city.—Not liable for taxes heretofore imposed.**

§ 2. For a period of fifteen years, next ensuing the passage of this act, the taxes levied upon real estate situate within the portions of the towns of Bethlehem and Watervliet described in the preceding section of this act, and hereby annexed to the city of Albany, and in the city of Albany west of Allen street, and upon

the personal estates of persons resident in said portion of said towns and city, shall be one per centum less than the taxes levied on other taxable real and personal estate in the city of Albany. But the districts of the country now comprising parts of the towns of Bethlehem and Watervliet, and mentioned in section one of this act, and the inhabitants residing therein, shall not be liable for any taxes, assessments and charges heretofore assessed, levied or imposed upon the city of Albany; nor shall such districts or its inhabitants be liable to assessments or taxation for the reimbursement of any debt heretofore contracted by the city of Albany; nor shall the farming lands lying within said districts, and used exclusively as such, be assessed at a valuation greater than the assessed valuation of similar farming lands in the town adjoining; but nothing herein contained shall operate as an exemption of said districts of country from any taxes or assessments now imposed or levied on said districts of country as portions of the present towns of Bethlehem and Watervliet.

(As amended by chapter 402, Laws of 1877, and chapter 333, Laws of 1890.)

#### **Taxation in old city limits.**

§ 3. The rate of taxation in the original limits of the city of Albany, east of Allen street, shall be uniform except as herein provided.

#### **Taxation for streets, docks, etc., in part of new city territory.**

##### **—Petitions for exercise of jurisdiction.**

§ 4. All the district composed of that portion of the city of Albany which lies between the present south bounds of the towns of Watervliet and the north side of North Ferry street, the eastern bounds of the said city and the Erie canal, and that portion of the town of Watervliet described in section one of this act, lying between the present north bounds of said city and the north bounds thereof as extended by this act, the Erie canal and the eastern bounds of said city extended as aforesaid, shall not be subject to the jurisdiction or authority of the government of the city of Albany, for the making and laying out of any streets, highways, drains, sewers and docks therein, nor for any purposes connected with the highways, streets, drains, sewers and docks thereof, unless a petition of two-thirds in number of the owners and two-thirds in number of the occupants of real estate in said district, representing at least one-half in value of property in said district, according to the last previous assessment for the purposes

of taxation, shall be presented to the Common Council of said city, praying for the exercise of such jurisdiction and authority; but in case such petition shall be made and presented as aforesaid, the Common Council and government of said city may exercise jurisdiction and authority in respect to the matters prayed for in such petition, in the same manner and with like effect as they are by law authorized to act in other cases of like nature. And in case such jurisdiction and authority shall be assumed within six months after the presentation of such petition as aforesaid, the said jurisdiction and authority of said city as aforesaid shall become permanent and continue in said city.

**Rights of inhabitants of annexed territory.**

§ 5. The freeholders and inhabitants of the territory hereby annexed to the city of Albany shall enjoy all the rights, franchises, privileges and immunities which are granted by the charter of said city of Albany, and the several acts amending the same, now in force; and the freeholders and inhabitants of the said city and the territory so annexed shall, to every intent and purpose provided for by the said charter and the said acts aforesaid, be subject to the control, government and regulation of the government of said city, except as hereinbefore provided.

**Territory added to town of Guilderland.—Laws applicable thereto.**

§ 6. All that part of the city of Albany lying north-west of a line drawn from a point in the south line of the city of Albany where the northerly line of the Great Western turnpike crosses the said city line, and running north-easterly at right angles with the said city line to the north bounds of said city, shall be and the same is set off from the city of Albany, and by this act the town of Watervliet, and annexed to and made part of the town of Guilderland, in Albany county, and all laws now in force applicable to the said town of Guilderland are hereby made applicable to that portion of said city hereby annexed to said town of Guilderland.

(As amended by chapter 727, Laws of 1871.)

**Assembly districts not to be altered.**

§ 7. The Assembly districts of the county of Albany shall be and remain, until changed or altered by law, as they were before the passage of this act, and nothing herein contained shall be

taken as intended to make any change or alteration in the limits of said districts.

§ 8. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed.

§ 9. This act shall take effect immediately.

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CHAPTER 394 OF THE LAWS OF 1892.

An Act to provide for the removal of the present bridge and approaches thereto in Water street over the Erie canal in the city of Albany, and to provide for the construction of a lift or hoist bridge or bridges in its stead, and to provide for the assessment of the expenses thereof upon property benefited thereby.

Approved by the Governor April 30, 1892. Passed, three-fifths being present.

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

Section 1. The Superintendent of Public Works is hereby authorized to remove the present canal bridge and approaches thereto in Water street over the Erie canal in the city of Albany, and to provide for the construction of a lift or hoist bridge or bridges over said canal at that point, and for the necessary approaches thereto, at an expense not to exceed the sum of twelve thousand dollars. Such bridge or bridges to be constructed upon plans and specifications to be drawn up and prepared by the State Engineer and Surveyor, immediately after the passage of this act, who shall obtain bids or estimates of the cost at which such bridge or bridges can be constructed, and shall, if the said bridge or bridges, together with the work necessary for the construction of the approaches and other work incidental thereto, can be done for the sum of twelve thousand dollars, report the same to the Board of Contract and Apportionment of the city of Albany, which board shall thereupon forthwith make an assessment or apportionment of the expense of such work upon the property benefited thereby, and the same shall be collected and enforced in the same manner as other assessments levied or imposed under the authority of the said city, and whenever such assessment shall have been collected by payment by the parties assessed, the Chamberlain shall report such fact to the Superintendent of Public Works, who shall thereupon proceed to carry into execution the plans and specifications drawn up and prepared as above provided for by the State

Engineer and Surveyor, and when such work shall be completed, the Superintendent of Public Works shall certify to the Board of Contract and Apportionment of the city of Albany the cost of said work; whenever such certificate shall be filed with the Board of Contract and Apportionment, the Chamberlain of the city of Albany shall pay to the Superintendent of Public Works the amount specified in said certificates. The said new bridge shall, on completion, be operated under the direction of the Superintendent of Public Works, but at the expense of the city of Albany, and the Street Commissioner is hereby directed to pay the operating expenses thereof.

§ 2. This act shall take effect immediately.

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CHAPTER 590 OF THE LAWS OF 1894.

An Act to provide for the repayment of moneys to the Chamberlain of the city of Albany, heretofore paid to the Superintendent of Public Works, for the construction of a lift or hoist bridge on Water street, over the Erie canal, in the city of Albany, and the repayment of the same by the said city.

Became a law May 9, 1894, with the approval of the Governor. Passed, three-fifths being present.

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

**Repayment to City Chamberlain.—Appropriations.**

Section 1. There shall be paid by the Treasurer, on the warrant of the Comptroller, to the Chamberlain of the city of Albany, the sum of six thousand dollars, being one-half the amount heretofore paid by said Chamberlain to the Superintendent of Public Works for the removal of the old bridge and approaches thereto in Water street, over the Erie canal, in the city of Albany, and for the construction of the present lift or hoist bridge in said street over said canal, and said sum is hereby appropriated for that purpose and shall be paid from the general fund.

**Repayment by city to persons assessed, etc.—Releases to city.**

§ 2. The Chamberlain of the city of Albany, on receipt of said sum of six thousand dollars, shall repay to the persons or corporations assessed for the work mentioned in section one, the amounts which the said persons or corporations which have been paid the assessment for the work mentioned in section one of this



act or who have purchased property sold under such assessment to each or to the heirs, successors, legal representatives or assigns of each, one-half of such assessment imposed upon each lot, the assessment on which has been paid or which has been sold for the assessment, provided that each party so paid shall release the said city of Albany from all claims or liability in respect to such assessment.

§ 3. This act shall take effect immediately.

## TITLE II,

## RELATING TO THE BOARD OF HEALTH.

## CHAPTER 297 OF THE LAWS OF 1885.

An Act for the preservation of the public health and the registration of vital statistics in the city of Albany.

Passed May 21, 1885; three-fifths being present.

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

**Board of Health to be appointed.—Term of office—Health Officer.**

Section 1. It shall be the duty of the Common Council of the city of Albany, upon the nomination of the Mayor of said city, to appoint a Board of Health for such city, to consist of six persons who are not members of said council (one of whom, at least, will be a competent physician), who shall be nominated and appointed as follows: Two persons for a term of one year; two persons for a term of two years, and two persons for a term of three years. The Mayor of such city shall be a member ex officio of such Board of Health, and shall be president thereof. The said Board of Health, when duly organized, shall appoint a competent physician (not a member of such board), who shall be Health Officer for such city. Upon the expiration of the term of office of any member of the Board of Health appointed as herein provided, his successor shall be nominated and appointed in like manner for the term of three years; and the said Mayor and Common Council shall also have power to fill any vacancy caused in such Board of Health by the death, resignation or removal from the city of any member thereof. This section shall not be construed to remove the existing Board of Health in said city, but the successors of such board shall be appointed as in this section provided.

**Powers and duties.**

§ 2. The said Board of Health as now organized and hereafter to be organized in said city shall have power and it shall be its duty:

1. To meet at least monthly.
2. To prescribe the powers and duties of the local health officer to be appointed by them, and to direct him from time to time in the performance of his duties, and to fix the compensation he shall receive.

**Infectious diseases.**

3. To guard against the introduction of contagious and infectious disease, by the exercise of proper and vigilant medical inspection and control of all persons and things arriving in said city from infected places, or which, for any cause, are liable to communicate contagion; to require the isolation of all persons or things infected with or exposed to contagious or infectious diseases, and to provide suitable places for the reception of the same; to prohibit and prevent all intercourse and communication with or use of infected premises, places and things; and to require, and, if necessary, to provide the means for the thorough purification and cleansing of the same before general intercourse therewith, or use thereof, shall be allowed. To provide at stated intervals a suitable supply of vaccine virus; and, during the existence of an actual epidemic of small-pox, said local Board of Health shall obtain fresh supplies of said virus at intervals not exceeding one week, and shall at all times provide thorough and safe vaccination for all persons within its jurisdiction who may need the same.

**Nuisances.**

4. To receive and examine into the nature of complaints made by any of the inhabitants concerning nuisances, or causes of danger or injury to life or health within the limits of its jurisdiction; to enter upon or within any place or premises where nuisances or conditions dangerous to life and health are known or believed to exist, and by appointed members or persons to inspect and examine the same; and all owners, agents and occupants shall permit such sanitary examinations; and said Board of Health shall furnish said owners, agents and occupants a written statement of results or conclusions of such examinations; and said

Board of Health shall have power, and it shall be its duty, to order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of its jurisdiction.

**Registration of births, marriages and deaths.**

5. To supervise and make complete the filing and registration of all births, marriages and deaths occurring within the limits of its jurisdiction in accordance with the methods and forms to be prescribed by it. Said Board of Health shall designate the persons who shall grant burial permits for the burial of the dead, and transmit permits for the transportation of the dead bodies of persons which are to be carried for burial beyond the limits of the county where the death occurs. And the said Board of Health shall prescribe sanitary regulations for burials and removals of the dead. Any person neglecting or refusing to make out or file for registration any record as aforesaid, or as provided for by the ordinances of said Board of Health, and any person causing, permitting or assisting in the burial or removal of any dead body, unaccompanied by a permit for such burial or removal, and any officer who shall neglect or refuse to register and preserve the said records shall be deemed guilty of a misdemeanor, and may be prosecuted in any court of competent jurisdiction.

**Orders and regulations.**

6. To make, and from time to time publish, in such manner as to secure early and full publicity thereto, all such orders and regulations as they shall think necessary and proper for the preservation of life and health, and the successful operation of this law; and to make, without publication thereof, such orders and regulations in special or individual cases, not of general application, as they may see fit concerning the suppression and removal of nuisances, and concerning all other matters in their judgment detrimental to public health, and to serve copies thereof upon any occupant or occupants and the owner or owners of any premises whereon any such nuisances or other matters aforesaid shall exist, or to post the same in some conspicuous place on such premises.

**Warrants for apprehension of offenders.**

7. To apply, through its health officer or any authorized committee, for warrants to any magistrate or police justice in said

city to apprehend and remove such persons as cannot otherwise be subjected to the orders and regulations by them adopted; all which warrants shall be forthwith executed by the officers to whom they shall be directed, who shall possess the like powers and be subject to the like duties in the execution thereof, as if the same had been duly issued out of any court of record in this State.

#### **Necessary employes.**

8. To employ all such persons as shall be necessary to enable them to carry into effect the orders and regulations they shall have adopted and the powers vested in them by this act, and to fix their compensation.

#### **Penalties.**

9. To impose penalties for the violation of, or non-compliance with, their orders and regulations, and to maintain actions in any court of competent jurisdiction to collect such penalties, not exceeding one hundred dollars in any one case, or to restrain by injunction such violations, or otherwise to enforce such orders and regulations.

#### **Willful violation of rules, orders, etc.—Expenses may be recovered by action.—Notice of pendency of action.—Lien on premises.**

§ 3. Every person who shall willfully violate or refuse to obey any order or regulation made and published by said Board of Health of said city, or served or posted as by this act provided, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined or imprisoned or both fined and imprisoned, in the discretion of the court, such fine not to exceed one thousand dollars and such imprisonment not to exceed six months. In case any order or regulation made by the Board of Health shall have been duly served upon the occupant or owner or any one of several occupants or owners of any premises, or, if there be no occupant in actual possession, or the land be vacant and the owner be unknown and cannot be found, such order or regulation shall have been duly posted in some conspicuous place upon said premises, and the said order or regulation shall not be complied with within the time in said order or regulation specified for compliance therewith, the said Board of Health, its officers, servants, agents and employes are authorized to enter into and upon the premises to which the said order or regulation applies and suppress, remove

or otherwise abate the nuisance, or other matter or thing mentioned in said order or regulation, which, in the judgment of said board, is detrimental to the public health, and any other nuisance, matter or thing found in or upon said premises, which, in the judgment of said board, is detrimental to the public health, and to incur all expense proper, suitable and necessary for such purpose. Such expenses so incurred shall be assessed, fixed and determined by said Board of Health in each case, and may be recovered by said board in an action brought in the name of the city of Albany against the owner or any one or more of the owners of the premises upon or in relation to which such expense was incurred. The said Board of Health may, at any time before the expiration of one month from the time that such expense has been incurred and the work of suppression, removal or abatement has been fully completed, file in the Albany County Clerk's office a notice which shall be recorded in the book therein containing notices of pendency of action in said office, and entered in the indices of such notices. Said notice shall state that a claim, specifying the amount thereof, exists in favor of the city of Albany against the owner (specifying his name, if known) of the premises therein described, and also against the premises therein described, that such claim arose because of work done or materials furnished, or both, at a time or between certain times in said notice to be specified, and pursuant to an order or regulation of the Board of Health of the city of Albany. The said notice shall be subscribed by the secretary or president of said board. The amount in said notice specified shall be and constitute a first lien upon the premises therein described, and may be collected by an action brought in the name of the city of Albany for the foreclosure of said lien and the sale of the premises in said notice described, conducted in all respects in accordance with the rules and practice of the Supreme Court in an action for the foreclosure of a mortgage, provided that no action shall be maintained for the foreclosure of such lien unless it be brought within six months after the filing of said notice. The proof of service of the order or regulation of the Board of Health may be made in the same manner as proof of service of a summons in the Supreme Court.

#### **General expenses a city charge.**

§ 4. All expenses incurred by the said Board of Health in the execution and performance of the duties imposed by this act shall be a charge on said city, and shall be audited, levied, collected and

paid in the same manner as other city charges are audited, levied, collected and paid.

**Acts named not to apply to city.**

§ 5. Chapter one hundred and fifty-two of the Laws of eighteen hundred and forty-seven, chapter three hundred and twenty-four of the Laws of eighteen hundred and fifty, and the several acts amendatory thereof and supplementary thereto, shall not apply to the city of Albany.

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CHAPTER 399 OF THE LAWS OF 1888.

An Act to secure the registration of plumbers and the supervision of the plumbing and drainage and ventilation of buildings in the city of Albany.

Approved by the Governor May 26, 1888. Passed, three-fifths being present.

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

**Registration of plumbers with Board of Health.**

Section 1. On or before the first day of July, eighteen hundred and eighty-eight, every master plumber carrying on his trade in the city of Albany, shall, under such rules and regulations as the Board of Health of the said city shall prescribe, register his name and address at the office of the Board of Health; and after the said date it shall not be lawful for any person to carry on the trade of plumbing in said city unless his name and address be registered as above provided.

**Registered list, how published.**

§ 2. A list of the registered plumbers of the city of Albany shall be published in the same manner in the public papers as other publications made by the said city, at least once in each year.

**Drainage and plumbing, how executed.—Drawings and descriptions, how filed.**

§ 3. The draining and plumbing and ventilation of all buildings, both public and private, hereafter erected in the city of Albany, shall be executed in accordance with plans previously approved in writing by the said Board of Health. Suitable drawings and descriptions of the said plumbing and drainage and means for

ventilation shall in each case be submitted and placed on file in the office of the Board of Health. The said Board of Health is also authorized to receive and place on file drawings and descriptions of the plumbing and drainage of buildings erected prior to the passage of this act.

**Appropriation to carry act into effect.**

§ 4. And there shall be added to the annual appropriation of moneys for the maintenance of the Board of Health of the city of Albany, the sum of one thousand dollars, or as much more, not to exceed the sum of three thousand dollars, as may be in the judgment of the said Board of Health necessary for the carrying out of the provisions of this act.

**Courts, may restrain violations hereof, by injunction.**

§ 5. Any court of record in said city, or any judge or justice thereof, shall have power at any time after the service of notice of the violation of any provisions of this act, and upon the affidavit of one of the Commissioners of Health or of the Health Officer of said city, to restrain, by injunction order, the further progress of any violation named in this act, or of any work upon or about the building or premises upon which the said violation exists; and no undertaking shall be required as a condition to the granting or issuing of such injunction, or by reason thereof.

**Violating act a misdemeanor.**

§ 6. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

§ 7. This act shall take effect immediately.

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CHAPTER 763 OF THE LAWS OF 1894.

An Act to authorize the city of Albany to borrow money and issue bonds for the purchase or building of a garbage crematory for the use of said city.

Became a law May 23, 1894, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Whenever the Board of Health of the city of Albany shall consider it necessary for the preservation of the public health of said city, said board is authorized and empowered to formulate



plans for the collection and disposal of the garbage, or house offal, dead animals, night-soil and all kinds of refuse of the city of Albany, and to enter into suitable contracts, to be let in the manner prescribed by law, by the Board of Contract and Apportionment, for the collection of the garbage and other refuse, and for the operation of works for the destruction or reduction of the same, or for the purchase of suitable land and the erection of suitable buildings for the cremating or chemical treatment of the garbage and other refuse, in the manner that shall be, in the judgment of said Board of Health, for the best interests of said city. Said contracts may, if deemed advisable by said Board of Contract and Apportionment, be let for periods longer than two years, notwithstanding any provision of law heretofore passed to the contrary.

(As amended by chapter 818, Laws of 1895, sec. 1.)

§ 2. It shall be the duty of the Board of Finance of the city of Albany to borrow, on the faith and credit of the city of Albany, such sum or sums of money as shall be required to pay the expenditures herein authorized to be made by the said Board of Health for the purchase of land and the erection of buildings for garbage disposal, and to issue the bonds of said city therefor, which bonds shall be signed by the Mayor and Chamberlain, and shall be made, registered and payable in the city of Albany. They shall not exceed thirty thousand dollars in amount, and shall bear interest at a rate to be fixed by the board of finance, not, however, to exceed five per cent per annum, payable semi-yearly; and upon the request of said Board of Health they shall be negotiated by said Mayor and board of finance, as hereinafter provided, and the money received therefrom shall be deposited with the Chamberlain of said city, who shall keep a separate account thereof, and shall pay therefrom under the order of said Board of Health, or a majority of said board, such sums as shall be required by the expenditures for the purchase of land and for the erection of buildings for garbage disposal. The negotiation of such bonds shall be by selling the same by the said Chamberlain to the highest bidder at public auction, at not less than par, giving at least ten days' previous notice of the time and place of sale, by publication in the city papers designated for the publication of city proceedings. Such bonds shall be issued in such manner and for such length of time that six thousand dollars shall be payable each year, commencing the second year after the issue

of the first one, the last of said bonds to be payable not later than five years from the issue of the first bond.

§ 3. It shall be the duty of the Common Council of the city of Albany to cause to be raised yearly by tax upon the taxable property in said city, in the same manner as other general taxes are levied, a sum sufficient to pay the interest upon said bonds when and as the same shall become due and payable, and the sum of six thousand dollars to meet the amount of principal coming due each year under the provisions of this act. The Chamberlain of the city of Albany is hereby authorized to make advances for the necessary expenditures by the said Board of Health for the purpose of acquiring land and for the erection of buildings thereon for garbage disposal, upon their order or draft, from any funds in his possession, prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of the subsequent sale of any of such city bonds.

§ 4. In order to defray the expenses of collecting the city garbage and of bringing the same to the disposal works and of there disposing of the same by cremation or chemical treatment, it shall be the duty of the Common Council of the city of Albany to cause to be raised yearly by tax upon the taxable property in said city, in the same manner as other general taxes are levied, such sum as the Board of Health may estimate to be necessary for that purpose; said sum shall not, however, exceed in aggregate amount a sum computed at the rate of twenty-five cents per head of the population of the city of Albany, according to the latest official State or federal census.

§ 5. This act shall take effect immediately.

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#### CHAPTER 351 OF THE LAWS OF 1895.

An Act to promote the public health and to amend chapter four hundred and seventy-three of the Laws of eighteen hundred and ninety-two, entitled "An act to establish free public baths in cities, villages and towns."

Became a law April 18, 1895, with the approval of the Governor. Passed, by a two-thirds vote.

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

Section 1. Chapter four hundred and seventy-three of the Laws of eighteen hundred and ninety-two, entitled "An act to establish

free public baths in cities, villages and towns," is hereby amended so as to read as follows:

§ 1. All cities of the first and second class shall establish and maintain such number of free public baths as the local Board of Health may determine to be necessary; each bath shall be kept open not less than fourteen hours for each day, and both hot and cold water shall be provided. The erection and maintenance of river or ocean baths shall not be deemed a compliance with the requirements of this section. Any city, village or town having less than fifty thousand inhabitants may establish and maintain free public baths, and any city, village or town may loan its credit or may appropriate of its funds for the purpose of establishing such free public baths.

§ 2. This act shall take effect immediately.

## TITLE III.

RELATING TO POLICE AND POLICE  
COMMISSIONERS.

## CHAPTER 77 OF THE LAWS OF 1870.

## TITLE XII.

(Being title 12 of chapter 77 of the Laws of 1870, unrepealed by chapter 298 of the Laws of 1883.)

## THE POLICE DEPARTMENT.

**Police department.—Capitol police abolished.**

Section 1. The act establishing the capital police district, so far as the same relates to the city of Albany, as organized under and by virtue of an act entitled "An act to establish a capital police district, and to provide for the government thereof," passed April twenty-two, eighteen hundred and sixty-five, and the several acts amendatory thereof, are hereby abolished, and in lieu thereof there shall be established a night and day police as herein provided, which shall be styled the police force of the city of Albany.

**Police Board.—Police force.**

§ 2. The powers and duties connected with and incident to the police government of the city of Albany, shall be, as hereinafter more especially provided for, vested in and exercised by a Board of Police Commissioners, and by a police force composed of a chief of police, captains of police, sergeants of police, patrolmen of police, station-house keepers, and one surgeon of police.

**Police Board.—Appointment and terms of Commissioners.—  
Vacancies.—Oath of office.—Commissioners to receive no  
pay.—Salary of secretary.**

§ 3. The Police Board of the city of Albany shall consist of five commissioners. The Mayor of the city of Albany shall be ex officio

one of the members of said board, with like powers as the other commissioners and he shall be president of the Board of Commissioners. Within thirty days after the passage of this act, the Mayor of said city shall appoint, by filing a certificate or certificates of such appointment with the City Clerk, four persons, residents and freeholders in said city, as such Commissioners, one of whom shall hold office for one year, one for two years, one for three years and one for four years from the first day of June following such appointment, and the Mayor shall designate in said certificates of appointment the period for which each of such Commissioners is appointed respectively. And thereafter on or within ten days after the first day of June in each year, the Mayor shall appoint, in a similar manner, one such Commissioner who shall hold office as such for the term of four years from said first day of June. In the event of a vacancy occurring in said board in any manner, the Mayor shall appoint, as above provided, a Commissioner to fill such vacancy for the unexpired term of his predecessor. Every person so appointed shall, within ten days after notice of his appointment, take and subscribe before the Mayor, or a judge of a court of record, an oath or affirmation faithfully to perform the duties of his office. The said Commissioners of the Police Board hereby created shall receive no compensation for any services performed by them under the provisions of this act, except that the secretary of said board shall receive a salary not exceeding in amount five hundred dollars per annum, payable by the Chamberlain of said city, in equal quarterly installments, as hereinafter provided.

(As amended by chapter 186, Laws of 1872, and chapter 99, Laws of 1892, sec. 1.)

#### **Quorum.—President pro tem.**

§ 4. Any three of said Commissioners shall constitute a quorum, and such quorum may execute all the powers hereby conferred upon said Police Board. In case of the absence of the president from any meeting, the board may elect a president pro tempore.

(As amended by chapter 186, Laws of 1872, and chapter 99, Laws of 1892, sec. 1.)

#### **Records of proceedings.—Custody of books, etc.**

§ 5. The said Police Board shall keep a record of their proceedings, and they shall appoint one of their number to be secretary of the board. Such secretary shall have the custody of all books

and papers belonging to the board, but the same shall, at all times, be open to the inspection of each of said Commissioners.

(As amended by chapter 186, Laws of 1872.)

**Police force.—Clerks.**

§ 6. The said Police Board hereby created shall have exclusive power to appoint one chief of police, who shall hold his office as such for the term of two years from the time of his appointment; not to exceed seven captains of police and not to exceed sixteen sergeants of police; also patrolmen not to exceed one hundred and twenty-one in number; five station-house keepers; supernumerary patrolmen not to exceed ten in number; and one surgeon as hereby established, and also to have power to appoint not more than one clerk.

(As amended by chapter 298, Laws of 1885; chapter 335, Laws of 1890, and chapter 99, Laws of 1892, sec. 3.)

**Organization of Board.**

§ 7. Within ten days after the appointment of said Commissioners shall take effect, they shall assemble together and organize as hereinbefore provided.

(As amended by chapter 186, Laws of 1872, and chapter 99, Laws of 1892, sec. 4.)

**Board, when to have control, etc.**

§ 8. On the first day of June, eighteen hundred and ninety-two, the said Board of Police Commissioners shall assume control of the police department, police force, and all of the property, station-houses and officers within the city of Albany now in the possession of the police or Police Commissioners thereof, and shall succeed to all the rights, duties and liabilities now belonging or appertaining to the said Police Commissioners.

(As amended by chapter 186, Laws of 1872, and chapter 99, Laws of 1892, sec. 5.)

**Powers and duties.—Appointment of force.—Vacancies, how filled.—Term of office.—Qualifications.**

§ 9. The duties of the said Board of Police (as hereinafter prescribed and defined) shall be more specially executed under the direction and control of said board, and according to rules and regulations which it is hereby authorized to pass, from time to time, for the government and discipline of its subordinate officers by a police force for the said city of Albany. The said police

force shall consist of a chief of police, with so many captains of police, sergeants of police and patrolmen as may be hereinafter especially allowed and provided for; and all members of such police force shall, in the first instance, be appointed by said Board of Police, and whenever vacancies occur in such force, or further or additional members of such force are required according to this act, such vacancies shall be filled and such additional members made by like appointments by said board. All officers and members of the police department, subject to removal for cause hereinafter specified, shall hold their office during good behavior, or as each shall well and faithfully observe and execute all the rules and regulations of the said board, the laws of the State and the ordinances of the city of Albany. Any member of said force may be removed from his office only after written charges shall have been preferred against him, according to the rules and regulations of said board, and the same shall have been heard and examined by said board in the presence of the accused, the witnesses and such of the officers of the force and such other persons and visitors as said Commissioners may deem proper, and after the notice to him thereof by said board, in manner to be prescribed by said rules and regulations. But no person shall ever be appointed to membership in the police force of the said city of Albany, or shall 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 understandingly read and write in the English language, or who shall not have resided in the State during one year preceding his appointment.

(As amended by chapter 495, Laws of 1873.)

#### **Powers of police force.**

§ 10. The members of the police force of the said city shall possess, in every part of the State of New York, 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 the State of New York, may be executed in any part of the State by any member of the police force of said city, without any indorsement of said warrant, and according to the terms thereof; and all the provisions of sections seven, eight and nine 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.

**Chief of Police, his powers and duties.**

§ 11. The chief of police, to be appointed under the provisions of this act, shall be (subordinate to the Mayor of the city of Albany) the chief executive of the police force created by this act, and he shall obey, and cause the force under him to obey, the rules and regulations that may be from time to time established by the said Police Board, in accordance with the provisions of this act. The said Chief of Police shall possess the powers of a magistrate to entertain complaints for criminal offenses, and to issue warrants for the arrest of persons charged with such offenses, which warrants shall be made returnable before either of the police justices of said city of Albany, at the Police Court. He shall also possess the power to commit persons charged with criminal offenses until an examination shall be had before such police justices, or one of them.

**Detectives.**

§ 12. The Chief of Police shall have the charge of organizing and directing a detective staff of not more than five, which staff shall, from time to time, be selected, designated and detailed for services connected with the prompt detection and aid in the punishment of crime, and in such mode and manner as the Board of Commissioners may select and direct.

(As amended by chapter 298, Laws of 1885, sec. 2.)

**Special patrolmen.—How paid.—Their powers.—Supernumerary patrolmen.**

§ 13. The said Board of Police shall, whenever expedient, and on the application of a corporation or person or persons showing the necessity thereof, detail regular patrolmen of the police force, or appoint and swear any additional number of special patrolmen of the police force to do special duty within the said city, the person or persons by whom the application shall be made contributing to the police fund by payment to the Chamberlain of the said city of Albany a sum not exceeding the sum of two dollars and fifty cents per diem of service on such detail of special duty. But the patrolmen so additionally and specially appointed shall be subject to the orders of the Chief of Police, and shall obey the rules and regulations of the said board, and conform to its general discipline, and to such special regulations as shall be made, and shall wear such dress and emblems as the board may direct; and shall during their



term of holding such appointment possess all the powers and privileges and discharge all the duties of patrolmen of the police force or such special duties as may be assigned to them by the Police Board; and they may be removed at any time by the said board, without cause assigned therefor, upon notice to the person or persons who applied for the appointment as aforesaid. All supernumerary patrolmen appointed by said Police Board shall be appointed for the purpose of temporary filling the places and discharging the duties of the regular patrolmen who may be absent from duty from time to time, and for no other purpose whatever, and while on duty such supernumerary patrolmen shall possess the same powers and be subject to the same duty and discipline as regular policemen, and they shall receive such compensation as the Board of Police Commissioners may determine, not exceeding the per diem pay of regular policemen; but no supernumerary patrolman shall be paid for any service except as in this section provided.

(As amended by chapter 298, Laws of 1885, sec. 3.)

**Special patrolmen without pay.—For elections.—Oath of office.  
Powers.**

§ 14. The Board of Police may also, upon any emergency, or apprehension of riot, pestilence or invasion, appoint as many special patrolmen, without pay, from among the citizens as it may deem desirable; and during any day of public election it may appoint, to perform duty in said city of Albany, so many special patrolmen as may be required to keep order during such election, who may be paid for their services, as such patrolmen on such day, two dollars each out of the public fund, to be contributed by said city of Albany; provided, however, that each special patrolman so appointed shall, at the time of his appointment, make an oath, before a Commissioner or the Chief of Police, that he will not interfere in any manner with the election taking place on the day for which he is appointed, otherwise than by depositing his own vote; and providing that such pay may be withheld, and he may be duly prosecuted as for a misdemeanor, if the terms of such oath be violated; and during the term of service of any special patrolman authorized as aforesaid, he shall possess all the powers and privileges, and perform all the duties of the patrolmen of the standing force, and he shall wear such emblem as shall be prescribed and furnished by said board.

**Resignations.—Residence of force.**

§ 15. No member of the police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the said board, unless he shall have given to the Chief of Police one month's notice in writing of his intention so to do; every member of the said police force must have residence within the city of Albany.

**Offices of board.**

§ 16. The said Board of Police shall provide such offices and business accommodations as it shall deem requisite for the transaction of its own business and that of its subordinate officers.

**Information for Common Council.**

§ 17. The said board shall, at all times, whenever consistent with the rules and regulations of said board, and with the requirements of this act, furnish all police information desired by the Common Council of said city of Albany.

**Power to issue subpoenas and administer oaths.—Attendance of witnesses.**

§ 18. The said board shall have power to issue subpoenas, tested in the name of its president, to compel the attendance of witnesses upon any proceeding authorized by its rules and regulations. Each Commissioner of Police, and Chief of Police, is hereby authorized and empowered to administer oaths and affirmations to any person appearing in any matter or proceeding authorized as aforesaid, and to take any depositions necessary to be made under the rules and regulations of the said Board of Police for the purposes embraced in this act; and any willful and corrupt false swearing by any witness or person to any material fact in any necessary proceeding, under the said rules and regulations of this act, shall be deemed perjury, and be punished in the manner now prescribed by law for that offense; and in case any person subpoenaed under this section shall fail or refuse to obey such subpoena, or refuse to take, when required, the proper oath or affirmation, or to answer any proper question, upon the presentation of satisfactory proof of the same to a justice of the Supreme Court, or the Albany county judge, it shall be the duty of the justice or judge to whom such presentation shall have been made to issue an order returnable before him at an early day, requiring the person so failing or refusing to show

cause why an attachment should not issue against him; and to adopt such other and further measures to compel the person to appear and testify, and to punish disobedience, as if the matter were legally pending in the Supreme Court or the County Court of said county.

#### **Station-houses.**

§ 19. The said board may, from time to time, establish stations and station-houses, not to exceed six, for accommodating thereat the members of the police force, and as temporary places of detention for persons arrested and property taken within the precinct.

#### **By-laws and ordinances.**

§ 20. The said Police Commissioners, in furtherance of the police government of the said city of Albany, and for promoting and perfecting the police discipline of subordinates and of the members of said police force, are empowered to enact and, from time to time, to modify and repeal, by-laws, ordinances, rules and regulations of general descriptions, wherein in addition to such other provisions as said Commissioners may deem expedient, there shall be particularly defined, enumerated and distributed the powers and duties of the Chief of Police and captains of police force, of the clerks of said board, of the clerks of said board, and of all other members of said police force; and wherein shall be specified the modes of appointment to and removal from office of all the members of said police force, and the manner of discipline of said police, provided, that such by-laws, ordinances, rules and regulations shall not conflict with any of the provisions of this act, or with the Constitution of the United States or that of this State.

#### **Duties of the force.**

§ 21. It is hereby made the duty of said police force, at all times of the day and night, within the said city of Albany, and the members of said force are accordingly hereby thereunto empowered, especially to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and insurrections, protect the rights of persons and of property, guard the public health, preserve order at every primary and public election, remove nuisances from public streets, and public and private alleys, roads, places and highways; repress and restrain disorderly houses and houses of ill-fame; to arrest all street beggars and mendicants; to provide a

proper police attendance at every fire, in order that hereby the firemen, fire engines and property exposed may be suitably protected or assisted; to assist, advise and protect immigrants, strangers and travelers in public streets and at landings of ferry and steamboats, river boats and canal boats, and at railway stations; enforce every law relating to the suppression and punishment of crime, or to the observance of Sunday, or regarding pawnbrokers, emigration, or elections, or gambling, or intemperance, or lotteries, or lottery policies, or vagrants, or disorderly persons, or the public health, or any ordinance or resolution of the Common Council of said city applicable to police, health or criminal procedure.

#### **Summary arrests.**

§ 22. The several members of said police force shall have power and authority, immediately and without process, to arrest and take into custody any person who shall commit, or threaten or attempt to commit, in the presence of such members, or within his view, any breach of the peace or offense directly prohibited by act of the Legislature or by any ordinance of the city, but such member of the police force shall, immediately upon such arrest, convey in person such offender before the nearest magistrate, that he may be dealt with according to law.

#### **Tax to support the force.**

§ 23. The Supervisors of the county of Albany are hereby authorized, empowered and required, from time to time, to levy and raise by tax upon the estates, real and personal, taxable within said county, such sum and sums of money as may be required to carry into effect the fiscal provisions of this act affecting said city.

#### **Exemptions.**

§ 24. No person holding office under this title shall be liable to military or jury duty, or to arrest on civil process, or to service of subpoena from civil courts, while actually on duty.

#### **Detention of witnesses.**

§ 25. The said board are authorized, from time to time, to contract for and provide suitable accommodations within said city for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings; and such accommoda-

tions shall be in premises other than those used for the confinement of persons charged with crime, fraud or disorderly conduct; and it shall be the duty of all magistrates in committing witnesses to have regard to the rules and regulations of said board in respect to their detention.

#### **Suspensions.**

§ 26. The said board may suspend from pay or duty, or both, any member of the said force, but not longer than thirty days from pay at any one suspension.

#### **Quarterly reports of Chief.—Annual report to Common Council.**

§ 27. The said Chief of Police shall make to said Police Board quarterly reports, in writing, of the state of the police force, with such statistics and suggestions as he may deem it advisable to submit for the improvement of the police, government and discipline of the said force; said board shall, on or before the first Monday of December in each year, make a report, in writing, to the Common Council of said city upon the condition of the said police within said city.

#### **Violence at elections, how punished.**

§ 28. It shall be a misdemeanor, punishable by imprisonment in the county jail, or in the Albany penitentiary, for not less than one year and not exceeding two years, or by a fine of not less than two hundred and fifty dollars, for any person, without justifiable or excusable cause, to use, or incite any other person to use, personal violence upon any elector upon any election day in said city of Albany, or upon any member of the police force thereof at any time when in the discharge of his duty, or for any such member willfully to neglect making any arrest for an offense against the laws of this State or any ordinance in force in any part of said city of Albany, or for any person not a member of said police force falsely to represent himself as being such a member, with a fraudulent design upon persons or property.

#### **Complaint books.—Books of record.—Returns and minutes to be bound.**

§ 29. The said board shall cause to be kept general complaint books, in which shall be entered any complaint of a police nature preferred upon a personal knowledge of the circumstances thereof, with the name and residence of the complainant; they shall also

cause to be kept books of registration of lost, missing and stolen property, for the general convenience of the public and for the information of said police force. The said board shall cause to be kept books of record of said police department, wherein shall be entered the name of every member of said police force, with the time and place of his nativity, the place where and the time when (if born out of the United States) he became a citizen of the United States; his age upon becoming such member and his former occupation, the number of his family and the residence thereof, and the date of his appointment and of his resignation of, or withdrawal or dismissal from, said force, with the cause of the latter, and against all such entries sufficient space shall be left wherein to make record of any especial arrests made from time to time by such member, or of any especial service deemed meritorious by the board, done by him. Such books shall be, at all business hours, and when not in actual use, open to public inspection. The said board shall also cause to be kept and bound all police returns and reports from any member of said force, and all minutes of the proceedings of said board; which returns, reports and minutes shall be open for public inspection only in the discretion of said board.

#### **Warrant of appointment.**

§ 30. Every member of said force shall have issued to him, by said board, a proper warrant of appointment, signed by the president of said board and countersigned by the secretary, which warrant shall contain the date of his appointment and his rank.

#### **Official bonds and oaths.**

§ 31. The said board shall make suitable provisions respecting security to be given by the Chief of Police and other officers of said force for the faithful performance of their respective duties. Each member of the police force shall subscribe an oath of office, in the constitutional form, in a book kept for that purpose, and shall take said oath before one of the Commissioners of Police, each of whom is hereby authorized to administer such oath and to certify the taking thereof.

#### **Details for elections.**

§ 32. It shall be the duty of said board to detail, on the day of any election in said city of Albany, at least two patrolmen to each election poll, and to provide ballot boxes for use at any and all

such elections, and to provide for the custody of said boxes at all times except during the taking, receiving and counting of the votes. Said city of Albany shall pay the expense of procuring and taking care of its boxes.

#### **Order at polls.**

§ 33. It shall be the duty of said board to prevent any booth or box for the distribution of tickets at any election from being erected or maintained within one hundred and fifty feet of any polling place within said city, and to see that the arrangements for voting are such as to prevent any avoidable crowding of voters at such polls, and that the challengers of both and all parties have fair and equal room, rights and privileges for the discharge of their duties at each poll; and that the canvassing of the votes be conducted in an orderly, fair, open and public manner; and no person or officer shall have power to interfere with said board in their discharge of the duties imposed on them by this section.

#### **Service of criminal process.**

§ 34. All criminal process for any offense committed within said city, issuing out of any court, or from any justice, judge or justice of the peace within said county, shall be served by a member of said police force.

#### **Expenses and fees.—Traveling expenses, how paid.—Annual tax therefor.—Annual statement.**

§ 35. The necessary expenses incurred in the execution of criminal process within said city shall be a charge against the city. No fees or compensation whatever, other than as herein provided, shall be charged or received by any officer or member of the said police force, for the arrest, confinement or discharge of any person, or for mileage and travel, or for serving any warrant, subpoena or process, or for discharging any other duty required by this act, nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime, or for the service of any warrant, subpoena or other process in any criminal case, except as herein provided. The actual, necessary and reasonable traveling expenses, which shall include board as well as transportation, incurred by any officer or member of the said police force, or by any other officer or citizen who may have been selected to execute any process

issued within the said city of Albany, incurred by any such officer or member of the police force, or other officer or person in executing any such process or discharging any duty required of him by the District Attorney of the county of Albany, or by any police justice, justice of the peace, judge of a court of record or criminal court, held within said city, for any offense arising within said city, shall be audited and allowed by the said Board of Commissioners, and paid by the Chamberlain of the said city of Albany. But such charges shall only be allowed upon the affidavit of the person making them, and shall not include any items for traveling expenses, in cases wherein transportation has been furnished to the party gratuitously, and without pay by him, under whatever circumstances such free transportation may have been given. The Board of Supervisors of the county of Albany shall annually cause to be raised by tax, in the manner provided by law for assessing, levying and collecting the State and county taxes, within and for said county, the sum of two thousand dollars to pay in part the expenses incurred by said police force in the service of all criminal process issuing from the District Attorney, or any police justice of the city of Albany, and a sum sufficient to pay the cost, charges and expenses for police services rendered by any member of the said police force, or by said Police Board, in the execution of criminal process, in cases now chargeable to said county; the same to be assessed, levied and collected upon and from the city in the same manner, ratio and proportion as the accounts of deputy sheriffs and constables of said county are now charged, assessed, levied and collected; the amount thereof to be paid to the Chamberlain of the city of Albany, to be applied toward the general expenses of said police force; and it shall be the duty of the said Board of Police to furnish annually to the Board of Supervisors of said county an accurate statement of all the moneys paid out by said board under the requirements of this section during the preceding year, and the amount so raised shall be paid over by the County Treasurer of said county to the Chamberlain of said city of Albany.

**Common Council to provide station-houses.**

§ 36. It is hereby declared to be the duty of the Common Council of the city of Albany to provide, at the expense of said city, within each police precinct of said city, all necessary accommodations for the station-houses required by said Board of Police for the accom-



modation of the police force of such precincts, and for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses. In case said Common Council neglect or refuse, for sixty days after having been thereto in writing requested by said board, to provide such accommodations or station-houses which, in the opinion of said board, are suitable, or to put such station-houses in due repair, then said board may make their own provisions therefor, whether by contracts of hiring or repairing proper premises; and the expenses thereof shall be a proper expense of and charge against the said city of Albany. Provided in case there shall be at any time a sufficient surplus arising from unexpended moneys raised for the annual support of the police department, but not used necessary for that purpose, it shall be lawful for said board to apply the same without the consent of the Common Council to the purchase of a lot and the erection of a building thereon to be used as a station-house in any of the police precincts of said city.

#### **Tax for support of force.**

§ 37. The Board of Supervisors of the county of Albany shall, annually, on the requisition of the said Police Board, cause to be raised by tax, in the manner provided by law for assessing, levying and collecting the general taxes of said city of Albany, the sum necessary to defray the expenses of the police force organized by this act. Such sum, when collected, shall be paid over by the Receiver of Taxes of said city to the Chamberlain thereof, by whom the disbursement thereof shall be made as herein provided, in accordance with the rules and regulations of the said board.

#### **Salaries of Secretary, Chief of Police, officers, etc.—Detective staff.—Grades of patrolmen.—Salaries of patrolmen.—Members of veteran grade.**

§ 38. The one of said Commissioners who shall be elected Secretary of the board, shall receive an annual salary of five hundred dollars; the Chief of Police shall receive an annual salary of three thousand dollars and the salary of the clerk shall be fixed by the Board of Commissioners; each captain of the police shall receive an annual salary of not over one thousand two hundred dollars; each sergeant one thousand dollars and each patrolman of the police force shall receive an annual salary of not over nine hun-

dred dollars to be regulated as hereinafter set forth, and each station-house keeper shall receive an annual salary of not over six hundred dollars, and the surgeon of police shall receive an annual salary of not over five hundred dollars. Each patrolman detailed on the detective staff of said police force may be paid in addition to his annual salary, as herein provided, an additional compensation of not exceeding three hundred dollars annually to be fixed and determined by the said Police Commissioners, based upon the length of service and ability of each detective and to be paid to said detectives so detailed in proportional monthly sums in the same manner as provided in this act for the payment of their salaries. The grade of the members of the police force who are patrolmen shall be as follows: All such members who shall have served three years or upwards on such force as patrolmen shall be members of the first grade; all such members who shall have served for less than three years and more than one year on such force shall be members of the second grade, and all other members of the police force who are patrolmen shall on their appointment become members of the third grade. There shall also be established a veteran grade, which shall consist of such members of the police force of the rank of patrolmen as shall have become from age or other causes incapable of severe or prolonged physical exertion. The annual salary of patrolmen of the first grade shall be nine hundred dollars, of patrolmen of the second grade eight hundred dollars, of the third grade seven hundred dollars and of the veteran grade six hundred dollars. All of said salaries shall be paid monthly by the Chamberlain of said city, to each person entitled thereto, in modes to be prescribed by the rules and regulations of the board, subject to such deductions each month from the salary or pay of the members of said police force as the board shall make to satisfy fines imposed on any member of said force by way of discipline or punishment and as prescribed by the rules and regulations of said board. The members of the veteran grade shall be assigned to the performance of such duties as shall not require great physical exertion or endurance, and nothing in this act contained shall prevent the assignment of members of the present police force to such grade, whenever in the judgment of the Board of Police Commissioners the efficiency of the police force will be promoted by such change.

(As amended by chapter 298, Laws of 1885, sec. 5; chapter 443, Laws of 1886, sec. 1, and by chapter 99, Laws of 1892, sec. 6.)

**Rewards and presents.**

§ 39. The Board of Police, for meritorious and extraordinary services rendered by any member of the police force in the due discharge of his duty, may permit any member of the police force to retain, for his own benefit, any reward or present tendered him therefor; and it shall be cause of removal from said force for any member thereof to receive any such reward or present without giving notice thereof to the board. Upon receiving such notice the said board may either order said member to retain the same or pay it over to the Chamberlain of said city.

**Fines, fees, etc., payable to Chamberlain.**

§ 40. All fines imposed by the board upon members of the police force by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid and given for account of extraordinary services of any member of the police force (except when allowed to be retained by such member), and all moneys remaining for the space of one year in the hands of the property clerk, arising from the sale of unclaimed goods, and all proceeds of suits for penalties under this act, shall be paid over to the Chamberlain of said city or Albany.

**Property Clerk, duties of.**

§ 41. All property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall thereafter be taken into the custody of any member of said police force or of any criminal court in the city of Albany, or which shall come into the custody of any police justice within said city of Albany, shall be by such member or justice, or by order of said court, given into the custody of, and be kept by, the property clerk of said city: and all such property and money shall be particularly registered by said property clerk, in a book kept for that purpose, which shall contain also a record of the names of the persons from whom such property or money was taken, the names of the claimants thereof, the time of the seizure, and any final disposition of such property or money.

**Detained property, how delivered.**

1. Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained,

or to be the proceeds of crime, and whenever brought with the claimant thereof and the person arrested before some magistrate for adjudication, and the magistrate shall be then and there satisfied from evidence that the person arrested is innocent of the offense alleged, and that the property rightfully belongs to such person, then said magistrate may thereupon, in writing, order such property or money to be returned to such person, and the property clerk (if he have it) to deliver such property or money to the accused person himself, and not to any attorney, agent or clerk of such accused person.

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

#### **How disposed of.**

3. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom the same was taken, and all lost property coming into the possession of any member of said police force and all property and money taken from pawnbrokers as the proceeds of crime, or by any such member taken from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall, as soon as practicable, be transmitted to the property clerk of said police force, to be duly registered and advertised for the benefit of all persons and parties interested, and for the information of the public as to the amount and disposition of the property so taken into custody by the police.

#### **When to be advertised and sold.**

4. All property and money that shall remain in the custody of the property clerk for the period of six months without any lawful claimant thereto, after having been three times advertised in the three official newspapers of said city, shall be disposed of as follows: Such property shall be sold at public auction, according to the tenor of such advertising, and the proceeds of such sale shall be paid over to the Chamberlain of said city of Albany.

**How used as evidence.**

5. If any property or money placed in the custody of the property clerk shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court. Such property shall, however, not be retained in said court, but shall be returned to said property clerk to be disposed of as hereinbefore provided.

**City ordinances to be enforced.**

§ 42. Said board of police shall at all times cause the ordinances of the city of Albany, not in conflict with the provisions of this act, to be properly enforced; and it shall be the duty of said board at all times when consistent with the rules and regulations of the board and with the requirements of this act, to furnish all information desired.

**Officers for District Attorney, how appointed.—Oaths of officers.**

**Their powers.—Expenses and salaries.—Expenses, how paid.**

§ 43. The District Attorney of the county of Albany shall have the power to appoint two persons to discharge the business pertaining to his office. The appointments shall be in writing under the hand and seal of the District Attorney and shall be filed in the Clerk's office of Albany county, and such appointments shall continue during the pleasure of the District Attorney. The persons thus appointed shall, before they enter upon the discharge of their duties, take an oath well and faithfully to perform such duties to the best of their ability, which oaths shall be taken before the Clerk of Albany county, or his deputy, and the same shall be filed in the Clerk's office. The persons thus appointed shall be under the direction and control of the District Attorney. They shall have all the powers granted to a sergeant of police under this act, and shall have power and it is hereby made their duty, to serve all criminal or other process, and all bench warrants and other papers, in any and all parts of the State, which may be issued by the said District Attorney. Any member of the police force hereby created shall also have power to serve any of the above-mentioned papers or process, or warrants, when issued by such District Attorney. The officers whose appointment is provided for in this section shall each receive a salary of

twelve hundred dollars annually, which salary shall be paid in the same manner, and at the same time, as the salaries of the police force hereby created. Each of such above mentioned persons shall be allowed his necessary and actual traveling expenses, necessarily and actually incurred while traveling on official business under the direction of the District Attorney. The amount of such expenses shall be sworn, by the person incurring them, to have been actually and necessarily incurred while traveling on official business under the direction of the District Attorney, who shall also certify to the facts of such direction. The amount of such traveling expenses, when thus certified and sworn to, shall be paid, upon presentation of the bill therefor, in the same manner as the salaries of such persons. On or before the first Monday of December next the Chamberlain of the city of Albany shall report to the Board of Supervisors the amount of such salaries and expenses paid under the provisions of this section, which sum shall be audited by the board and paid by the County Treasurer to the said Chamberlain of the city of Albany, and such sum thus paid shall be a county charge. And also on or before said first Monday of December next, and thereafter annually, the said Chamberlain shall report to the said Board of Supervisors the amount that will probably be necessary to be paid for such salaries and expenses during the then coming year, which amount shall then be levied and assessed and collected in the same manner as other county charges, and shall be paid by the County Treasurer to the Chamberlain of the city of Albany. The amounts thus paid to the Chamberlain shall not be used or appropriated by him for any other purpose whatever than the payment of such salaries and expenses. The Chamberlain shall keep a just and full account of all moneys paid to and expended by him under the provisions of this section, and shall keep vouchers.

**Repeal of former laws.—Capital police force, how long to continue.**

§ 44. All statutes, parts of statutes, ordinances and provisions of law inconsistent with the provisions of this act are hereby repealed, together with all modes, qualifications, appointments to office as members of the police department, or of election to office therein, inconsistent with the provisions of this act, so far as these statutes relate to the city of Albany. And the police force of said city of Albany, under whatever name the same may be

now known or called, is hereby abolished, except as herein otherwise provided. But the members of the present capital police within the city of Albany shall continue to do duty under the laws existing before the passage of this act until the said Board of Police Commissioners hereby created shall cause a notice of its organization to be served upon the resident Capital Police Commissioner and Advisory Commissioner of said city of Albany, and upon each officer and member of the police force of said city, by delivering to or leaving with, or at the residence of such, a copy of the same; after which time the office and duties of all persons not serving or receiving their appointment as members or officers of the police force of the city of Albany under and in pursuance of the provisions of this act shall absolutely cease and terminate. For all moneys paid out by him, and at the time above specified, in each year, he shall make a full report to the Board of Supervisors of the amount received and expended by him under the provisions of this section, giving items and dates, and when called upon, producing vouchers therefor. The accounts of the Chamberlain, under this section, shall also be open to inspection by the Board of Supervisors or a committee thereof.

**Assembly districts not to be changed.**

§ 45. The assembly districts of the county of Albany shall be and remain, until changed or altered by law, as they were before the passage of this act, and nothing herein contained shall be taken as intended to make any change or alteration in the limits of said districts.

TITLE XIII.

**Repealed.**

§ 1. All acts and parts of acts inconsistent and in conflict with this act are hereby repealed, but such repeal shall not affect any legal proceedings commenced under such conflicting acts.

§ 2. This act shall take effect immediately.

SECTION 4, CHAPTER 298, LAWS OF 1875.

**Police Board to appoint patrolmen to act at Police Court.—  
Powers.—Traveling expenses.**

§ 3. The said Police Board shall appoint and designate, from time to time, with power at all times of revocation and further

appointment, not to exceed four patrolmen to attend the police court of the city of Albany, who shall have all the powers respectively granted by law to a sergeant of police, and who shall have power and it is hereby made their duty, to serve all criminal and other process, and all warrants and other papers, in any and all parts of the State, that may be issued by said Police Court or the justices thereof, or either of them. Any member of the police force of the police district to which the city of Albany shall pertain, shall also have power to serve any of the above-mentioned papers or process or warrant, when issued by said Police Court or the justices thereof, or either of them; the necessary and actual traveling expenses, necessarily and actually incurred while traveling on official business, under the direction of said Police Court or said police justices, or either of them, or Chief of Police, shall be sworn to by the person incurring them to have been actually and necessarily incurred while traveling on official business, as aforesaid; said expenses, when audited and allowed by said Police Board, shall be paid in the same manner as the salaries of said persons.

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#### CHAPTER 278 OF THE LAWS OF 1872.

An Act making further provisions as to the Police Department of the city of Albany.

Passed April 18, 1872; three-fifths being present.

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

#### **Mayor to be President of Board.**

Section 1. The Mayor of the city of Albany shall be, ex officio, a Police Commissioner of said city, with like powers as the other commissioners, and he shall be President of the Board of Police Commissioners.

#### **Police Commissioners may be removed by Common Council for cause.**

§ 2. Any of the Police Commissioners may be removed by a resolution of the Common Council of said city, if two-thirds of all the members elected to said Common Council concur therein; but no removal shall be made by virtue of this section unless the cause thereof shall be entered on the minutes of the board, and unless



the party complained of shall have been served with a copy of the charges against him, and shall have had an opportunity of being heard on the question of removal. The yeas and nays shall be entered on the minutes.

**Vacancies, how filled.**

§ 3. [Repealed by chapter 99, Laws of 1892, § 7.]

(The remaining provision of this act was repealed by chapter 298, Laws of 1885.)

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CHAPTER 299 OF THE LAWS OF 1885.

An Act to establish a Police Pension Fund for the city of Albany.

Passed May 21, 1885; three-fifths being present.

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

**Trustees of Police Pension Fund.—Powers and duties of.—  
Rules, etc.—Report.**

Section 1. The Mayor of the city of Albany for the time being (and his successors in office), the Police Commissioners of the city of Albany for the time being (and their successors in office), and the Chamberlain of the city of Albany, for the time being (and his successors in office), shall constitute a board of trustees of the Police Pension Fund hereinafter mentioned. The Mayor of the city of Albany shall be president of said board, and the Secretary of the Board of Police Commissioners of the city of Albany shall be secretary of said board of trustees of the Police Pension Fund. The Chamberlain of the city of Albany shall be the treasurer of said Police Pension Fund. Such board of trustees shall have charge of and administer said fund, and from time to time invest the same, or any part thereof, as they shall deem most beneficial to said fund, and are empowered to make all necessary contracts and take all necessary and proper action and proceedings in the premises and to make payments from said fund of pensions granted in pursuance of this chapter. The said trustees shall from time to time establish such rules and regulations for the administration of the Police Pension Fund as they may deem best. They shall report in detail the condition of the fund at the close of each fiscal year of the Police Department, through their secretary, to the Common Council, and said report shall be published with the annual report of the Police Department. No payments

whatever shall be allowed or made by said trustees as rewards, gratuities, or compensation to any person for salary or services rendered to or for said board of trustees.

**Of what fund to consist.**

§ 2. The Police Pension Fund shall consist of

1. All fines imposed upon members of the police force by the Board of Police Commissioners;

2. All rewards, fees, gifts, testimonials and emoluments presented, paid or given to any member of the police force for or on account of police services, except such as has been or shall be allowed by the Board of Police to be retained by such member;

3. All moneys paid for special services of policemen at balls, parties, weddings, excursions or picnics; and

4. All lost or stolen money remaining in the hands of the property clerk for the space of one year, and for which there shall be no lawful claimant; and moneys arising from the sale by the said property clerk of unclaimed property.

**Powers of Police Board as to pensions, how exercised.**

§ 3. The Board of Police Commissioners shall have power in its discretion, by the concurrent vote of four members of said board, to retire and dismiss from membership in the said police force and thereupon grant pensions as hereinafter provided, to any member of the police force of said city who shall have become disabled physically or mentally, or so advanced in age as to be unfit for police duty, and by the concurrent vote of four members of said board, to widows and orphans of such members, to be paid from the Police Pension Fund by the board of trustees thereof as follows:

**As to widows of members of police force.—Proviso as to children.**

1. To the widow of any member of the police force who shall have been killed while in the actual performance of duty, or shall have died from the effects of any injury received whilst in the actual discharge of such duty, or who has died, or who shall hereafter die after ten years of service in the police force of the city of Albany, if there be no child or children under eighteen years of age of any such member, the sum of not exceeding two hundred and fifty dollars per annum; but if there be any such

child or children of such member under the age aforesaid, then the said sum may be divided between such widow, child or children in such proportions and in such manner as the said board may direct.

**To minor children.**

2. To any child or children under eighteen years of age of such member killed or dying as aforesaid, or pensioner as aforesaid, but leaving no widow, or if a widow, then after her death, to such child or children being yet under eighteen years of age, a sum not exceeding two hundred and fifty dollars per annum.

**To certain superannuated, insane or disabled, of police force.—**

**Limitation.**

3. To any such member of said police force who shall, after ten years membership, become superannuated by age, permanently insane, or mentally incapacitated, or disabled, physically, or mentally, so as to be unfitted and unable to perform full police duty by reason of such disability or disease, contracted without misconduct on his part, if such person shall have served in the police force for ten years and upwards, a sum not less than two hundred and fifty and not exceeding five hundred dollars per annum and if such person shall have served in the police force for twenty years and upwards a sum of not less than one-half the full salary or compensation of such member so retired, provided, however, that no pension granted under the provisions of this section shall exceed the sum of one thousand dollars per annum.

(As amended by chapter 412, Laws of 1886, sec. 1, and by chapter 521, Laws of 1887, sec. 1.)

§ 4. [Repealed by chapter 521, Laws of 1887, § 2.]

**To widows to terminate on remarriage; to children at eighteen years of age.**

§ 5. Pensions to widows shall terminate when the widow shall remarry, and pensions to children shall terminate whenever the children shall respectively arrive at the age of eighteen years. The Board of Police may, in its discretion, order any pension granted, or any part thereof, to cease, except in the case of members of the police force retired after twenty years' service, as provided in the last preceding section, but in all such cases

the said board shall file with the trustees of the Police Pension Fund a written statement of the causes which determined them in ordering any pension to so cease, and nothing herein contained shall render the granting or payment of such pension obligatory on the Board of Police, or upon the trustees of the Police Pension Fund, or chargeable as a matter of right upon said Police Pension Fund, except as provided in the last preceding section.

**Only to be granted on surgeon's certificate.**

§ 6. No member of the police force shall be awarded, granted or paid a pension on account of physical or mental disability or disease, unless upon the certificate of the surgeon of the Police Department, which shall set forth the cause, nature and extent of the disability, disease or injury of each member of the police force who may be placed upon the pension-roll, and said certificate shall distinctly state whether or not such disability, disease or injury was incurred or sustained by said member of the police force in the performance of police duty, and such certificate shall in each case be filed with and entered upon the minutes of the Board of Police.

§ 7. This act shall take effect immediately.

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CHAPTER 772.

An Act in relation to the Police Justices of the city of Albany.

Accepted by the city.

Became a law May 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. The term of office of the Police Justices of the city of Albany, elected in the year eighteen hundred and ninety-four, is hereby abridged so as to expire on the last day of December, eighteen hundred and ninety-seven. The term of office of the Police Justice of the city of Albany, elected in the year eighteen hundred and ninety-two, is hereby abridged so as to expire on the last day of December, eighteen hundred and ninety-five.

§ 2. At the election in said city, held on the Tuesday succeeding the first Monday in November, eighteen hundred and ninety-five, a Police Justice of the Police Court of the city of Albany

shall be elected in said city as other city officers are elected, who shall hold his office for the term of four years, from and after the first day of January next succeeding his election. At the election in said city held on the Tuesday succeeding the first Monday in November, eighteen hundred and ninety-seven, and each second year thereafter, a Police Justice of the city of Albany shall be elected in said city as other city officers are elected, who shall hold office for the term of four years from and after the first day of January next succeeding his election.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

## TITLE IV.

RELATING TO THE FIRE COMMISSIONERS AND  
FIRE DEPARTMENT.

## CHAPTER 197 OF THE LAWS OF 1867.

An Act to reorganize the Fire Department of the city of Albany.

Passed March 29, 1867; three-fifths being present.

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

**Fire Commissioners.—How chosen.—Terms of office.—Annual appointment of Commissioner.—Vacancies.**

Section 1. The Common Council of the city of Albany shall appoint five citizens, residents of the said city, to be Fire Commissioners of said city, with whom the Mayor of said city shall, ex officio, be associated as a Fire Commissioner also of said city, and, together, they and their successors in office, hereinafter provided for, shall form a Board of Fire Commissioners in and for said city, with the powers and duties hereinafter imposed. Said Fire Commissioners shall be chosen by said Common Council by ballot, and no ballot cast shall contain the name of more than one candidate, and the persons receiving the five highest numbers of votes cast, respectively, shall be and be declared to be duly appointed, and shall hold the said office immediately from and after their appointment, which shall be made as soon as may be after the passage of this act, as follows: One until one year, one until two years, one until three years, one until four years, and one until five years from the first Monday in June next, eighteen hundred and sixty-seven, the terms for which they shall serve, respectively, to be fixed by themselves, by lot; and annually thereafter, on the first Monday of June, in each year, in

place of the commissioner whose term shall then expire, there shall be appointed, by said Common Council, one person, a resident of said city, to be such Fire Commissioner and member of said board for the term of five years, and the said Common Council shall also fill, by ballot, all vacancies in unexpired terms in said Board of Fire Commissioners; and where there shall exist two or more vacancies at one time, no ballot shall contain more than one name, and the candidates, to the number of the vacancies to be filled, who shall receive the highest plurality of the votes cast, shall be and be declared to be duly appointed.

(Under the charter of the city (title IV, section 19), the Fire Commissioners are appointed by the Mayor, and the Common Council has the power of confirmation or rejection)

**President and Secretary.—Quorum.**

§ 2. The Mayor of said city shall be, *ex officio*, President of said Board of Fire Commissioners, and said Board of Fire Commissioners shall appoint, from among themselves, a Secretary, who shall also act as Clerk of the department created by this act, and shall fix the rate of his compensation, subject to the approval of the Common Council, but the remainder of said commissioners shall serve without pay or emolument. Four members of said board shall constitute a quorum for the transaction of business at all regular meetings, and the decision of a majority of a quorum present at any such meeting shall stand as the decision of the board, except as provided in section four of this act.

**Chief Engineer, etc.—Steam fire engine companies.—Officers and firemen.—Hook and ladder companies.—What to constitute Fire Department, etc.—Tenure of office, etc.—Increase of number of companies.**

§ 3. For the extinguishment of fires in said city, the said Board of Fire Commissioners shall from time to time, appoint from the exempt or active firemen of said city, one Chief Engineer, and four Assistant Engineers, to serve for two years, unless sooner removed for cause, and shall prescribe their duties, except as provided in section six of this act; and there shall be eight steam fire engine companies, with steam fire engines, hose and apparatus complete, to be drawn by horses to be provided for that purpose; said companies to be numbered respectively, one, two, three, four, five, six, seven and eight, and to have a complement of men each, to be appointed by said Board of Fire Com-

missioners, as follows: One engineman, one fireman and one driver to be permanently employed; and one foreman of hose and not to exceed eight other men, to do duty when alarmed, and serve with or without pay, as the Common Council shall hereafter determine. There shall also be two hook and ladder companies, with vehicles and apparatus complete, to be drawn by horses to be provided for that purpose; and said companies to be numbered respectively, one and two, and to have a complement of men each, to be appointed by said Board of Fire Commissioners, as follows, namely: One driver and, if necessary, one tillerman, to be permanently employed, and one foreman and not to exceed twelve other members to do duty when alarmed, and serve, with or without pay, as the Common Council shall hereafter determine. The persons to be appointed to the several posts of fire duty hereinbefore provided, including the Chief and Assistant Engineers, shall be known as the firemen of the city of Albany, and together with said board, shall constitute the Fire Department of said city, and shall hold their respective places and appointments under said board during good behavior; and the said Board of Fire Commissioners shall fix the rates of their compensation, subject to the provisions and limitations in this act contained; and they shall not be removed by said Board of Fire Commissioners, except for cause, and after a reasonable opportunity to be heard in their defense. The Common Council may, from time to time, by a two-third vote of all the members thereof, direct the said Board of Fire Commissioners to increase the number of companies hereinbefore provided for; and such additional companies shall, in all respects, be organized and maintained pursuant to the provisions of this act.

(As amended by chapter 382, Laws of 1882.)

#### **Powers and duties of Fire Commissioners.**

§ 4 The said Board of Fire Commissioners shall have the control and management of the said Fire Department, its officers and men; and shall prescribe the rules for its discipline and government; and the said Board of Fire Commissioners shall also have the control and management of the public property now pertaining to the Fire Department of said city, and that shall hereafter pertain to the department created by this act, and shall from time to time, in their sound discretion, add to, acquire, and, subject to the approval of the Common Council, sell or dis-



pose of said property, both real and personal, as the provisions of this act and the exigencies of the department, not inconsistent with this act, may require; and shall pay over to the City Chamberlain all moneys that may come into their hands, immediately after the receipt of the same. The said Board of Fire Commissioners are also hereby invested with all discretionary powers necessary to the faithful execution of this act, including the proper selection and location of all needful buildings and offices, and the complete equipment of the several companies with horses, engines, vehicles and other apparatus, and by a two-third vote of all the members of the said board shall prescribe, control and regulate the expenditures of every kind of the department created by this act; provided, nevertheless, anything in this act to the contrary notwithstanding, that in case of any proposed expenditure, not including repairs and supplies, but including the schedule of compensation to be established for the employes of the department, and any increase therein, the same shall first be presented by said board to the Common Council for their approval of the same. If the said Common Council, upon a call of the ayes and noes, shall, by a vote of the majority of all the members elected thereto, approve of the same, then it shall be lawful for said Board of Fire Commissioners to incur or contract said expenditure, otherwise it shall not be lawful for it to do so.

(As amended by chapter 565, Laws of 1874.)

#### **Chamberlain to pay bills incurred.**

§ 5. The Chamberlain of the city of Albany shall audit and pay the bills contracted or incurred by said Board of Fire Commissioners under the provisions of this act, upon production of their warrant therefor, signed by at least four of said commissioners, with the proper vouchers attached, and the moneys required for the said department shall be raised, as heretofore, by tax, as a part of the current expenses of said city.

#### **Duty of Chief Engineer.**

§ 6. The Chief Engineer, or while he shall be absent the Assistant Engineer who shall be first at any fire, shall have sole direction and control of the firemen, hose, trucks, vehicles and apparatus of the department during the existence of such fire; always provided, nevertheless, that he shall be subject, to and shall obey, and cause to be obeyed by the firemen under his

direction, the lawful authority of the Mayor in case of riot or other public disturbance.

**Report of Commissioners to Common Council.**

§ 7. The said Board of Fire Commissioners shall, when required by the Common Council, report to them the condition of the department, and on or before the first day of November, in each year, shall report in detail to said Common Council the receipts and expenditures of said department, with other matters pertaining thereto of public interest, including a complete inventory of all the property under their charge; and said report shall also exhibit a particular statement of all fire alarms and fires which have occurred in said city during the preceding year, together with the causes of all such fires, as far as the same shall have been ascertained. It shall also exhibit a particular statement of all losses caused by such fires, and of all insurance thereon. It shall also show the amount of hose which shall have been used; the sources whence the supply of water was derived; the number and names of all companies under their direction; the names of all members and officers of such companies; the names of all persons in the employ of said board and the compensation paid to them, and a statement of all expenses paid or incurred under the direction of said board during the year, and shall set forth other information relating to the Fire Department as to the board shall seem important.

**By and against whom actions are to be brought.**

§ 8. Causes of action upon contract, or for damages arising out of, or pertaining or incident to, the official administration of the department created by this act, shall be brought directly by and against the Mayor, Aldermen and commonalty of the city of Albany; and the said Board of Fire Commissioners shall not be sued, as such, except to compel or restrain the performance of acts proper to be compelled or restrained, under and not within the discretion intended to be conferred by this act.

**Removal of Commissioners from office.**

§ 9. The Common Council, by a two-thirds vote of all the members thereof, may, in case of misconduct, remove from office the said commissioners, or any of them, and declare their places vacant.

**Repeal of laws.**

§ 10. Chapter one hundred and ninety-four of laws of this State, passed April six, eighteen hundred and sixty, and all acts amendatory thereof; also section fifty-four of chapter eighty-two of the laws of this State, passed March thirty-one, eighteen hundred and fifty-nine; also all existing ordinances and regulations of the Common Council of the city of Albany, relative to the Fire Department of said city, are hereby repealed.

**Discharge of present firemen.**

§ 11. Until the organization under this act shall be put in working order, the present fire companies shall do duty at all fires that may occur, as heretofore; and thereafter, upon notice from the Board of Fire Commissioners, the Common Council shall, by resolution, naming them therein, honorably discharge the members of the department hereby abrogated from further duty as firemen, and such discharge shall entitle the firemen so discharged to all privileges and immunities of firemen exempt by law.

**Chief Engineer to inquire into causes of fires.—To issue warrants for witnesses.—Refusal to testify a misdemeanor.—Penalty.—Chief Engineer to certify conclusion to Police Justice.—To return evidence to next criminal court.**

§ 12. The Chief Engineer of the Fire Department is hereby empowered to inquire into the cause or origin of any fire that may occur in said city of Albany; and for that purpose the said Chief Engineer is hereby authorized to examine any person or persons on oath, and to issue his warrant for the attendance of witnesses, returnable either forthwith or at such place and time within said city as he shall appoint therein, under which warrant it shall be the duty of the said Chief Engineer to cause, and if necessary, to compel, the witness or witnesses to whom said warrant shall be directed, to appear before said Chief Engineer, as in said warrant prescribed, on any such investigation; and any willful evasion of such process, or willful refusal to testify, shall be deemed to be a misdemeanor, and, upon conviction thereof by any court of competent jurisdiction, the offender shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail or penitentiary not exceeding six months, or by both such fine and imprisonment. If it shall appear to the satisfaction

of said Chief Engineer, upon any such investigation, that any building in said city has been willfully burned or fired, and if the party or parties charged with the offense be not in custody, the said Chief Engineer shall certify his conclusion upon the evidence to one of the Police Justices of said city, who shall cause the party or parties charged to be forthwith arrested upon the charge. The testimony taken upon every such investigation where there shall be, in the judgment of the said Chief Engineer, reasonable grounds to believe that any building within said city has been willfully burned or fired, shall be returned by him to the next criminal court of record having jurisdiction in cases of felony that shall be held in the county of Albany.

(As amended by chapter 47, Laws of 1872.)

§ 13. This act shall take effect immediately.

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#### CHAPTER 173 OF THE LAWS OF 1883.

An Act to incorporate the Fund for the Relief of Disabled Firemen of the city of Albany.

Passed April 2, 1883; three-fifths being present.

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

**Fund for disabled firemen.—Deductions from pay of members of force to belong to fund.—City Chamberlain to receive foreign fire insurance tax.—Corporation created.—Corporate name and officers.—Duty of Treasurer.—Property authorized to be held as relief fund.—Annual report to Common Council.—How printed.**

Section 1. The Fund for the Relief of Disabled Firemen of the city of Albany shall consist of:

First.—The capital, interest, income, dividends, securities, cash deposits and credits formerly or now belonging to said fund.

Second.—All forfeitures and fines imposed by the Board of Fire Commissioners from time to time upon any officer, member or other employe of the Fire Department by way of discipline.

Third.—All rewards in money, fees, gifts, testimonials and emoluments that may be given or paid for account of extraordinary services by any officer, member or other employe of the Fire Department except such as have been, or shall be, allowed

by the Board of Fire Commissioners to be retained by said officer, member or other employe.

Fourth.—All penalties imposed under the laws and ordinances of the city of Albany, relating to buildings and for the prevention of fires, and all license fees payable under the same.

All moneys, pay, compensation or salary, or any part thereof, forfeited, deducted or withheld from any officer, member or other employe of the Fire Department, for or on account of absence from duty, failure to attend fires, answer to roll-call or breach of discipline, shall be received by the Chamberlain of the city of Albany, as treasurer of said Fund for the Relief of Disabled Firemen, and the Board of Fire Commissioners are authorized and empowered in their discretion to deduct and withhold the pay, compensation or salary from any officer, member or other employe of the Fire Department for or on account of such absence from duty, except when such absence shall be occasioned by sickness or other causes for which leave of absence shall have been granted, in accordance with the rules of the Fire Department.

And the Chamberlain of the city of Albany, as treasurer of said Fund for the Relief of Disabled Firemen, for and on behalf of the uses and purposes of said fund, shall receive, and there shall be paid to him, annually, two per cent of tax on receipts of all foreign fire insurance companies doing business in the city of Albany. And in default of payment, the Chamberlain of the city of Albany, as such treasurer, shall sue for in any court of record within this State, the tax provided for to be paid in this act, and the amount so received shall be applied to and for the uses and purposes of said fund.

The Mayor, the Fire Commissioners and Chief of the Fire Department of the city of Albany, for the time being, and their successors in office, are constituted, and shall continue to be and constitute, a body corporate, under the name and designation of "The Trustees of the Fund for the Relief of Disabled Firemen of the City of Albany." They shall organize as such board by choosing from their number a president, and by appointing a clerk; and the Chamberlain of the city of Albany shall be the treasurer of said trustees, who shall receive all moneys applicable to the same, and shall deposit the same, as such treasurer, to the credit of the said relief fund, in savings banks or trust companies to be selected by said trustees, as soon as received, or to

invest the same on bond and mortgage on improved property, certified in writing by the City Assessors of said city to be worth twice the amount loaned, or in public stocks, as said trustees may deem most advantageous for the object of such fund; and the said trustees are empowered to make all necessary contracts, and to take all necessary remedies in the premises, and the Chamberlain, as such treasurer, for and on behalf of the uses and purposes of said fund, shall receive, and there shall be paid to him as such treasurer, all duties, taxes, allowances, fines, penalties and fees to which the Relief Fund of the Fire Department of the city of Albany, or at any time heretofore established, has been or is now entitled; and the Chamberlain of the city of Albany, as such treasurer, may take by gift, grant, devise or bequest, any money, real or personal property, or other valuable thing for the benefit of the officers, members or other employes of the Albany Fire Department or their families requiring assistance. The property so held shall be known as the Fund for the Relief of Disabled Firemen of the city of Albany, the annual income of which shall not exceed fifty thousand dollars in the whole, provided that the sum of one hundred thousand dollars, which may be received and accumulated under the provisions of this act, shall be reserved and retained as a permanent fund, the annual income of which may be made available for the uses and purposes of said fund. The Chamberlain of the city of Albany, as treasurer of said trustees, shall keep accurate books of account thereof and report to the Common Council of the city of Albany the condition of said funds, the cash and the securities, if any, held therefor, and the disbursements thereof. The trustees shall, from time to time, establish such rules and regulations for the proper administration of said funds as they may deem best. The treasurer's report and all matters pertaining thereto of public interest shall be printed in the annual report of the Fire Department.

(As amended by chapter 411, Laws of 1886, sec. 1.)

**Fire Commissioners may retire certain disqualified employes.—**

**Annual pension from Relief Fund.—Amount of allowance or pension, and conditions thereof.—Allowance to widows and children, in certain cases.—Funeral expenses.**

§ 2. The Board of Fire Commissioners shall have the power, by a majority vote, to retire from all service in the said Fire Department, or to relieve from service at fires, any officer,

member or other employe of the said Fire Department who shall have served in the said Fire Department for the period of not less than ten years' active and continuous service, and who may, upon an examination directed to be made by the Fire Commissioners by the Fire Department physician, be found to be disqualified, physically or mentally, for the performance of his duties; and the said officer, member or other employe so retired from service shall receive from the said Relief Fund an annual allowance as a pension in case of the total disqualification for service, or as compensation for limited service, in case of partial disability. In every case the said Board of Fire Commissioners are to determine the circumstances thereof, and said pension or allowance so allowed is to be in lieu of any salary received by such officer, member or other employe at the date of his being so relieved or retired from fire duty in said Fire Department, and the said Fire Department shall not be held liable for the payment of any claim or demand for services thereafter rendered, and the amount of such pension or allowance shall be determined upon the following conditions: In case of total permanent disability, caused in or induced by the actual performance of the duties of his position, which may occur after ten years' active and continuous service in the said Fire Department, the amount of annual pension to be allowed shall be one-half of the annual compensation allowed such officer, member or other employe as salary at the date of his retirement from the service, or such less sum in proportion to the number of officers, members or other employes so retired, as the condition of the fund will warrant. In case of the total permanent disability, not caused in or induced by the actual performance of the duties of his position, which shall have occurred after the expiration of twenty years' active and continuous service in the said Fire Department, the amount of annual pension to be allowed shall be one-half of the annual compensation allowed such officer, member or other employe as salary at the date of his retirement from the service, or in proportion to the number of officers, members or other employes so retired, as the condition of the fund will warrant. In case of partial permanent disability, caused in or induced by the actual performance of the duties of his position, which may occur after ten years' active and continuous service in the said Fire Department, the officer, member or other employe so disabled shall be relieved from active service at fires, but shall remain a member of the

Fire Department, subject to the rules governing said department and to the performance of such light duties as the Fire Department physician may certify him to be qualified to perform; and the allowance to be paid such officer, member or other employe shall be one-half of the annual compensation allowed as salary at the date of his being so relieved, or such less sum in proportion to the number of officers, members or other employes so retired as the condition of the fund will warrant; in case of partial permanent disability, not caused in or induced by the actual performance of the duties of his position, which may occur after twenty years' active and continuous service in the said Fire Department, the officer, member or other employe so disabled shall be relieved from active service at fires, but shall remain a member of the Fire Department, subject to the rules governing said department, and to the performance of such light duties as the Fire Department physician may certify him to be qualified to perform, and the annual allowance to be paid such officer, member or other employe shall be one-half of the annual compensation allowed as salary at the date of his being so relieved, or such less sum in proportion to the number of officers, members or other employes retired as the condition of the fund will warrant; if any officer, member or other employe of the said Fire Department, or retired or relieved officer, member or other employe of the same, shall die or be killed while in the service of the same, or while so retired or relieved, and shall leave a widow or children, the sum of five hundred dollars, or so much thereof as the trustees may in their discretion determine, or as the condition of the fund will warrant, shall be paid to such widow or children, and if there be no widow or children, then the said sum of five hundred dollars, or so much thereof as the trustees may in their discretion determine, or as the condition of the fund will warrant, shall be applied by the trustees toward his funeral expenses.

(As amended by chapter 411, Laws of 1886, sec. 2.)

**Amount to be paid present members who have served ten years.**

§ 3. All officers, members and other employes who are now connected with the Albany Fire Department, and who have served ten years' active and continuous service in the said department, shall receive the amount of annual pension of one-half of the annual compensation allowed such officer, member or other employe as salary at the date of his retirement, or such less sum



in proportion to the number of officers, members or other employes so retired, as the condition of the fund will warrant, and shall be entitled to all the privileges and shall be eligible and subject to the provisions of any and all trusts which may be created by this act.

**Deductions from monthly pay for insurance fund.**

§ 4. There shall be deducted from the monthly pay of each officer, member or other employe of said Fire Department, and from the monthly pension of retired officers, members or other employes of said department, the monthly sum of one dollar, which shall be received and held by the trustees of the Relief Fund herein created in the like manner as the other moneys herein provided to be paid to them, and which shall be known as the Albany Fire Department Insurance Fund; and in case of the death of any officer, member or other employe of said department, in the service thereof, or of any pensioned or retired officer, member or other employe of said department, and so contributing, there shall be paid to the widow or children, or if there be no widow or children, then to the legal representatives of such deceased officer, member or other employe or pensioned or retired officer, member or other employe, who he may designate, the sum of not less than five hundred or more than one thousand dollars out of the moneys so assessed, in the discretion of the trustees; and in case, by the reason of the number of deaths, the aggregate amount of moneys so provided to be assessed and collected should prove inadequate to make such payments, then the assessment may, in the discretion of said trustees, be increased to the sum of two dollars in each month's pay or each month's pension of pensioned or retired officers, members or other employes of said department.

(Added by chapter 332, Laws of 1885, sec. 4.)

**Resignation or dismissal, effect of.—Rights of such employes continuing to make monthly payments.**

§ 5. Any officer, member or other employe of said Fire Department who may resign or be discharged from said Fire Department shall forfeit all rights and privileges under this act, and shall not be entitled to any of the benefits hereinbefore provided for, except that any officer, member or other employe who may hereafter leave the Fire Department may avail himself of the privi-

leges and provisions of section four of said act by making a monthly payment to the trustees of such amount as the said trustees have designated; but any such person not in the employ of the Fire Department who shall fail to pay such amount within the time designated by said trustees, shall forfeit all claim to any portion of said Insurance Fund or benefit to be derived therefrom.

(Added by chapter 332, Laws of 1885, sec. 4, and as amended by chapter 411, Laws of 1886, sec. 3.)

§ 6. This act shall take effect immediately.

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CHAPTER 611 OF THE LAWS OF 1893.

An Act to provide for the distribution of moneys raised by public subscription for the benefit of the families of certain deceased firemen of the city of Albany.

Approved by the Governor May 5, 1893. Passed, three-fifths being present.

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

**Trustees of fund.—Payment over of moneys to trustees.—Collection of moneys.**

Section 1. Dennis A. Ronan, Albert P. Stevens, Rufus K. Townsend and William J. Walker, all of the city of Albany, are hereby constituted trustees of the fund raised by public subscription for the benefit of the families of Charles E. Marshall, John W. Bridgeford, Frederick Amthor and Bernard Bamer, members of the Fire Department of the city of Albany, who were killed while in the performance of their duty at the Fort Orange Milling Company fire, on the nineteenth day of December, eighteen hundred and ninety-two. And the said Rufus K. Townsend, who was appointed by the Mayor of the city of Albany treasurer of such fund, is hereby directed to turn over all moneys in his hands belonging to said fund to the trustees herein mentioned; and said trustees are hereby authorized to sue for, and collect, in any court of competent jurisdiction, any moneys which may have been contributed by the public for such purpose and which may be in the hands of any person or persons.

**Investment and distribution thereof.**

§ 2. The said trustees shall receive and receipt for all such moneys, and shall invest the same as in their judgment shall be proper, and shall, from time to time, in their discretion, pay over to the widows and next of kin of said deceased firemen the income and principal of such fund, in such manner and amounts as shall in their judgment be for their best interests.

§ 3. This act shall take effect immediately.

## TITLE V.

## RELATING TO BOARD OF PUBLIC INSTRUCTION.

## CHAPTER 444 OF THE LAWS OF 1866.

An Act to create a Board of Public Instruction in the city of Albany; to establish free schools therein, and amendatory of the several acts relating to the district schools in said city.

Passed April 7, 1866; three-fifths being present.

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

Section 1. Within fifteen days after the passage of this act the Mayor of the city of Albany shall, by a written appointment to be filed with the Clerk of the Common Council, appoint seven citizens, residents of the city of Albany, to be members of the Board of Public Instruction of the city of Albany, and their respective terms of office shall be as follows: One commissioner to hold office until January one, eighteen hundred and ninety-four; one commissioner to hold office until January one, eighteen hundred and ninety-five; one commissioner to hold office until January one, eighteen hundred and ninety-six; one commissioner to hold office until January one, eighteen hundred and ninety-seven; one commissioner to hold office until January one, eighteen hundred and ninety-eight; one commissioner to hold office until January one, eighteen hundred and ninety-nine, and one commissioner to hold office until January one, nineteen hundred. On the third Wednesday of November, eighteen hundred and ninety-three, and on the third Wednesday of November in each year thereafter, the Mayor shall appoint one citizen of the city of Albany, to be member of the Board of Public Instruction of the city of Albany, to take the place of the commissioner whose term shall expire, as hereinbefore provided, and such appointee shall hold office for a period

of seven years and until a successor shall be appointed. The term of office of the present Commissioners of the Board of Public Instruction shall end and their official functions cease, and such Board of Public Instruction abolished within ten days after the passage of this act.

(As amended by chapter 100, Laws of 1892, sec. 1.)

§ 2. [Repealed by chapter 100, Laws of 1892, §§.]

§ 3. The members of said board shall hold their first meeting within five days after their appointment by the Mayor, as provided in section one, or as soon thereafter as may be, for the purpose of organization. They shall thereupon appoint one of their number President, who shall exercise all the powers usually incident to such office. They shall also appoint a suitable person, other than a member of their body, Superintendent of Schools in the city of Albany, who shall exercise all such powers and shall discharge all such duties as the board shall, from time to time, direct, and shall be allowed such compensation for his services as the said board may, at any time, determine, not, however, to exceed in rate the sum of three thousand dollars per annum. The board shall also appoint a suitable person, other than a member of their body, as Clerk, who shall exercise such powers and shall discharge all such duties as the board shall, from time to time, direct, and shall be allowed such compensation for his services as the board may, at any time, determine, not, however, to exceed in rate the sum of one thousand dollars per annum. The said board shall also appoint a suitable person, other than a member of their body, Superintendent of Buildings and Repairs, who shall exercise such powers and perform such duties as the said board shall, from time to time, direct. The said Superintendent of Buildings shall be allowed such compensation for his services as the said board may, at any time, determine, not, however, to exceed in rate the sum of one thousand five hundred dollars per annum. The said board shall also appoint a suitable person, other than a member of their body, as stenographer, who shall perform such duties as the board shall, from time to time, direct, and be allowed such compensation as the board may, at any time, determine, not, however, to exceed in rate the sum of five hundred dollars per annum.

(As amended by chapter 11, Laws of 1867; chapter 120, Laws of 1880; chapter 48, Laws of 1887, sec. 1, and by chapter 100, Laws of 1892, sec. 2.)

§ 4. [Repealed by chapter 100, Laws of 1892, § 8.]

§ 5. Any member of said Board of Public Instruction may be removed from office for cause by the Mayor of said city, provided, always, that such member shall be served with a copy of the charges preferred against him and notice of trial, not less than twenty days previous to the day fixed for the hearing of the matter, by leaving such copy and notice at his residence in the city, or by sending the same to his address by mail; the accused member, on his appearing before the Mayor for trial, shall have the usual privileges in similar cases extended to him in his defense.

(As amended by chapter 100, Laws of 1892, sec. 3.)

§ 6. All vacancies in said board shall be filled by the Mayor of the city of Albany, as hereinbefore provided; the person so appointed shall hold his office for the remainder of the term of the person in whose place he is appointed and until a successor shall be appointed.

(As amended by chapter 100, Laws of 1892, sec. 4.)

#### **Jurisdiction of board and power.**

§ 7. On and after the first day of June, in the year one thousand eight hundred and sixty-six, the said Board of Public Instruction shall have the control and management of the several public schools in the said city of Albany, east of the line of Perry street, and shall possess and exercise all the powers now conferred by law upon the present Board of Education of said city. The said Board of Public Instruction shall have power, and it shall be their duty, to fix and determine the different grades of study which shall be taught in the various departments of the several schools under their charge, and to change the same from time to time as they shall deem best to advance the interest of the schools; and also to adopt such rules and regulations for the administration and government of the schools and for the admission of pupils to the various departments herein as they shall determine, with authority at any time to alter and amend the same.

#### **Examination of teachers by committee of board.**

§ 8. The said Board of Instruction shall have power to examine all applicants for the appointment by them as teachers in any of the schools under their charge; and no person shall be appointed

and employed as a teacher in either of said schools (except in cases of emergency, when a teacher may be temporarily employed), unless the board shall, after such examination, consider him or her well qualified to discharge the duties of the office, and shall give to him or her a certificate to that effect, which certificate shall be signed on behalf of the board by the President and Secretary thereof.

**To examine applicants for teachers.**

§ 9. For the purpose of carrying out the provision of the last preceding section of this act, the board may appoint a committee from their body, at any time, to examine applicants for appointment as teachers, and the result of such examination shall be reported by the committee to the board for final action.

§ 10. The said board shall have power, at all times, to fix the term for which any teacher shall be appointed; to determine the kind of class-books which are to be used in the several schools; the books thus adopted shall be uniform throughout all the schools, as near as may be, and they may, at any time, adopt other books in the place thereof, to supply the requisite class-books and stationery for the use of indigent pupils; to provide the several schools under their charge with the necessary school apparatus, maps and music books, the expense thereof to be defrayed out of the school moneys of the city. To enact by-laws by a majority vote of all the members appointed, and to repeal, change or modify the same by a like vote; and generally to possess all the powers, to discharge all the duties and to be subject to all the obligations heretofore conferred and imposed upon the several school officers of the city by the several laws now in force relative to the public schools of said city.

(As amended by chapter 100, Laws of 1892, sec. 5.)

§ 11. Four members of said board shall be necessary to constitute a quorum for the transaction of business, and a majority of the members present at any meeting shall be sufficient to carry any measure or to decide any question before their body for their action, except as is otherwise provided in this act, and which is not in conflict with the by-laws adopted by this board, as stated in section five of this act, and in cases of appointment or dismissal of any teacher or officer of the board, when it shall require, in each case, the affirmative vote of at least four members thereof.

(As amended by chapter 100, Laws of 1892, sec. 6.)

**Schools free to residents.**

§ 12. The tuition of the pupils of the several schools under the charge of the board, shall be free to all persons who are residents of said city and entitled to attend the same.

**Chamberlain to receive and hold school moneys and pay on order of Board.—Orders, what to specify, etc.**

§ 13. The Chamberlain of the city of Albany shall continue, as heretofore, to hold and receive all the school moneys of the city which now are or may hereafter come into his hands, and shall pay out the same on the orders of the board, and he shall, as heretofore, keep an account in the books of his office with said board. All orders of the said board on the Chamberlain for the payment of money shall specify the object for which the payment is to be made, and shall be signed by the President, and countersigned by the Secretary thereof, or by such other officers or members thereof as shall be directed by said board to sign or countersign the same; but no appropriation of money shall be made by the said board, nor any resolution adopted involving an appropriation or expenditure of money, for any purpose, unless by a vote of two-thirds of all the members elected to the said board, to be taken by yeas and nays, which vote shall be entered on their minutes.

(As amended by chapter 315, Laws of 1875, and by chapter 639, Laws of 1881.)

§ 14. All the office furniture, text-books, stationery and school apparatus, as well as all other school property of the city which may be in the possession and under the control and management of the present Board of Public Instruction of the city of Albany fifteen days after the passage of this act shall, on and after that time be regarded as in the possession, control and management of the said Board of Public Instruction of the city of Albany as organized under the provisions of this act.

(As amended by chapter 100, Laws of 1892, sec. 7.)

**Report of Board to Common Council.**

§ 15. The said Board of Public Instruction shall report to the Common Council of the city, annually, and oftener if required by that body, the general condition of the schools under their charge; and shall also, on or before the first day of November in each year, certify to the said Common Council, by a majority of their



whole number, the amount of money which will be required for school purposes the ensuing year, in addition to the public money, specifying the several purposes for which the same will be required and the amount for each; and the Board of Supervisors of the county of Albany shall, upon the requisition of the Common Council of said city, levy and collect the said amount upon the taxable property of said city in the same manner as other taxes are levied and collected therein.

**Members not to receive pay or be interested in contracts, etc.**

§ 16. No member of said Board of Public Instruction shall receive any pecuniary compensation for his services as such member; nor shall any member thereof be directly or indirectly interested in any contract entered into by the board, nor shall he be paid for any work done, nor for materials or supplies of any kind furnished for the use of the schools or of the board; and any member who shall violate either of the provisions in this section contained, shall forfeit a penal sum equal to three times the amount received by such member, to be recovered with costs of suit, to be brought in the name of the Chamberlain of the city of Albany, whose duty it shall be to prosecute the action for its recovery without delay, in any court having jurisdiction in the premises, and the amount recovered by him in such suit, after paying the necessary expenses of the prosecution and collection thereof, shall be for the benefit of the public schools of said city, and the same shall be credited by him to the said Board of Public Instruction in their account with the city on the books of his office.

**Acceptance of certain offices to create vacancy.**

§ 17. If any person, being at the time a member of the said Board of Public Instruction, shall accept the office of either Mayor, Recorder or Alderman of said city, his office as such member shall thereupon become vacant; the vacancy thus created shall be filled by appointment and election, in the manner provided in the sixth section of this act.

**Repeal of certain sections of act of 1855.**

§ 18. The fourth and fifth sections of chapter one hundred and twenty-eight of the Laws of eighteen hundred and forty-four, and the second, third, fifth, and sixth sections of chapter five hundred

and sixteen of the Laws of eighteen hundred and fifty-five, together with all other acts and parts of acts relating to the district or public schools in the city of Albany, inconsistent with this act, are hereby repealed, except the act entitled "An act in relation to common schools in the city of Albany, west of Perry street," passed July eighteen, eighteen hundred and fifty-three, which act is hereby continued in its original force and effect.

#### **Vocal music.**

§ 19. Nothing in this act contained shall be so construed as to prohibit the board from causing vocal music to be taught in the schools under the charge of one or more competent instructors to be appointed by the board for that purpose.

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#### CHAPTER 703 OF THE LAWS OF 1869.

An Act to enable the Board of Public Instruction in the city of Albany to obtain sites for school-houses.

Passed May 7, 1869; three-fifths being present.

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

#### **Board may acquire title to lands for school-house sites.**

Section 1. Whenever the Board of Public Instruction in the city of Albany shall have selected any lot or lots in said city, for the purpose of erecting a school-house thereon, and shall be unable to agree for the purchase of the same, said board shall have the right to acquire title to the same in the manner and by the special proceedings prescribed in this act.

#### **Petition for appointment of Commissioners of Appraisal.**

§ 2. For the purpose of acquiring such title, said board may present a petition praying for the appointment of Commissioners of Appraisal to the Supreme Court at any General or Special Term in the Third District. Such petition shall be signed and verified according to the rules and practice of the court by the president or any member of said board. It must contain a description of the real estate which the board seeks to acquire, and must in effect state the purposes for which such real estate is needed; that the same is necessary for the purpose of building a school-house thereon; that the board has not been able to

acquire the title thereto, and the reason of such inability, and also the names and residence of the parties, so far as the same can by reasonable diligence be ascertained, who own or have a claim to own or have estates or interests in said real estate; and if any such persons are infants, their ages as near as may be must be stated, and if any such persons are idiots, or of unsound mind, or are unknown, that fact must be stated, together with such other allegations and statements of liens or incumbrances on said real estate as the board may see fit to make.

**Copy of petition, how served.**

§ 3. A copy of such petition, with proof of service of a copy thereof, and of a notice of the time and place of presenting the same, must be served in the manner and on the persons, and for the time required by the fourteenth section of the act entitled "An act to authorize the formation of railroad companies, and to regulate the same," passed April two, eighteen hundred and fifty, and any amendments thereto; and thereupon said petition may be presented to said Supreme Court, and such proceedings may be had thereon as by the said act and amendments thereto are or may be authorized in the case of railroad companies desiring to acquire the title to land.

**Title to vest in city on payment or deposit of award.—Possession thereof.**

§ 4. On the payment or deposit by said board of the sums to be paid as compensation for said real estate, and for the costs, expenses and counsel fees as may be directed by the order of the said court, made according to the requirements of said act and the amendments thereto, the title to said real estate shall vest in the Mayor, Aldermen and commonalty of the city of Albany. And said Board of Public Instruction shall be entitled to enter upon and take possession of said land, and to use the same for school purposes. And all persons who have been made parties to the proceedings shall be divested of all right, estate and interest in said land forever. All real estate so acquired under and in pursuance of the provisions of this act shall be deemed to be acquired for public use.

§ 5. All the provisions of the aforesaid act, and of the amendments thereto relating to the proceedings which may be taken by railroad companies to acquire title to real estate, shall apply, so

far as the same are applicable, to the proceedings authorized by this act.

§ 6. This act shall take effect immediately.

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CHAPTER 500 OF THE LAWS OF 1870.

An Act extending the jurisdiction of the Board of Public Instruction of the city of Albany.

Passed April 28, 1870; three-fifths being present.

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

**New city territory to be under control of Board of Public Instruction.**

Section 1. All that portion of the towns of Bethlehem and Watervliet now embraced within the corporate limits of the city of Albany, and also that portion of the city lying west of Perry street, shall, for school purposes, from and after the passage of this act, be under the control, supervision and direction of the Board of Public Instruction of the city of Albany, who shall possess and exercise therein all the powers now conferred by chapter four hundred and forty-four of the Laws of eighteen hundred and sixty-six.

**School property and moneys therein vested in city.**

§ 2. It shall be the duty of every person having in his possession, or under his control, any moneys raised for school purposes, in that portion of the town or city above described, to pay over the same, within thirty days, to the Chamberlain of the city of Albany, for the use of the Board of Public Instruction, and the residue of the school property in that portion of the towns and city aforesaid shall be transferred to and become vested in the corporation of the city of Albany.

**Repeal.**

§ 3. All acts and parts of acts inconsistent with the provisions of this act, so far as they relate to public schools within the present corporate limits of the city of Albany, are hereby repealed.

§ 4. This act shall take effect immediately.

## CHAPTER 312 OF THE LAWS OF 1873.

An Act in relation to the free academy in the city of Albany.

Passed April 26, 1873; three-fifths being present.

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

**Free academy to be subject to visitation of Regents, etc.**

Section 1. The free academy established by the Board of Public Instruction of the city of Albany under the provisions of chapter four hundred and forty-four of the Laws of eighteen hundred and sixty-six, shall hereafter be subject to the visitation and control of the Regents of the University the same as the academic departments of union free schools, as provided by section twenty-three of title nine, chapter five hundred and fifty-five of the Laws of eighteen hundred and sixty-four; and said free academy shall hereafter share in the annual distribution of the literature fund, and of all other moneys divided by the Regents of the University, in the same manner and to the same extent as other academies and the academic departments of union free schools.

§ 2. This act shall take effect immediately.

## CHAPTER 14 OF THE LAWS OF 1875.

An Act to authorize the city of Albany to issue its bonds to procure means to pay in part for the erection of an edifice, for a public high school.

Passed February 13, 1875; three-fifths being present.

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

**Bonds of city of Albany may issue.—When payable.**

Section 1. The city of Albany is hereby authorized to issue its bonds to the amount of one hundred thousand dollars to pay in part the expenses incurred, and to be incurred in the erection and completion of an edifice for a public high school in said city, the said bonds to be of the denomination of one thousand dollars each, bearing interest at the rate of seven per cent per annum, payable semi-annually in the city of New York, with coupons attached for the payment thereof; ten thousand dollars of the

principal to be reimbursable at the same place at the expiration of one year from the date of said bonds, and the like amount in each year thereafter until the whole amount herein authorized and issued shall be paid as hereinafter provided.

**City Chamberlain to prepare bonds.—How executed.—How sold.**

§ 2. The Chamberlain of the city shall, on the requisition of the Board of Public Instruction of said city, cause from time to time to be prepared bonds of the city of Albany to the amount, when payable and of the denomination specified in the foregoing section, and when so prepared his honor the Mayor of said city shall sign the same and affix thereto the corporate seal, and they shall also be countersigned by the Chamberlain; the said bonds when prepared, signed and countersigned as aforesaid, shall be sold by the Chamberlain at public auction to the highest bidder, but at a rate not less than par, ten days' previous notice having been given in the three designated city papers of the time and place of sale, and the proceeds, less the incidental charges, shall be used for the purposes specified in the first section of this act.

**Annual tax.**

§ 3. There shall be raised annually by tax in the same manner as other city taxes are levied and collected, ten thousand dollars, or such proportion of said sum as will be required to redeem the bonds maturing the next ensuing year, issued under the authority conferred by this act; and it shall be the duty of the Chamberlain to certify annually to the Board of Supervisors of the county of Albany the amount required for that purpose, and also the additional sum required to meet the interest for the ensuing year, on the then outstanding bonds; and the two amounts thus stated shall be levied and collected as other city taxes are levied and collected.

§ 4. This act shall take effect immediately.

## CHAPTER 118 OF THE LAWS OF 1880.

An Act in relation to the sale, and proceeds of sale, of certain school property in the city of Albany.

Passed April 12, 1880; three-fifths being present.

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

**Board of Public Instruction may certify to Common Council facts making it necessary or expedient to sell school property, etc.—Council to act thereon.—Mayor may veto.—Common Council may pass same by a two-thirds vote over veto.—When property to be sold.**

Section 1. Whenever, in the opinion of the Board of Public Instruction in the city of Albany, any school building in said city shall become unfit or inappropriate for school purposes, and it shall be deemed impracticable, or not to the best advantage of said city, to alter or repair said building, or to erect a new building upon the site occupied by said building; and when it shall be thought best by the said Board of Public Instruction to sell the said property and use the avails thereof in the purchase of a new site and erection of a new building thereon, the said Board of Public Instruction shall, by resolution, certify such facts, together with the manner in which it desires such property to be sold, and if at a private sale then to whom and for what consideration, and if at public auction, the time and place of such auction, to the Common Council of said city of Albany; and the said Common Council shall immediately take action thereupon, and if it approve the said resolution shall transmit the same to the Mayor of the said city; and the said Mayor shall have the same right to object to said resolution as to any other act of the Common Council of said city. In case of an objection being made by the said Mayor to such resolution, he shall, within ten days after its receipt by him, return the said resolution, together with his objections thereto in writing, to the Clerk of said Common Council, and the said Common Council shall, at its next meeting thereafter, cause the said objections of the Mayor to be entered in full upon its journal, and shall, as soon as may be practicable thereafter, again proceed to vote upon said resolution. If the Mayor shall approve such resolution, or if he shall fail to return the same to the said Common Council within ten days after the receipt thereof by him, or if, after the objections of the Mayor

are communicated to said Common Council, two-thirds of the members thereof shall vote in favor of such resolution, notwithstanding the objections of the Mayor, then, in either case, the said property shall be sold by or under the direction of the said Board of Public Instruction and in accordance with the provisions of said resolution, and upon the payment of the purchase-money for said property to the Chamberlain of the city of Albany the Mayor of said city shall duly execute, acknowledge and deliver to the purchaser of said property a good and sufficient conveyance of the same.

**Proceeds of sale to be credited to Board of Public Instruction.**

§ 2. The Chamberlain of said city shall place such money as shall be received from the sale of such property to the credit of the Board of Public Instruction of the city of Albany, and the said board shall use the same for the purchase of such sites and the erection of such buildings as it shall deem proper and necessary for school purposes in said city. Whenever the said board shall purchase any real estate for such purposes it shall take the conveyance thereof to and in the name of the city of Albany, and the title thereto shall be vested in the said city.

§ 3. This act shall take effect immediately.

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CHAPTER 173 OF THE LAWS OF 1876.

§ 2. Title 3 of chapter 77 of the Laws of 1870, is amended by adding the following section:

**Common Council to pass ordinances to protect school lots, etc.**

§ 14. The Common Council of said city shall have the power to pass such ordinances as it may deem proper and necessary for the protection of the several school lots under the control of the Board of Public Instruction of said city, and to prevent trespassing thereon, and also to prevent the alteration or change of the grade of any lot contiguous thereto from the grade of the street upon which the said lot or lots may face, as established by the said Common Council, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in chapter seventy-seven of the Laws of eighteen hundred and seventy, and the acts amendatory thereof.

(This section is the only one of the above act saved by the repealing clauses in title 22 of chapter 298 of the Laws of 1883.)



## CHAPTER 48.

An Act authorizing the Board of Public Instruction of the city of Albany, to make and let contracts to build, complete and furnish a certain school building in the said city of Albany.

Passed March 10, 1886; three-fifths being present.

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

**Contract to complete school building authorized.**

Section 1. The Board of Public Instruction of the city of Albany, is hereby authorized and empowered to make and let contracts to an amount not exceeding the sum of eighteen thousand dollars, to build, complete and furnish what is known as school number seven, situate in the said city of Albany.

**Duty of City Chamberlain as to payments under contracts.**

§ 2. It shall be the duty of the Chamberlain of the city of Albany to pay, out of any unappropriated moneys in his hands, any sum or sums falling due under any contract or contracts made and let in accordance with section one of this act, for the payment of which, orders shall be made and presented to him in due form of law by or in behalf of said Board of Public Instruction; and in case there shall be in his hands no unappropriated moneys applicable to the payment of any such order or orders, then and in that case the said Chamberlain shall indorse upon such order or orders a statement that the sum therein mentioned is justly due to the payee therein named from the city of Albany, and that the same will be paid, with interest thereon from the date of such indorsement at the rate of five per centum per annum, on the second Tuesday of February, one thousand eight hundred and eighty-seven.

**School Board to certify to Common Council amount to be raised.**

§ 3. The said Board of Public Instruction of the city of Albany, is hereby directed in certifying to the Common Council of the city of Albany the amount of money which will be required for school purposes for the year one thousand eight hundred and eighty-seven, to insert in said certification a sum equal to the amount contracted to be paid under any and all contract or contracts mentioned in section one of this act and the estimated

interest upon any orders so as aforesaid indorsed or to be indorsed by the City Chamberlain, and such sum shall be raised by tax, and the Chamberlain shall therefrom reimburse any fund from which money may have been advanced under the provisions of section two of this act, and shall therefrom pay all orders, if any, so as aforesaid indorsed by him.

§ 4. This act shall take effect immediately.

## TITLE VI.

RELATING TO THE BASIN, DOCKS, PIERS  
AND WHARVES.

## CHAPTER 111 OF THE LAWS OF 1823.

An Act authorizing the construction of a basin in the city of Albany, at the termination of the Erie and Champlain canals.

Passed April 5, 1823.

**Preamble.**

Whereas, it appears by the report of the Canal Commissioners that, in their opinion, the construction of a basin at the termination of the canal, in the city of Albany, would be not only extremely beneficial to the trade of the said city, but a great accommodation to all persons carrying produce or merchandise to or from the said city, as it would enable transshipments to be made between canal and river craft without the cost and delay of cartage and storage; and, whereas, the aid and countenance of the Legislature are necessary to the attainment of this important object; therefore,

**Commissioners and their powers.—Proviso.**

Section 1. Be it enacted by the People of the State of New York, represented in Senate and Assembly, That William James, John R. Bleecker, John Townsend, Elisha Jenkins, Benjamin Knower, Allen Brown, Israel Smith, Tennis Van Vechten, John Trotter, John Spencer, Asa H. Center, William Durant, Peter Boyd, Joseph Alexander, Charles R. Webster, John H. Webb, John Stillwell, Joseph Russell, William Caldwell, Ralph Pratt, Russell Forsyth, William Marvin, William M'Harg, Jellis Winnie, Jr., Abraham Van Vechten and Gideon Hawley, be, and they are hereby appointed a Board of Commissioners, who shall be author-

ized to raise by subscription a sum of money to be expended in the manner hereinafter directed, in the construction of a mole or pier, in the Hudson river, within the bounds of the city of Albany, and opposite the docks fronting the harbor, so as to comprise a basin, extending from the State arsenal dock to a point opposite to Hodge's dock, in the line of Hamilton street, for the accommodation of canal boats, vessels and other craft, and rafts of lumber; provided that the said mole or pier, and the sloop lock hereinafter mentioned, shall be completed within two years from the first of May next.

**Subscriptions to be circulated.—Superintendent of the works and duties.—Bond required.**

§ 2. And be it further enacted, That the Board of Commissioners named in the first section of the act, or a majority of them, as soon as convenient after the passage of this act, shall meet, and, by a majority of the votes of those present, shall prepare and adopt such form of a subscription paper, to be circulated among such of the citizens of Albany, and others, as may be disposed to subscribe to the fund to be raised in pursuance of this act; and shall likewise adopt all such measures as they may deem necessary and proper for the attainment of the object herein contemplated; they shall appoint, from their number, three acting commissioners, one of whom they shall designate as Superintendent of the works, whose duty it shall be to collect and receive the moneys to be subscribed, and to pay the same out to the several persons furnishing materials, tools or machines, or performing services for the said works; the said Superintendent shall account to the Board of Commissioners for all moneys by him received and paid out, whenever required; he shall enter into bonds to the said Board of Commissioners, in the sum of ten thousand dollars, with such sureties as shall be approved by them, conditioned for the faithful performance of his trust, and that he will account for all moneys which may come into his hands; he shall be entitled to such compensation for his services as a majority of the Board of Commissioners shall determine.

**Power of acting Commissioners.**

§ 3. And be it further enacted, That the said Acting Commissioners shall be, and hereby are, authorized to make all contracts for machines, tools, materials and labor, requisite for the con-

struction of the works herein contemplated, and to employ such agents, engineers and laborers, and give them such compensation as they may deem reasonable and proper.

**Bridges authorized.—No toll for draw-bridges.**

§ 4. And be it further enacted, That when a majority of the Canal Commissioners shall be of the opinion that public convenience may require the same, the commissioners appointed by this act shall cause not more than two bridges to be erected, commencing at the termination of some of the public streets on the existing dock, and extending thence across the said basin to the mole or pier contemplated by this act, so as to give convenient access to the same for carts and teams, and also a like bridge over the sloop lock at the southern end of the basin; and each of the said bridges shall be constructed with a draw, in such manner that vessels and boats can at all times pass through the same with convenience and dispatch; but no toll shall be exacted for passing through the said draw-bridges, and the commissioners appointed by this act shall provide some proper person to open and shut the said draw-bridges, without charging anything therefor.

**Powers of the Commissioners of the Land Office, and when and how to be executed.—No toll in certain cases.**

§ 5. And be it further enacted, That as soon as the said mole or pier, and the sloop lock provided for in the ninth section of this act, and such of the said bridges, as shall have been thought necessary by the Canal Commissioners, as aforesaid, shall be finished in a good and workmanlike manner, and one of the Acting Canal Commissioners shall give a certificate thereof, which shall be recorded in the office of the Secretary of this State, and the commissioners appointed by this act shall have filed in the office of the Comptroller an account of the expenditures of erecting the said mole or pier, and the sloop lock connected therewith, it shall be lawful for the Commissioners of the Land Office, and they are hereby required to grant by letters patent, to the Board of Commissioners appointed by the first section of this act, or to the survivor or survivors of them as joint tenants, the land under the water of the Hudson river, occupied by the said mole or pier and sloop lock, subject to such reservation or condition as is hereinafter mentioned; but no toll shall ever be exacted from any person passing over the said bridges, nor any wharfage or

other charge from the canal boats or other craft, or rafts of lumber entering from the canal and using the waters of the said basin, or passing through the same, into or from the Hudson river, or for laying along side the pier or bridges, unless the same shall be re-vested in the people of this State.

**Wharfage regulated.—Fees.—To be collected by Wharfinger, and what certain proprietors are allowed to charge.**

§ 6. And be it further enacted, That for all vessels, boats or other craft navigating the Hudson's river, excepting such boats as are excepted in the preceding section, and entering into the said basin, there shall be paid by the owners or masters of such vessels, boats, or other craft, the following sums for wharfage, being double the rates now payable to the owners of the middle docks in the said city of Albany, to wit:

For the season: For every vessel, craft, boat or flat, of the burthen of five tons or under, two dollars and twelve cents; if above that burthen, at the rate of fifty-four cents per ton.

If for a less time than the season: For every vessel, craft, boat or flat, of the burthen of five tons or under, twenty cents per day; of twenty tons or under, four cents per ton per day; over twenty and under forty tons, three cents per ton per day; over forty tons, two and a half cents per ton per day. And the said sums shall be collected by the Wharfinger or Dock-Master, in the manner now prescribed by law, and after deducting such sum as a compensation for his services as may be agreed on, he shall pay over one-half of the residue to the proprietors of the pier, in proportion to the extent of their respective interests therein: And further, that it shall and may be lawful for the said proprietors of the said pier or mole, to charge for all vessels lying in the Hudson's river, at the said pier or mole, on the east side thereof, except for vessels paying wharfage for the season in said basin, the like rates of wharfage as are now payable to the owners of the middle docks in the city of Albany.

**Pier to be divided into lots to be sold, etc., and proceeds to whom and how to be paid.**

§ 7. And be it further enacted, That, as soon as the Commissioners of the Land Office shall have granted the land under water, as contemplated by this act, it shall be the duty of the Board of Commissioners, or as soon thereafter as they shall deem it for the interest of the subscribers to the said fund, to be raised

for the said pier and bridges, to divide the said pier into such lots or parcels, not exceeding forty feet in width, as they shall think best, and to sell the same, subject to the reservations in this act contained, at public auction, giving at least twenty days' notice thereof, in one or more of the public newspapers in the city of Albany, and of the time, place and conditions of such sale; and the moneys arising from such sale shall be divided by the said Board of Commissioners among the several subscribers to the said fund, or their legal representatives, in the same proportion which their several subscriptions shall bear to the entire amount of moneys subscribed and paid in.

**A pass-way to be reserved.**

§ 8. And be it further enacted, That a space of at least twenty-five feet in width, on the east side of the said pier or mole, shall be forever kept open and clear for the use of teams, and all persons who may have occasion to use the same as a pass-way.

**Sloop lock to be constructed.—Canal Commissioners to charge tolls, etc.**

§ 9. And be it further enacted, That the said Board of Commissioners shall construct a sloop lock at the southern termination of the said basin, of such dimensions and according to such plan as shall be approved by one of the Canal Commissioners; and as soon as the said lock shall be completed, in manner aforesaid, a certificate thereof shall be given by such Canal Commissioner, which shall be filed in the office of the Comptroller of this State; and the Canal Commissioners shall thereupon charge tolls on all canal boats, craft and lumber, which shall enter into the said basin from the canal, or which shall leave the said basin for transportation on the canal, computing the entire length of the said basin, in the same manner as if it were part of the canal; and the increase of tolls which shall be paid into the treasury of the State, in consequence of such extension of the said canal, shall be paid annually, in the month of December, by the Treasurer, on the warrant of the Comptroller, to such person as shall be authorized by a majority of the owners of the pier to receive the same; and after deducting therefrom such amount as shall be necessary to defray the expense of attending the sloop lock and draw-bridges, and for necessary repairs of the lock and pier, the residue, if any, shall be divided among the proprietors of the

pier, in proportion to the extent of their respective rights and interests therein.

**Grant to be void, if in five years the State repay certain moneys, etc.**

§ 10. And be it further enacted, That the grant above mentioned, in the fifth section of this act, shall be made on condition that, if the Legislature of this State shall, within five years from the first day of May next, make provision by law, for the repayment to the said commissioners, of the amount expended by them in erecting the said mole or pier, bridges and sloop lock, then the said grant to be absolutely void.

(Modified by chapter 276, Laws of 1825.)

**Damages for overflowing land provided for.**

§ 11. And be it further enacted, That if any of the lands adjacent to the said basin shall be overflowed with water, by reason of the erection of said pier and lock, and the proprietors of such land shall claim damages in consequence thereof, it shall be the duty of the Canal Commissioners to appoint three discreet, disinterested persons, as appraisers, who shall estimate the injury which any claimant for damages may have sustained by reason of such overflowing, in the same manner, and on the same principles as was provided in relation to land taken for the use of the great canals, in and by the second section of "An act respecting navigable communications between the great western and northern lakes and the Atlantic ocean," passed April fifteenth, eighteen hundred and seventeen, and all damages awarded by such appraisers, shall be paid by the Board of Commissioners created by this act; and the amount shall be deducted out of the wharfage money to be collected in pursuance of this act, when the said works shall be completed.

**Consent of corporation of Albany required.**

§ 12. And be it further enacted, That the corporation of the city of Albany shall file their consent to this bill, within sixty days after the passing of the same, with the Secretary of State, otherwise this bill shall be void; and the State shall not be liable to this company, or to the city of Albany, for anything done by virtue of this act.

Note.—The consent referred to in the twelfth section, has been duly filed in the secretary's office April 8, 1823.



## CHAPTER 276 OF THE LAWS OF 1825.

An Act to amend the act, entitled "An Act authorizing the construction of a basin in the city of Albany, at the termination of the Erie and Champlain canals," passed April 5, 1823.

Passed April 20, 1825.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly:*

**Certain reservation repealed.**

That the reservation contained in the tenth section of an act, entitled "An act authorizing the construction of a basin in the city of Albany, at the termination of the Erie and Champlain canals," passed April fifth, eighteen hundred and twenty-three, be and the same is hereby repealed: provided always, that the said company shall keep the said pier or mole and sloop lock in good repair for the reception of canal boats and other vessels.

## CHAPTER 163 OF THE LAWS OF 1835.

An Act to improve the navigation of the Albany basin.

Passed April 27, 1835.

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

**Opening to be enlarged and lock and bulkhead to be removed.**

Section 1. The Mayor, Aldermen and Commonalty of the city of Albany are hereby authorized to cause the entrance or opening from the Hudson river into the Albany basin, at the north end thereof, to be enlarged to a width not exceeding one hundred and ten feet, and to cause the same to be secured from the operation of the ice; and also to cause the lock at the south end of the said basin, and so much of the bulkhead as may be necessary, to be removed, and a bridge to be built over the place now occupied by said bulkhead and lock, according to the provisions of this act and the act hereby amended: and shall widen and construct the draws in the bridges over said basin and the passages under the same of the width of fifty feet: and the Mayor, Aldermen and Commonalty are also authorized to straighten the west side of the basin, by extending the wharves east not exceeding thirty feet beyond the east side of any one of the wharves now erected,

in such manner as they shall deem best for the interest of the city and the improvement of the navigation of the basin.

#### **Bridges.**

§ 2. The said bridges, after they are widened as aforesaid, shall not be left in a worse state and condition than they are in at the time the alteration is commenced; and if they are improved in value, such improved value shall be ascertained by the commissioners to be appointed under this act, and the amount thereof shall be paid by the pier owners, and be deducted from the expense of the said alteration; and the said bridges, after the aforesaid improvements, shall be maintained, kept in repair and tended in the same manner as they now are by law required to be tended, kept in repair and maintained.

#### **Notice to be given.**

§ 3. Before any extension of the wharves shall be made under the provisions of this act, notice shall be given by the Mayor, Aldermen and Commonalty, to the owner of the wharves intended to be extended, by personally serving the same, or by publishing the same daily for thirty days in all the daily papers published in said city, in order to afford him an opportunity to find the materials and perform the labor necessary to construct the work; and such notice shall specify the work required to be done, the manner in which it shall be executed, and the time within which it is to be accomplished; and unless such owner shall, within ten days after the service of such notice, signify, in writing, his intention to do the work, or shall not, within the time limited for its performance, execute the same, the said work may be done by the Mayor, Aldermen and Commonalty, and the amount expended collected as hereinafter specified.

#### **Damages to be assessed.**

§ 4. All such damages as the owner of any property taken or in any manner injured or affected by any of the improvements contemplated by this act, shall be assessed to such owner by the commissioners to be appointed under this act, and shall by them be assessed and apportioned upon all buildings, lots, wharves, docks and pier lots benefited by any of the improvements authorized to be made by this act, in proportion to the advantages each shall be deemed to acquire, as a part of the expenses of such improvements, in the manner specified in the sixth section of this

act, and shall be collected as therein directed, and be paid to the person entitled to the same.

**Basin to be excavated.**

§ 5. The said Mayor, Aldermen and Commonalty are hereby authorized to order and direct the excavation, deepening or cleansing of any part of the basin aforesaid they may consider necessary for the navigation thereof, and the expense of such excavation, deepening or cleansing, shall be apportioned and assessed as hereinafter directed, by the commissioners to be appointed under this act, and collected as hereinafter provided: which said excavation shall be made of such depth as will be sufficient for all loaded boats and vessels usually navigating the Hudson river to the said city, to pass in and out of the said basin at low water.

**Expenditures.**

§ 6. An accurate account of the expenditures by the said Mayor, Aldermen and Commonalty, of the aforesaid improvements shall be kept, and a copy thereof shall be filed in the office of the Clerk of the Common Council of the city of Albany, after it shall have been duly examined by the said Mayor, Aldermen and Commonalty, and certified by them to be correct, before any part of the said expenses shall be collected in pursuance of the provisions of this act.

**Commissioners to be appointed by the Governor.**

§ 7. It shall be the duty of the person administering the government of this State to appoint three disinterested freeholders, not residents of the city of Albany, who shall be authorized to make an assessment and apportionment of the whole expenses of the aforesaid improvements, including the damages aforesaid, except such as are otherwise provided for by the second section of this act, among all the buildings, lots, wharves, docks, and pier lots benefited by the said improvements, in proportion to the advantages which each shall be deemed to acquire, specifying in said apportionment the name or names of the owner or owners, occupant or occupants, buildings, lots, wharves, docks and pier lots benefited, as far as the nature of the case will admit; and that in such assessment and apportionment the said commissioners shall take into consideration the benefit to the pier company by the annual receipts of one mile toll received by them as a part

of the Erie and Champlain canals; and such apportionment having been signed by the said commissioners, or a majority of them, shall be returned to the said Mayor, Aldermen and Commonalty within ninety days from the time the same is made; and when thus returned by them, the said Mayor, Aldermen and Commonalty shall cause public notice of such apportionment to be given in one or more of the newspapers printed in said city, for thirty days; and if no good cause be shown against the confirmation of said apportionment within the time last aforesaid, the same shall, when approved by the said Mayor, Aldermen and Commonalty, be filed in the office of the Clerk of the Common Council of said city, and shall be binding and conclusive upon the owner or owners of the lots, buildings, wharves, docks and pier lots, mentioned in said apportionment, and the said apportionment shall be and remain a lien upon the buildings, lots, wharves, docks and pier lots mentioned therein from the time of such confirmation by the said Mayor, Aldermen and Commonalty, until the same shall be paid or satisfied; and if the amount or sum thus apportioned and assessed be not paid when demanded, the same shall be collected in the manner prescribed in the fifth section of the act relative to the city of Albany passed April ninth, eighteen hundred and twenty-eight.

#### **Vacancy.**

§ 8. If any vacancy shall happen in the Board of Commissioners appointed as aforesaid, occasioned by the death of any of the said commissioners, refusal to act, or resignation, the person administering the government of this State, on notice thereof being given to him by the Mayor, Aldermen and Commonalty, shall appoint some person, not a resident of the said city, to supply such vacancy; and the said commissioners shall be allowed such compensation for their services as the said Common Council shall determine.

#### **Commissioners to take oath.**

§ 9. The commissioners appointed as aforesaid shall, before proceeding to the execution of their duties, severally make oath or affirmation, before some proper officer authorized to take affidavits to be read in a court of record, honestly and impartially to execute the trust reposed in them as commissioners under this

act, which oath or affirmation shall be in writing, and filed in the office of the Clerk of the Common Council of the city of Albany.

§ 10. This act shall take effect immediately after the passage thereof.

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CHAPTER 139 OF THE LAWS OF 1836.

An Act to amend "An act to improve the navigation of the Albany basin," passed April twenty-seven, eighteen hundred and thirty-five.

Passed April 14, 1836.

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

**Opening to be made in the pier.**

Section 1. The Mayor, Aldermen and Commonalty of the city of Albany shall, simultaneously with the improvements authorized and required by the act hereby amended, cause an opening to be made through the Albany pier at or near lots ninety or ninety-one on said pier, of not less than sixty feet in width; and they are hereby required to build a sufficient draw or swivel bridge over the passage-way on the easterly side of the said pier, of not more than twenty feet in width.

**Damages.**

§ 2. All such damages as the owner of any property taken, or in any manner injured by the improvement contemplated by this act, shall be assessed to such owner by the commissioners to be appointed under this act and the act hereby amended, and shall by them be assessed and apportioned upon all buildings, lots, wharves, docks and pier lots, benefited by any improvements authorized to be made by this act and the act hereby amended, in proportion to the advantages each shall be deemed to acquire, as a part of the expenses of such improvements, in the manner specified in the act hereby amended; and shall be collected as therein directed, and be paid to the person entitled to the same.

**Account of expenditures.**

§ 3. An accurate account of the expenditures by the said Mayor, Aldermen and Commonalty of the improvements to be made under this act shall be kept, and a copy thereof filed, examined and certified, in the manner provided in the sixth section of the

act hereby amended, the same as if the improvements by this act contemplated had been authorized by the act hereby amended.

**Assessment how to be made.**

§ 4. The commissioners to be appointed by the Governor, by the seventh section of the act hereby amended, in making the assessment and apportionment under the act hereby amended, are authorized to consider and include the expenses of the improvement hereby directed, as a part of the expenses for the improvements directed by the act hereby amended, in the same manner and with the like force and effect as if the improvements directed by this act had been directed by the act hereby amended, and shall, in like manner, sign and return the same; and the said Mayor, Aldermen and Commonalty shall proceed thereon in the manner, and with the like power, force and effect as declared by the seventh section of the act hereby amended.

**Attendance on draw-bridge.**

§ 5. The Mayor, Aldermen and Commonalty of the city of Albany shall forever hereafter provide the necessary attendants to open and close the said bridge at all times when the same may be required to be opened for the purpose of passing sloops, barges, boats, or other river or canal craft through the said opening.

**Repairs of bridge.**

§ 6. If at any time after the said opening or passage through the said pier, and the draw-bridge over the same shall have been completed, the same shall be destroyed, or shall require repairs from any cause whatever, it shall be the duty of the said Mayor, Aldermen and Commonalty of the city of Albany, and they are hereby required to rebuild the said bridge if destroyed, or repair the same if at any time such repairs shall be required, without unnecessary delay.

**Repairs of pier, buildings or bridges.**

§ 7. If, at any time hereafter, the said pier, or any part thereof, or the buildings or property thereon, or the bridges crossing the Albany basin shall be destroyed, or in any manner injured in consequence of the opening hereby directed to be made through the same between the State street and Columbia street bridges, it shall be the duty of the said Mayor, Aldermen and Common-

alty, and they are hereby required to rebuild such part thereof as may be destroyed, or repair the same if injured, in a substantial manner; and the expense of such rebuilding and repairs shall be ascertained in the manner prescribed by the sixth section of the act hereby amended, and shall be assessed and apportioned by three commissioners to be appointed by the person administering the government of this State, in the same manner and with the like force and effect as directed by the seventh section of the act hereby amended; which commissioners shall, in like manner, sign and return the same, and the said Mayor, Aldermen and Commonalty shall proceed thereon in the like manner and with the like power, force and effect as declared by the seventh section of the act hereby amended.

**Deposits to be removed.**

§ 8. After the said opening or passage through the pier between the State street and Columbia street bridges, hereby directed to be made, shall have been completed, and the navigation on either side of that part of the pier contiguous to the said opening or passage shall at any time hereafter be injured by deposits of alluvion produced by cross current through the said passages or opening, it shall be the duty of the said Mayor, Aldermen and Commonalty of the city of Albany to have such alluvial matter removed without delay.

**Expenses.**

§ 9. The expenses to be incurred by the Mayor, Aldermen and Commonalty of the city of Albany under the fifth, sixth and eighth sections of this act, shall be ascertained in the manner prescribed by the sixth section of the act hereby amended, and shall be assessed and apportioned by the City Superintendent, or by such other disinterested person or persons, not exceeding three, to be appointed by the said Mayor, Aldermen and Commonalty, under his or their oath or oaths, in the same manner and with the like force and effect as declared by the seventh section of the act hereby amended, upon the property benefited by the improvements, authorized by the second section of this act.

## CHAPTER 453 OF THE LAWS OF 1837.

An Act to amend the acts to improve the navigation of the Albany basin, passed April twenty-seven, eighteen hundred and thirty-five, and April fourteen, eighteen hundred and thirty-six.

Passed May 16, 1837.

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

**Expenses, how to be estimated.**

Section 1. It shall be the duty of the commissioners to be appointed under the provisions of the acts hereby amended, to consider and include as a part of the expenses of the improvements contemplated in said acts, all the interest which have and may accrue upon all moneys now and hereafter to be advanced by the Mayor, Aldermen and Commonalty of the city of Albany, in the prosecution of said improvements; the amount of said interest to be computed and certified to the said commissioners at the rate of seven per cent by the Chamberlain of said city, and the same shall be collected as a part of said expenses in the manner provided by the said acts.

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CHAPTER 467 OF THE LAWS OF 1837.

An Act relating to the Albany basin.

Passed May 16, 1837.

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

**Albany basin, how to be cleared.**

Section 1. In case the Mayor, Aldermen and Commonalty of the city of Albany shall neglect to proceed forthwith to cause the navigation of the Albany basin to be cleared and freed from obstruction, in pursuance of the provisions of the act entitled "An act to improve the navigation of the Albany basin," passed April twenty-seven, eighteen hundred and thirty-five, and of the ordinances of the Common Council of said city in relation thereto, then it shall and may be lawful for the Canal Commissioners to order and direct the said basin to be excavated, deepened and cleansed, and all obstructions therein to be removed, as far as may be necessary for the free passage of canal boats into and departing from the said basin, and to draw upon the said Mayor,



Aldermen and Commonalty, at such time or times as the said Canal Commissioners may deem proper and advisable, for such sum or sums of money as may be necessary to defray the expenses of such improvement, which draft or drafts shall be forthwith paid by the said Mayor, Aldermen and Commonalty; an account of which expenses to be furnished to the said Mayor, Aldermen and Commonalty upon the completion of said improvement, who shall forthwith cause the same to be assessed and apportioned in the manner specified in the said act of April twenty-seven, eighteen hundred and thirty-five.

**Future obstructions, how to be removed.**

§ 2. At any time after the completion of the improvement contemplated by the said act of April twenty-seven, eighteen hundred and thirty-five, if the said Albany basin shall again become obstructed so as to impair the free passage of canal boats therein, and the said Mayor, Aldermen and Commonalty shall neglect to cause the same to be excavated in pursuance of the authority vested by the act entitled "An act to amend an act entitled 'An act to amend the several acts relating to the city of Albany, and to combine the same into one act, and for other purposes,' passed April ninth, eighteen hundred and twenty-eight," then it shall and may be lawful for the said Canal Commissioners, or either of them, to order and direct such obstruction to be removed, and the said basin to be excavated, deepened and cleared, so that the passage for canal boats therein shall be entirely free and unimpeded; and for the purpose of meeting the expenses thereof that shall accrue in any one year, they, the said Canal Commissioners, or either of them, are or is hereby authorized to draw for such sum or sums as shall be required, upon the said Mayor, Aldermen and Commonalty, who are hereby required to pay the same.

**Expenses, how to be apportioned.**

§ 3. An accurate account of the expenditure incurred under the last mentioned section of this act shall be kept by the said Canal Commissioners, or either of them, and furnished to the said Mayor, Aldermen and Commonalty upon the completion of the excavations, deepening, and cleansings, which shall be so ordered and directed in each year by the said commissioners; and when the same is so furnished, the said Mayor, Aldermen and Commonalty shall appoint three disinterested freeholders, not

residents of said city, who shall forthwith proceed to assess and apportion, under their oaths, the said amount of expenses, in the manner prescribed in the seventh section of the said act of April twenty-seven, eighteen hundred and thirty-five, referred to in the first section of this act: Provided, however, that the whole amount of such expenses to be assessed and apportioned shall not exceed the sum which the proprietors of the Albany pier at the close of the navigation of the canals in the year in which such excavation, deepening and cleansing contemplated by the second section of this act shall be accomplished, shall be entitled to for tolls under the ninth section of the act entitled, "An act authorizing the construction of a basin in the city of Albany at the termination of the Erie and Champlain canals," passed April fifth, eighteen hundred and twenty-three.

**Excess, to whom to be charged.**

§ 4. In case that it shall so happen that the expenses to be incurred by the Canal Commissioners, or either of them, under the second section of this act, shall in any one year exceed the amount of tolls so to be paid for that year to the said proprietors of the Albany pier, then it shall and may be lawful for the said Mayor, Aldermen and Commonalty, to charge such excess to the debt of this State, and the same shall be paid by the Treasurer upon the warrant of the Comptroller, to the said Mayor, Aldermen and Commonalty.

**Duty of Appraisers.**

§ 5. The commissioners to be appointed by the said Mayor, Aldermen and Commonalty under the third section of this act are hereby authorized and directed to consider and include as a part of the expenses so to be assessed and apportioned, the interest which shall accrue upon the moneys advanced upon the draft or drafts of the said Canal Commissioners, or either of them, for the purposes stated in the second section of this act, from the time when such sum or sums shall be advanced, to the time when said assessment shall be completed, at the rate of seven per cent per annum to be certified by the Chamberlain of said city; and the same shall be collected as a part of the expenses so incurred as aforesaid.

**Pay of Commissioners.**

§ 6. The commissioners to be appointed to make the assessment and apportionment aforesaid, shall be paid a compensation for their services, to be fixed by the said Mayor, Aldermen and Commonalty, which said compensation shall also be included and collected as a part of said expenses; and in case of any vacancy by the resignation or otherwise of all or either of said commissioners, the said Mayor, Aldermen and Commonalty shall by appointment supply his or their places.

**Act of 1835 extended to other assessments.**

§ 7. The provisions of the act aforesaid of April twenty-seventh, eighteen hundred and thirty-five, referred to in the said first section, prescribing the mode of collecting the apportionment and making the same a lien upon the houses and lots therein mentioned, are hereby extended and made applicable to the apportionments and assessments which shall from time to time be returned and confirmed under the provisions of the second and third sections of this act.

**Corporation to file assent in sixty days.**

§ 8. The corporation of the city of Albany shall file their consent to this bill within sixty days after the passing of the same, with the Secretary of State, otherwise this bill shall be void.

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 CHAPTER 51 OF THE LAWS OF 1841.

An Act to amend the acts "to improve the navigation of the Albany basin," passed April 27, 1835, and April 14, 1836.

Passed March 15, 1841.

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

**Pay of Commissioners to be included in assessment.**

Section 1. It shall be the duty of the commissioners appointed under the provisions of the acts hereby amended, to consider and include as a part of the expenses of the improvements contemplated in said acts, the costs and charges incident to their proceedings as such commissioners, together with the amount of their compensation as fixed by the Common Council of the city of Albany, to be certified by the Mayor of said city; and the same

shall be collected as a part of the said expenses in the manner provided by the said acts.

§ 2. This act shall take effect immediately.

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CHAPTER 503 OF THE LAWS OF 1866.

An Act to improve the Albany basin, in the city of Albany, and to provide the means therefor.

Passed April 11, 1866; three-fifths being present.

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

**On what plan contracting board to improve basin.**

Section 1. The Contracting Board under the direction of the Canal Board are hereby authorized and empowered to improve the Albany basin, as proposed and laid down on a map, accompanying the report of the State Engineer to the Legislature for the year eighteen hundred and sixty-five, entitled "map of Albany basin," or upon such modifications and change of said plan, so far as it relates to the contraction of said basin, as the Canal Board may determine.

§ 2. The said board are also empowered to narrow said basin by constructing a new line of docks on the west side thereof, and causing the same to be properly filled in between such new line and the present line of docks along Quay street; but such construction and narrowing shall not be made without the written consent of two-thirds of the owners of the lots on Quay street, opposite to where such improvements are proposed, nor then, unless such improvement can be made without any expense to the State, nor without the previous sanction of the Canal Board.

(As amended by chapter 238, Laws of 1867.)

**Mayor, etc., of Albany to consent that city shall pay for damages to bridges or basin.**

§ 3. If any of the bridges crossing said basin other than the Hudson River Railroad bridge shall be injured in consequence of the improvement made in the basin as provided in this act, such damage shall be assumed and paid by the city of Albany, and the State shall not be liable for any cost or damage for said injury; and before any work shall be done under the provisions of this

act, the Mayor, Aldermen and Commonalty of the city of Albany shall file their assent thereto in the Canal Department, together with a written obligation assuming the payment of all such costs and damages.

**Contraction of opening through certain pier.**

§ 4. After the openings at the north and south ends of said basin shall have been enlarged as contemplated, and the Canal Board shall deem it necessary to contract the opening through the pier opposite the foot of Maiden lane, they shall have the power to authorize and direct such contraction to be made, providing said board can procure said contraction to be made for a sum not to exceed five thousand dollars in addition to the value of the land to be reclaimed by such contraction, which land so to be reclaimed, said board is hereby authorized to grant, sell and convey for that purpose.

**Opening through certain pier.**

§ 5. The Canal Board is hereby authorized and empowered to cause an opening to be made through the pier between the railroad and Columbia street bridges, of sufficient size to accommodate vessels employed in canal and river commerce, and to allow them to pass through conveniently, provided such opening can be made without cost or expense or liability for damages to the State, or to the city of Albany. The sides of such opening shall be properly secured against the effects of water and of ice.

**State not liable.**

§ 6. The State shall not be liable for any damage to property caused by the making of such improvements, but if any claim shall arise the same shall be paid by the city of Albany; and said city, before such work is commenced, shall give their assent to assuming such liability, and shall file with the Canal Board an obligation assuming all such liability, and indemnifying the State against the same.

**Amount to be paid by State.—Contractor of repairs not released from contract.**

§ 7. The expense incurred under this act, to be paid by the State, shall not exceed the sum of thirty-five thousand dollars, and shall be paid by the Treasurer of the State on the warrant

of the Comptroller, out of any moneys belonging to the general fund, and the sum of thirty-five thousand dollars, or so much thereof as may be necessary to carry into effect the provisions of this act, is hereby appropriated for that purpose. This law shall not release the contractor of repairs on section first of the Erie canal from his contract, and it shall be the duty of the Canal Commissioners to maintain the navigation for boats in said basin to the depth of the miter sill of lock number one of the Erie canal.

§ 8. This act shall take effect immediately.

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CHAPTER 963 OF THE LAWS OF 1895.

AN Act to provide for the improvement of the Albany basin and making an appropriation therefor.

Became a law June 6, 1895, with the approval of the Governor. Passed, three fifths being present.

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

Section 1. The Superintendent of Public Works is hereby authorized to dredge to a depth not exceeding ten feet below mean low water in the Hudson river, such portions of the Albany basin as shall, in the opinion of the said Superintendent of Public Works and the State Engineer and Surveyor, be for the best interests of the commerce of the State and the protection of the public health. The dredging herein contemplated shall be done upon plans and estimates furnished and approved by the State Engineer and Surveyor, and the work shall be completed prior to the first day of December, eighteen hundred and ninety-five.

§ 2. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the work herein contemplated, to be paid by the Treasurer upon the warrant of the Comptroller to the order of the Superintendent of Public Works.

§ 3. This act shall take effect immediately.

## CHAPTER 982 OF THE LAWS OF 1895.

An Act to provide for the protection of the public health and for the improvement of the Albany basin.

Passed without the acceptance of the city.

Became a law June 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Upon the application of the owner of any of the land and wharfage rights upon the westerly side of the Albany basin in the city of Albany, within the limits of the bulkhead line hereinafter fixed and established, the Commissioners of the Land Office of the State of New York are hereby authorized and directed to grant, release and convey by letters patent duly executed, to such owner, all the right, title and interest of the State of New York of, in and to the land under water in front of or adjacent to the land of such owner, to said bulkhead line and to the pier line hereinafter fixed and established upon condition that such owner, his, her or its heirs, successors or assigns shall keep such parts thereof as shall not be by such owner, his, her or its heirs, successors or assigns, filled in with solid filling, properly dredged and cleaned out so that the same shall be available for the purposes of commerce and not detrimental to public health.

§ 2. The city of Albany is hereby authorized to grant and release to any such owner to whom a grant has been made, as provided in the first section of this act, and to his, her or its heirs, successors or assigns, all the right, title and interest of such city of, in and to any lands under water granted as provided in the first section of this act on condition that such owner, his, her or its heirs, successors or assigns grant and convey to said city a right of way through or under such lands for the purpose of constructing and maintaining, through or under the same, one or more sewers, and conditioned further that such owners to whom grants are made as hereinbefore provided shall covenant and agree to and with the city of Albany to pay all the necessary costs of the construction of the extension of the city sewers and the cost of the building of any intersecting sewer which may, by said city of Albany, be found necessary, all of which sewers shall

be constructed by the city of Albany in accordance with plans to be adopted by the Board of Contract and Apportionment, of said city and conditioned further that such owners, his, her, or its heirs, successors or assigns shall grant and convey to said city of Albany, a right of way through and under such lands, for the perpetual protection and maintenance of the intake and conduit used to convey the water from the Hudson river to the pumping station at the corner of Quackenbush and Montgomery streets, in said city of Albany. No building shall be erected upon the land made by said filling along the line of the said conduit, and the city of Albany shall have a perpetual easement upon such land along the line of said conduit for a width of thirty feet for the purpose of the proper maintenance of said conduit. If an intercepting sewer is constructed in accordance with plans as above provided, the waste waters from lock number one of the Erie canal shall be utilized in flushing said sewer.

§ 3. A line drawn southerly from the end of the pier of lock number one of the Erie canal along the present westerly boundary of the Albany basin to the northerly line of Lumber street, and thence in a straight line to the intersection of the southerly line of Hudson avenue with the easterly line of Quay street, is hereby fixed and established as the bulkhead line on the west side of the Hudson river between said points. No dock or pier shall be erected, or filling in done, easterly of said bulkhead line, except between the north-easterly line of Colonie street, produced south-easterly to the pier line hereinafter fixed and established, and a line drawn parallel to and one hundred feet distant southerly from the southerly line of Columbia street, produced easterly to the pier line hereinafter fixed and established.

§ 4. The easterly line of the mole or pier in the Hudson river constructed under and pursuant to chapter one hundred and eleven of the Laws of eighteen hundred and twenty-three, and the acts amendatory thereof and supplemental thereto, from the intersection of the said easterly line with the north-easterly line of Colonie street, produced south-easterly, to the intersection of said easterly line with said line parallel to and one hundred feet distant southerly from said southerly line of Columbia street, is hereby fixed and established as the pier line between said points, easterly of which there shall be no solid filling.

§ 5. The filling in of said lands, and the construction of docks and slips thereon, within the limits of the bulkhead and pier



lines fixed and established by sections three and four of this act, shall be done in accordance with a plan or plans with reference to said Albany basin, to be approved by the State Engineer and Superintendent of Public Works of the State of New York, and with reference to the sewers of the city of Albany having their outlets therein according to plans to be approved by the Board of Contract and Apportionment of said city, and said city of Albany is hereby authorized under and in accordance with the conditions specified in the second section hereof to construct and make such change or changes in and additions to the sewers of said city having their outlets in said basin as may be necessary to convey and discharge the sewage, now discharged into said basin, below the most southerly point affected by this act.

§ 6. This act shall take effect immediately.

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CHAPTER 469 OF THE LAWS OF 1837.

An Act to authorize the proprietors of the Albany pier to increase the width of the said pier.

Passed May 16, 1837.

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

**Width, how to be increased.**

Section 1. It shall be lawful for the proprietors of the Albany pier, at a public meeting of said proprietors to be convened according to law, to decide on the expediency of adding to the width of the said pier, so that the same shall not be increased in width at any one place more than forty feet. And if the said proprietors shall, by a legal vote, deem it expedient to add to the width of said pier, then it shall be lawful for them to make the addition to the width thereof on the east side thereof, and to collect the amount of the expenses of such widening by assessing and charging the several pier lots and parts of lots with such sum as will, when compared to the whole amount of expenditure, be in proportion to the increased number of superficial feet added to such lot; to be collected by the said proprietors from the owners of the several lots in the manner provided in the covenants contained in the several original grants for the said pier lots for the collection of other contingent expenses that may be incurred in and about the said pier.

**Passage-way.**

§ 2. When the said pier shall be so widened, as authorized by this act, the said proprietors shall widen the pass-way on the east side of the said pier, so that the said pass-way shall be forty feet wide in such parts of the said pier where the same shall have been increased forty feet in width, and so in proportion where the width of the said pier shall have been increased in a less proportion. Provided, however, that the consent of the corporation of the city of Albany to the authority hereby given to increase the width of the said pier, shall be made in writing and filed with the Secretary of State within sixty days after the passage of this act, approving thereof.

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CHAPTER 113 OF THE LAWS OF 1841.

An Act to extend the opening in the Albany pier between Columbia street and State street.

Passed April 20, 1841: by a two-thirds vote.

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

**Opening to be enlarged to 126 feet in width.**

Section 1. The Mayor, Aldermen and Commonalty of the city of Albany shall, as soon as practicable, cause the opening from the Hudson river into the Albany basin, heretofore made in pursuance of the act entitled "An act to amend 'An act to improve the navigation of the Albany basin,' passed April fourteenth, eighteen hundred and thirty-six," to be enlarged and extended on the north side of said opening, so that the same, when so enlarged and extended, shall be not less than one hundred and twenty-six feet in width; and shall also cause a sidewalk, path or passage-way, of the width of four feet, on the Albany pier, across the same, on the north side of said enlarged opening, to be constructed and kept open.

**Provision as to draw or swivel-bridge, etc., repealed.**

§ 2. All that portion of the first section of the said "Act to amend 'An act to improve the navigation of the Albany basin,'" which requires a sufficient draw or swivel-bridge to be built over the passage-way on the easterly side of the said pier, together with the fifth and sixth sections of the act aforesaid, are hereby

repealed. But such repeal is not to take effect unless the opening in said pier, referred to in the first section of this act, shall be enlarged as herein authorized.

**Three appraisers to be appointed by the Governor.—Damages to be assessed, apportioned and returned to the Common Council.**

§ 3. It shall be the duty of the Governor of this State, on the application of said Mayor, Aldermen and Commonalty of said city of Albany, to be made within ninety days after this law shall take effect, to appoint three competent and disinterested freeholders, who shall not be residents of said city of Albany, who shall ascertain the owners of, and appraise the value of each and every of the pieces of property which it shall be necessary to take and appropriate for such opening, and certify the same, within thirty days after their appointment, to said Mayor, Aldermen and Commonalty. And after such property shall be taken and appropriated, and said opening fully completed, said commissioners shall assess all damages that shall be sustained by the owner or owners of any property taken, or in any manner injured in its value by the improvement directed by this act, and ascertain the whole expense of such improvement, and make an assessment and apportionment of the whole expense of such improvement, including the appraised value of the land taken, the damage to all lands affected by such improvement, and the expense of the whole improvement, including lawful interest on all sums of money advanced by said city upon all buildings, lots, wharves, docks and pier lots benefited by the said improvements, in proportion to the advantages which each shall be deemed to acquire; specifying in said apportionment the name or names of the owner or owners, occupant or occupants of each of such buildings, lots, wharves, docks and pier lots benefited, as far as the nature of the case will admit, and such apportionment, having been signed by the said commissioners, or a majority of them, shall be returned to the said Mayor, Aldermen and Commonalty within ninety days from the time the same is made.

**Duty of Common Council.**

§ 4. When said assessment and apportionment is thus returned by them, the said Mayor, Aldermen and Commonalty shall cause public notice of such apportionment to be given in one or more

of the newspapers printed in said city for thirty days; and if no good cause be shown against the confirmation of said apportionment, within the time last aforesaid, the same shall, when approved by the said Mayor, Aldermen and Commonalty, be confirmed and filed in the office of the Clerk of the Common Council of said city, and shall be binding and conclusive upon the owner or owners of the lots, buildings, wharves, docks and pier lots mentioned in said apportionment; and the said apportionment shall be and remain a lien upon the buildings, lots, wharves, docks and pier lots mentioned therein, from the time of such confirmation by the said Mayor, Aldermen and Commonalty until the same shall be paid or satisfied; and if the amount or sum thus apportioned and assessed be not paid when demanded, the same shall be collected in the manner prescribed in the fifth section of the act relative to the city of Albany, passed April fifth, eighteen hundred and twenty-eight, and the amount of damage thus assessed and confirmed shall be paid to the persons entitled to the same.

**Amount of value to be deposited in a bank.**

§ 5. Upon receiving the certificate of appraisal of the value of the property to be taken and appropriated for the said enlargement of such opening, made by the said commissioners in pursuance of the third section of this act, the Mayor, Aldermen and Commonalty shall deposit in some solvent bank in the city of Albany, to the credit of the owner or owners of each and every piece or parcel of property so appraised, or shall pay to such owner or owners, respectively, a sum of money equal to the appraised value of such pieces or parcels of property respectively. And if any deposit shall be so made, notice of the same shall be immediately published by the said Mayor, Aldermen and Commonalty, in the State paper for ten days, specifying the name of the person to whose credit said deposit has been made, the amount thereof and in what bank deposited; upon making such deposit said Mayor, Aldermen and Commonalty may enter upon and take possession of the land and property so appraised and proceed to make such enlarged opening, and may remove said bridge over said cut and the fixtures thereunto appertaining.

**Account of expenditures to be kept.**

§ 6. An accurate account of the expenditures by the said Mayor, Aldermen and Commonalty, of the said improvements shall be

kept, and a copy thereof filed in the office of the Clerk of the Common Council of said city, after it shall have been duly examined by the Mayor, Aldermen and Commonalty, and certified by them to be correct, before any part of the said expenses shall be collected in pursuance of the provisions of this act.

**Common Council to repair damages that may occur by reason of the opening in the pier.**

§ 7. If at any time hereafter the said pier, or any part thereof, or the buildings or property thereon, or the bridges crossing the Albany basin shall be destroyed or in any manner injured, in consequence of the making of the opening in the said pier, under the act of April fourteen, one thousand eight hundred and thirty-six, referred to in the first section of this act, or of the enlargement of the said opening hereby directed to be made, it shall be the duty of the said Mayor, Aldermen and Commonalty, and they are hereby required to rebuild such part thereof as may be destroyed, or repair the same if injured, in a substantial manner; and the expense of such rebuilding and repairs shall be ascertained in the manner prescribed in the sixth section of this act; and it shall be assessed and apportioned by three commissioners, to be appointed by the Governor of this State, in the same manner and with the like force and effect as directed by the third section of this act; which commissioners shall in like manner sign and return the same; and the said Mayor, Aldermen and Commonalty shall proceed thereon in the like manner and with the like power, force and effect as declared in the third section of this act; provided that no part of the expense mentioned in this section shall be assessed against or charged upon any of the property upon said pier; and the seventh section of the aforesaid act, passed April fourteenth, one thousand eight hundred and thirty-six, is hereby repealed.

**Ice breaker to be constructed at opening.**

§ 8. The said Mayor, Aldermen and Commonalty shall cause to be constructed at the north-east corner of the said enlarged opening, a good and substantial ice-breaker, the expense whereof shall be included in the expense directed to be assessed and apportioned by the third section of this act, and shall keep the same in repair; and the expenses of such repairing shall be ascertained, assessed, apportioned and collected in the manner prescribed in the seventh section of this act.

**Timber materials of draw-bridge to be sold.**

§ 9. The said Mayor, Aldermen and Commonalty are hereby directed and required to sell or otherwise dispose of such of the timber and materials composing the draw-bridge now constructed, over the opening in said pier, as shall remain after such improvement is completed, and apply the avails of the same toward defraying the expenses of the improvement hereby directed to be made.

**Pay and charges of Commissioners to be included in assessment.**

§ 10. It shall be the duty of the commissioners appointed under this act, to make the assessment and apportionment as herein provided, to add to the amount of the expenses of the said improvement and damages aforesaid the cost and charges incident to their proceedings as such commissioners, together with the amount of their compensation as herein provided for, which shall previous thereto be taxed and certified as to the amount, by the Mayor or Recorder of said city; and such damages and expenses, together with the said costs, charges and compensation to be taxed and certified as aforesaid, shall constitute the amount to be apportioned and assessed by the said commissioners, as hereinbefore provided.

**Vacancies, how to be filled.**

§ 11. If any vacancy shall happen in any Board of Commissioners appointed as aforesaid, the Governor of the State, on notice thereof being given him by the said Mayor, Aldermen and Commonalty, shall appoint some person, not a resident of the said city, to supply such vacancy.

**Pay of Commissioners; also to take oath of office.**

§ 12. The commissioners appointed as aforesaid shall each receive four dollars per day while engaged in discharging of the duty hereby imposed; and before proceeding to the execution of these duties, severally make oath or affirmation before some proper officer authorized to take affidavits to be read in a Court of Record, honestly and impartially to execute the trusts reposed in them as commissioners under this act, which oath or affirmation shall be in writing, and shall be filed in the office of the Clerk of the Common Council of said city.

**Deficiencies in certain cases to be paid by Common Council.**

§ 13. In case the commissioners appointed under any of the provisions of this act, to make any of the assessments and apportionments herein and hereby authorized to be made, shall ascertain that the apportionment of any damages or expenses to be made by them on the property benefited, does not equal the amount of the damages assessed and awarded by them for injuries done or expenses incurred, they shall certify the amount of such deficiency in their return of the said assessment and apportionment, and such deficiency shall be paid and borne by the said Mayor, Aldermen and Commonalty of the city of Albany, out of the contingent funds of said city, and the amount thereof shall be assessed and collected from the taxable real estate in said city, in the same manner as the other expenses of said city are levied, assessed and collected.

§ 14. This act shall take effect immediately.

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**CHAPTER 356 OF THE LAWS OF 1837.**

An Act for the appointment of a Harbor Master for the port of Albany.

Passed May 8, 1837.

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

**Harbor Master to be appointed.**

Section 1. The Governor shall nominate, and, with the advice and consent of the senate, appoint some proper person Harbor Master for the port of Albany.

The said port of Albany shall comprehend within its limits all that portion of the Hudson river situate in front of the city of Albany, and extending northerly two miles beyond and southerly two miles below the boundaries of said city, together with all the wharves, slips and basins within the tide-water limits aforesaid, and connecting with said river.

(As amended by chapter 374, Laws of 1866, sec. 1.)

**Duty of Harbor Master.**

§ 2. It shall be the duty of such Harbor Master to regulate and station all vessels in the Hudson river, within the limits of the

said port of Albany, and the piers and wharves thereof, and to remove from time to time such sloops and other vessels as are not employed in receiving and discharging their cargoes, to accommodate others, and also to prevent sloops, canal boats and vessels of every description, from obstructing for an unreasonable time the several passages or entrances into the basin of the city of Albany.

(As amended by chapter 374, Laws of 1866, sec. 2.)

#### **Penalty for opposing or neglecting his orders.**

§ 3. The said Harbor Master shall have authority to determine how far, and in what instances, it is the duty of masters and others having charge of vessels to accommodate each other in their respective situations; and if any master or other person having control of vessels within the limits aforesaid, shall neglect or refuse to obey the directions of the said Harbor Master in matters within his authority, or if any person whatsoever shall resist or oppose the said Harbor Master in the execution of the duties of his office, such person or persons shall, for every such offense, forfeit and pay the sum of fifty dollars, to be recovered, with costs of the suit, in the name of the Mayor, Aldermen and Commonalty of the city of Albany, in any court having cognizance of the same; and all moneys so collected shall be applied to the support of the poor of the said city and county of Albany.

(As amended by chapter 374, Laws of 1866, sec. 3.)

#### **Anchors to be taken on deck.**

§ 4. All vessels shall, on coming to the wharves, take in their anchors upon deck, so as to prevent injury therefrom to other vessels; and all vessels shall rig in their jib boom on coming to the wharves.

#### **Vessels may be removed.**

§ 5. The Harbor Master shall have power to move any vessel, lying within the limits aforesaid, without any person having charge of the same, at the expense of the master or owner of the vessel.

#### **Fees.**

§ 6. All steamboats, propellers, barges, boats or vessels of any description which shall enter the said port of Albany, or load or



unload or make fast to any wharf therein, shall pay to the said Harbor Master for his services under this act the sum of one and a half cents per ton per annum, said fee to be computed from the registered tonnage of such vessels if registered. Such fee shall be paid by the master, owner or consignee of such vessels to the Harbor Master, or to persons authorized by him to collect the same, within forty-eight hours after the arrival of such vessel, and in default thereof, if the same shall have been first duly demanded, such master, owner or consignee on whom such demand shall have previously been made, shall pay double the amount of such fees, to be sued for and recovered, together with the costs, in the name of the Harbor Master of the said port, in any court having cognizance thereof. But all boats employed in navigating the canals belonging to the State of New York, which shall only enter tide-water for the purpose of being towed out of the jurisdiction of said port, shall be exempted from the provisions of this section, but such exemption shall not apply to such boats when receiving or discharging cargoes or portions thereof in tide-water within the limits of said port, nor shall such exemption apply to boats navigating the canals of private companies or corporations.

(As amended by chapter 374, Laws of 1866, sec. 4.)

§ 7. The said Harbor Master shall have power to employ assistants in collecting the fees chargeable under this act, and in case of his sickness, inability or absence, he shall have power, by and with consent of the Mayor of the city of Albany, to appoint some proper person, to act in his stead, and perform the duties of said office during such sickness, inability or absence.

(As amended by chapter 374, Laws of 1866, sec. 5.)

#### **His fees for settling disputes.**

§ 8. In case the said Harbor Master is called upon to decide any disputes between the masters of vessels, as to berths, the party in fault, by the decision of the Harbor Master, shall pay to the Harbor Master the sum of two dollars; and in case both parties are in fault, each shall pay the sum of one dollar.

#### **To report yearly.**

§ 9. Said Harbor Master shall keep an exact account of all moneys received by him as such Harbor Master, and shall report

the same to the Legislature, each and every year, on or before the first day of February.

**Act to take effect.**

§ 10. This act shall take effect on the passage thereof.

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CHAPTER 158 OF THE LAWS OF 1850.

An Act in relation to the prices of wharfage hereafter to be charged for vessels loading at the pier on the east side of the city of Albany.

Passed April 5, 1850.

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

**Charges for wharfage fixed.**

Section 1. For all vessels, boats or other craft navigating the Hudson river, excepting such boats as are excepted in the fifth section of the act entitled "An act authorizing the construction of a basin in the city of Albany, at the termination of the Erie and Champlain canals," passed April five, eighteen hundred and twenty-three, which shall come to and lie at the pier or mole on the east side of said city, and on the east side of said pier or mole; and for all boats, vessels, flats, or other crafts, except such as are hereinbefore excepted, which shall make fast to said pier or mole on either side thereof, there shall be paid by the owners or masters of such vessels, boats or other craft, the following sum for wharfage to wit: For the season, for every vessel, craft, boat or flat, of the burthen of five tons or under, one dollar and six cents; if above that burthen, at the rate of thirty-seven cents per ton; if for a less time than the season, for every vessel, craft, boat or flat, of the burthen of five tons or under, ten cents per day; if over five tons and under twenty tons, two cents per ton per day; over twenty and under forty, one and a half cents per ton per day; over forty tons, one and a quarter cents per ton per day; but no wharfage shall be charged on vessels or boats when warping out or into the basin, or on canal boats or tow boats making fast to steamboats lying on the east side of the pier, or while making up their tows, preparing for departure, or coming to for the purpose of entering said basin.

**To be paid to owners of pier lots.**

§ 2. The said sums shall be payable to, and be collected by the proprietors of the lots on said pier or mole, or to, and by such persons as they or the owners of a majority of the pier lots shall appoint as their Dock Master or agent, for that purpose; and any suit for the collection of such wharfage may be brought and maintained in the name of such Dock Master for the use of the parties entitled to the same.

**All other charges forbidden.**

§ 3. No other charge for wharfage shall hereafter be exacted by, or for the benefit of the proprietors of said mole or pier, on or for any boat, vessel, flat or other craft, entering the basin formed by said mole or pier, than such as is expressly allowed by this act.

**Repeal.**

§ 4. All laws and parts of laws conflicting with the provisions of this act, are hereby repealed.

§ 5. This act shall take effect immediately.

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 CHAPTER 560 OF THE LAWS OF 1867.

An Act to authorize the Mayor, Aldermen and Commonalty of the city of Albany, to establish a uniform rate of wharfage in the port of Albany.

Passed April 22, 1867; three-fifths being present.

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

Section 1. The power which the Mayor, Aldermen and Commonalty of the city of Albany possess, to determine and fix the rate of wharfage to be paid to the owners of the docks along Quay street, in said city, by the owners or masters of any vessel liable to pay wharfage, shall extend to and include all the wharves and piers in the harbor and port of Albany. But nothing herein contained, shall in any manner alter or repeal section five of the act passed April fifth, eighteen hundred and twenty-three, authorizing the construction of a basin at the termination of the Erie and Champlain canals. No charge for wharfage or dockage shall be made against or collected upon any canal boat engaged in the navigation of the canals of the State, when passing the

city of Albany, either in the canal basin, called the Albany basin, or in the Hudson river, outside the pier constituting the east line of said canal basin, unless said canal boats shall be actually engaged in receiving or discharging cargoes.

§ 2. This act shall take effect immediately.

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CHAPTER 405 OF THE LAWS OF 1878.

An Act to regulate the use of certain docks in the city of Albany.

Passed June 10, 1878; three-fifths being present.

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

**Certain docks may be reserved for certain purposes.**

Section 1. Whenever the owners or lessees of any docks in the city of Albany shall maintain and use the same for the purposes required in the loading or unloading of boats by means of a stationary elevator, the docks so owned or leased shall be kept and reserved for the exclusive use and occupancy of the boats so loading or unloading, to the extent necessary for conducting and doing the business in which they are engaged.

**Removal of boats or vessels.—Penalty.—How recovered.—To whom paid.**

§ 2. It shall be the duty of the Harbor Master of the said city of Albany in case any boat or vessel (not entitled to do so under the provisions of this act) shall lie alongside any of said docks, to cause such boat or vessel to be removed whenever it shall appear that there is any boat waiting to receive or discharge a cargo by means of such stationary elevator, according to the provisions of the first section of this act, and such Harbor Master shall have power forthwith to remove such boat or vessel not entitled to the use of such dock under the provisions of this act, and any person whatever who shall resist or oppose such Harbor Master in the performance of the duties of his office, under this act, shall, for every such offense forfeit and pay the sum of fifty dollars, to be recovered, with the costs of suit, in the name of such Harbor Master, in his official capacity or of his successors in office. All such fines, when so collected, shall be paid one-half thereof to the proprietors of such stationary elevator, and the remaining half to the Board of Governors of the Albany Hospital, for the use and benefit of such hospital.

## TITLE VII.

## RELATING TO PARKS AND PARK COMMISSION.

## CHAPTER 582 OF THE LAWS OF 1869.

An Act in relation to a public park in the city of Albany.

Passed May 5, 1869; three-fifths being present.

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

**Lands set apart for Washington Park.**

Section 1. The property in the city and county of Albany, known as the burial-ground property, the penitentiary grounds and almshouse farm, are hereby set apart and devoted to the purposes of a public park, to be known as the Washington Park of the city of Albany.

**Board of Trustees.—Recorder to act as counsel.**

§ 2. The title to said property is hereby vested in a Board of Trustees, to consist of John Bridgford, Arthur Bott, George Dawson, Dudley Olcott, William Cassidy, John Fair, Rufus W. Peckham, Jr., Samuel H. Ransom and John H. Van Antwerp, who shall hold it in trust for the city of Albany, for the purposes of a public park as aforesaid. The Recorder of the city of Albany shall act as counsel of the Board of Trustees without compensation.

**Trustees may receive lands by gift, devise, etc., for park.**

§ 3. The said trustees shall have power to receive by gift, devise or bequest, subject, however, to all existing provisions of law relative to devises by last will and testament, such lands as may be conveyed to them for the purposes of a park as aforesaid, and when so received shall hold the same in trust for the city of Albany, for the exclusive purposes of a public park.

**Sale of Washington parade ground.—Funds, how applied.—  
Damages for closing parade ground, how assessed.**

§ 4. All the right, title and interest of the city of Albany in and to the property in said city known as the Washington parade ground, is hereby vested in said Board of Trustees, and it shall be the duty of said board to offer said grounds for sale at public auction, upon due notice being given through the newspapers of the city of Albany, in such lots and at such times as they may deem expedient. The funds so derived shall be known as the Washington Park fund of the city of Albany, and shall be held by said trustees in trust for the purpose of extending, improving and placing in a proper condition the Washington Park. No portion of the grounds described in the first section shall be disposed of or in any way alienated from the purposes of a public park. Three-fifths of any sale, damages, costs or charges, which shall be incurred, or to which the city of Albany may be liable by reason of the closing of the said Washington parade ground, and the sale of the same by said commissioners as hereby authorized, shall be assessed upon the property facing and contiguous to the property hereby set apart as a public park, and the remaining two-fifths paid by the city at large.

**Purchase of additional lands.—Proceedings to acquire lands  
for park.—Commissioners may determine as to expediency  
of sale of parade ground.—May take adjacent grounds by  
appraisal.—Assessment therefor.**

§ 5. The said Board of Trustees are hereby authorized by a vote of two-thirds of all the members thereof, and by the consent of two-thirds of the Common Council of said city, to purchase additional lands for the purpose of said park, but no purchase shall be made exceeding in the aggregate one-half of the sum derived from the sale of the property as authorized by the fourth section of this act. The said Board of Trustees are empowered in case of inability to agree with the owners of property appropriated for park purposes in pursuance to this section, to apply to the Supreme Court of the Third Judicial District, for the appointment of commissioners in the same manner as is prescribed in chapter one hundred and forty of the Laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same." Should said commissioners determine that it is inexpedient to close and sell said

parade ground, they are hereby authorized to take by appraisal, as is provided in this section, the lots lying between said parade ground and the burial ground property mentioned in section one; and the cost of the same, including the expenses of appraisal, shall be assessed three-fifths upon the property fronting on said Washington Park, in proportion to benefits; the balance shall be paid out of the city treasury, in the same manner as provided for assessments in section four.

**Organization of trustees.—Salary of Secretary.**

§ 6. The Board of Trustees of Washington Park of the city of Albany, herein provided for, shall meet within ten days after the passage of this act and organize by the election of a President and Treasurer from their number, and a Secretary who may or may not be a member of the board, in its discretion, and shall receive such salary as the board may deem just, not to exceed the sum of five hundred dollars.

**Classification of Trustees.—Vacancies, how filled.—Mayor to appoint successors.**

§ 7. The trustees named in the second section of this act shall be divided into three classes, who shall hold their offices as follows:

The first class for three years; the second class for six years, and the third class for nine years. The trustees who are to comprise the respective classes shall be selected by said Board of Trustees by lot, and such selection shall be made at the first meeting for organization, as provided in section six. All vacancies for the unexpired terms in the board shall be filled by the remaining members of said board. The successors of said trustees shall be appointed by the Mayor of the city of Albany, and hold office for nine years.

**Trustees to have no power over penitentiary or alms-house.**

§ 8. Nothing in this act contained shall be construed to confer upon the Board of Trustees any title in or power over the penitentiary and alms-house buildings, and the grounds immediately adjacent thereto.

§ 9. This act shall take effect immediately.

## CHAPTER 377 OF THE LAWS OF 1870.

An Act supplementary to "An Act in relation to a public park in the city of Albany."

Passed April 23, 1870; three-fifths being present.

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

Section 1. [Repealed by chapter 45, Laws of 1872, § 16.]

§ 2. [Repealed by chapter 45, Laws of 1872, § 16.]

**Removal of buildings from lands.—Notice of removal.—Board may direct removal, if owners neglect; expense to be paid by sale of buildings.**

§ 3. It shall be lawful for the said Board of Commissioners to order and direct the removal of any buildings standing on any lots or other real estate now vested in them, or which shall have been or may be acquired and taken as aforesaid for any of the purposes aforesaid, on giving thirty days' previous notice to make such removal; and in case of neglect or refusal on the part of such owner or owners to remove such building, it shall be lawful for the said board to direct the same to be taken down and removed at the expense of such owner or owners, to be paid out of the proceeds of the sale of the materials of such building, which the board is, in such cases, authorized to cause to be sold at public vendue on giving eight days' previous notice of the time and place of such sale in one of the newspapers printed in the city of Albany.

**Recovery of awards paid through mistake.**

§ 4. In case any sum or sums which shall have been awarded as aforesaid shall be paid by the said Board of Commissioners, through mistake, to any person or persons who is or are not legally entitled thereto, it shall be lawful for the person or persons who shall be legally entitled thereto, his or their heirs, executors or administrators, or for the said Board of Commissioners, to sue for and recover the same, with lawful interest and costs of suit, from the person who shall have received such sum or sums, in any action for money had and received, to his or their use.



**Leases and agreements upon lands taken, to cease on confirmation of report.—Court to appoint persons to determine rents payable, by virtue of leases, etc.—Determination to be binding.**

§ 5. In all cases where the whole of any lot or other real estate, which is subject to a lease or other agreement, shall be required and taken by the said Board of Trustees for any of the purposes aforesaid, all the covenants and stipulations contained in such lease or agreement shall, upon the confirmation of such award and report as aforesaid, by the said court, cease, determine, and be absolutely discharged; and in all cases where a part only of such lot or other real estate shall be required and taken as aforesaid, the covenants, contracts and stipulations shall cease, determine and be absolutely discharged, so far only as relates to such part; and it shall be lawful for the said court, upon the application in writing of either the landlord or tenant or other party interested in the part of such lots or real estate, to appoint three disinterested freeholders, inhabitants of the said city, to determine the rents to be thereafter payable by virtue of such lease or agreement, for the residue of such lot or real estate which shall be required and taken as aforesaid; and the determination in writing, under the hands of the persons so appointed, or any two of them, on being confirmed by the said court, shall be conclusive and binding on all parties who may be interested in the part of such lot, or other real estate required and taken as aforesaid.

§ 6. [Amended by chapter 232, Laws of 1871, § 1, and repealed by chapter 45, Laws of 1872, § 17.]

§ 7. [Repealed by chapter 45, Laws of 1872, § 17.]

#### **City laws applicable to collection.**

§ 8. All the laws in force in relation to the opening of streets in the city of Albany, and the collection of the assessments and apportionments therefor, are made applicable to the collection of the assessments and apportionments made under and by virtue of this act.

#### **Sale of portion of park ground authorized.—Execution of deeds therefor.—Reinvestment of avails for park.**

§ 9. The said commissioners shall have power, as the judgment of a majority of them shall decide, to sell at public sale such

portions of the grounds or lands as are already vested in them by act of May fifth, eighteen hundred and sixty-nine, or which they may hereafter acquire under this act, or by purchase, devise or gift, and to give title to the same, and to execute a deed or deeds therefor, signed by the President and Treasurer, duly authorized by a resolution of the board; provided, always, that the proceeds or avails of any parcel or parcels of grounds or lands which they may decide to sell and shall sell, shall be immediately reinvested in other grounds or lands for the uses of the park, or be used in expenditures for the improvement or adornment of the grounds included in the boundaries of the said Washington Park, as the said commissioners shall establish them hereafter.

**City bonds to issue for lands and improvements.—Annual amounts.—How executed.—When payable.—Denomination and interest.—Proceeds to be held by Treasurer.—City Chamberlain to keep record of bonds.**

§ 10. For the purpose of laying out, improving and embellishing the park and the approaches thereto, and for the purpose of paying for any lands or property which may be taken under the provisions of this act, the bonds of the city of Albany, to such an amount as may be necessary, not exceeding three hundred thousand dollars in all, and not exceeding fifty thousand dollars in any one year, shall be issued and signed by the Mayor and Chamberlain of said city, and the Clerk of the Common Council, and countersigned by the President and Treasurer of the commissioners. Said bonds shall be known as the city of Albany park bonds, and shall be payable in not less than forty nor more than fifty years from the dates of their issue. They shall be of one thousand dollars each, and shall bear interest at the rate of not more than seven per cent per annum, payable semi-annually on the first days of May and November in each year in the city of New York; and the said bonds, or the proceeds thereof, shall constitute the funds to be held by the Treasurer of the Board of Commissioners for executing the provisions of this act; and the Treasurer of said commissioners shall pay out of said fund, on the warrant of said commissioners, issued as they shall direct, for any lands or property purchased, and also pay, on like warrants, for the grading, laying out, improving or embellishing the park and its approaches, such sums as the commissioners may expend

for such purposes; and as the said bonds are, from time to time, issued, the Chamberlain of said city shall keep in his office, in a book provided for that purpose, a true statement of the number of each and every bond issued, the date and amount thereof, and the time when due, and the place of payment of the interest; and such book shall be open to public inspection, and he shall deliver it to his successor in office.

(As amended by chapter 532, Laws of 1871, sec. 2, and by chapter 538, Laws of 1875, sec. 1.)

**Sale of bonds by Chamberlain.—Temporary loans thereon.**

§ 11. The bonds of the city of Albany, which shall be issued by virtue of this act, shall be sold by the Chamberlain of said city at public sale, and in no case at a less rate than par, and the proceeds of such sales shall be paid over to the Treasurer of said commissioners; or said Treasurer may, with the concurrence of a majority of the Board of Commissioners, pledge any of said bonds and borrow money thereon temporarily for the purposes of this act, at a rate of interest not exceeding seven per cent per annum.

**Park lands pledged for payment of bonds.—To be a lien thereon.**

§ 12. The lands already vested in the commissioners for a park for said city, under act of May five, eighteen hundred and sixty-nine, and which may hereafter be taken, purchased or acquired, as provided herein, for a public park and approaches thereto, are all hereby pledged for the payment of the bonds which may be issued by virtue of this act, and said bonds shall be a first lien thereon.

**Annual general tax for interest and principal.—Limitation.—Common Council to certify amount to be raised to Supervisors.—Levy and collection thereof.—Sinking fund for redemption of bonds.—How invested.—Cancellation of park bonds when purchased.—Chamberlain to report annually amount to be raised.—Duty of Common Council and Board of Supervisors.**

§ 13. In order to provide for the payment of the interest of the bonds hereby authorized to be issued by the said city of Albany, there shall be added annually to the general tax for the said city an amount sufficient to pay the interest on the principal of the

bonds issued under the provisions of this act, provided that not more than one hundred thousand dollars of said bonds shall be issued in any one year; and the Common Council of said city shall yearly, in the manner now provided by law, certify to the Board of Supervisors the amount of tax necessary to be levied to pay the interest on the bonds issued, which amount the said Board of Supervisors shall cause to be levied with the other customary taxes for said city, and at the same time; and the said tax shall be collected in like manner with the other taxes of said city. And to provide for the payment of the principal of said bonds as it falls due, there shall be raised, levied, and collected by general tax in the manner aforesaid, annually commencing with the year eighteen hundred and eighty, a sum equal to two per cent of the whole amount of the principal of all the bonds that may have been issued and be then outstanding, to constitute a sinking fund for the redemption of said bonds at maturity; and said sinking fund shall be invested under the direction of and by the Park Commissioners in the purchase of the Albany city park bonds, or in any other bonds of the city or county of Albany, New York State, or United States bonds. If the park bonds are purchased, they shall be canceled and discharged, or if other bonds, the latter shall be held by said commissioners in trust for the sinking fund, for the ultimate payment of said park bonds, and for no other purpose whatsoever. It shall be the duty of the Chamberlain of the city of Albany to estimate and ascertain yearly the amount required to be added to the general tax of said city, by virtue of this act, to pay the interest (and to create the sinking fund herein provided for when needed), and transmit a statement each year to the Common Council of said city in time to have such amount included in the general tax for that year; and it shall be the duty of the Common Council to cause such amount to be certified to the Board of Supervisors and included in such general tax. And said Common Council shall annually provide by tax for the payment of the interest of the bonds issued pursuant to the provisions of this act, and also provide by tax, annually, after and including the year eighteen hundred and eighty, for the sinking fund, of two per cent per annum, provided for in this section to pay the principal of said bonds.

(As amended by chapter 232, Laws of 1871, sec. 3.)

**Business quorum of Commissioners.—Board may make by-laws.—May appoint engineers and employes.—Powers and authority as to park.—Commissioners not to be interested in contracts.**

§ 14. A majority of the Board of Commissioners of said park shall constitute a quorum for the transaction of business. The said board shall have full and exclusive power to make rules and by-laws for the orderly transaction of their business; to govern, manage and direct, and to lay out and regulate said park and the approaches thereto; to appoint such engineers, surveyors, clerks, laborers and other employes or officers (except a police force), as may be necessary; to prescribe and define their respective duties, and to fix the amount of their compensation, and generally, in regard to the said park and the approaches thereto, they shall possess all the powers and authority now by law conferred on or possessed by the Common Council of said city; and it shall be a misdemeanor for any commissioner to be directly or indirectly in any way pecuniarily interested in any contract or work of any kind whatever, connected with said park or the approaches thereto.

**Annual report to Common Council.**

§ 15. The said Park Commissioners shall, in the month of January of every year, make to the Common Council of said city a full report of their proceedings, and a detailed statement of all their receipts and expenditures.

**Limitation of expense to govern in adopting plan for park.**

§ 16. No plan for laying out and improving said park and approaches thereto shall be adopted or undertaken by the commissioners of said park, of which the entire expense, when funded, shall require, for the payment of the annual interest thereon, more than twenty-one thousand dollars, and bonds shall only be issued, sold and disposed of, as directed in this act, for the purpose of providing such sums of money as shall be required, from time to time, to carry out and execute the plan they shall adopt, subject to the limitations in this act provided.

**Common Council to grant moneys for care and maintenance of park.—For repair of structures and for office.**

§ 17. The Common Council of said city shall, every year, grant to the commissioners of said park such sum of money as they

may require and as to the said Common Council shall appear reasonable and just, for the care, government and maintenance of the said park and approaches thereto, and for keeping in repair the improvements and structures thereto, and for keeping in repair the improvements and structures therein, and shall also furnish a suitable office for said commissioners. And any sum of money granted pursuant to this section shall be paid out of the general fund of said city to the Treasurer of said commissioners.

**Treasurer of Board to execute bond.**

§ 8. Before entering upon the duties of his office, the Treasurer shall execute a bond to the said commissioners in such penalty and with such sureties as the commissioners shall approve, conditioned that he will faithfully perform the duties of his office, and account for and pay over, according to law, all moneys belonging to the commissioners that shall come into his hands. He shall receive all moneys belonging to the commissioners, and shall pay out the same from the proper fund on the order of the President, countersigned by the Secretary.

**Annual report of Treasurer.**

§ 19. Once a year, or oftener if required by the commissioners, and at least once a week previous to the report referred to in section fifteen, he shall present to the board a statement exhibiting the condition of the treasury, and the several sums received and paid out during the year; when received and paid, and from and to whom. He shall deliver to his successor in office all moneys, books, vouchers and papers appertaining to the office.

**Avails from sale of bonds to be paid to Treasurer.—To keep and disburse the same.—Commissioners to draw draft on Treasurer.—Maintenance fund how disbursed.**

§ 20. The money raised by the sale of the bonds issued pursuant to the provisions of this act shall be deposited, as the same shall be realized, with the Treasurer of the Park Commissioners, who shall keep a separate account of all moneys received by him for the laying out and improvement of said park and approaches thereto. He shall hold all such moneys on account of and for the purpose of said improvement and the expenses herein authorized, including the cost of the bonds, and shall pay them out

as provided in this act, and not otherwise. The commissioners of said park shall draw their drafts upon the said Treasurer, signed by their President and Secretary, for all claims, charges and expenses, authorized and incurred by them in the laying out and improving of said park and approaches thereto, specifying in such drafts the purposes for which they are drawn; and the Treasurer shall pay the same out of the improving moneys, upon the presentation of said drafts. The moneys voted or granted by the Common Council of the city of Albany, pursuant to section seventeen of this act, shall be deposited with the Treasurer of the commissioners of said park, who shall keep a separate account of all such moneys, and the same shall be known as the "Maintenance Fund;" and he shall pay out of it the drafts of the said Park Commissioners, drawn against it in due form and manner, and not otherwise, upon the presentation of said drafts, which in no case shall exceed the amount appropriated or granted for the purpose by the Common Council, as provided by section seventeen of this act.

**Policemen to be detailed for duty for service in the park.**

§ 21. The police authorities of the city of Albany shall, from time to time, detail such number of policemen from the force of said city, for service in the said park, as the Board of Park Commissioners shall, by resolution, require, not exceeding the number of ten in the aggregate; and for the purpose of complying with such requisitions, the said police authorities are hereby authorized, from time to time, to increase the number of policemen that may be allowed to the police force of the city by a number that shall correspond to the number required by the said Park Commissioners, as such requisitions shall, from time to time, be made. The policemen who may be detailed for such service shall be subject to the rules and regulations which shall be adopted by the Park Commissioners.

(As amended by chapter 45, Laws of 1872, sec. 15.)

**Commissioners to create no debt without authority.**

§ 22. None of the commissioners of said park, nor any person, whether in the employ of said commissioners or otherwise, shall have power to create any debt, obligation, claim or liability for or on account of the said commissioners, except upon express

authority, duly conferred at a meeting regularly convened and held.

**Personal property may be granted or devised for park.—Collections of natural history and works of art.—Management of property.**

§ 23. Personal property may be granted, bequeathed, devised or conveyed to the said city of Albany for the purpose of the improvement or ornamentation of the said park and the approaches thereto, or for the establishment or maintenance therein of zoological or other gardens, collections of natural history, monuments relating to events or distinguished persons, and appropriate works of art, upon such trusts and conditions as may be prescribed by the grantors or devisors thereof, and accepted or agreed to by the commissioners of the park. All property so devised, granted, bequeathed or conveyed, shall be subject to the exclusive management, direction and control of the commissioners of said park.

**Commissioners may pass ordinances for protection of park, trees, flowers, etc.—Publication of ordinances.—Penalties for violations.**

§ 24. It shall be lawful for the commissioners of said park, at any meeting duly convened, to pass such ordinances as they may think necessary for the use, regulation, protection and government of the park, the approaches thereto, the grounds, trees, shrubs, flowers, roads, pathways, fences and erections in and around it; and such ordinances shall, immediately upon their passage, be published in the official paper of said city of Albany, for ten successive days; and all persons offending against such ordinances shall be deemed guilty of a misdemeanor, and shall be punished, on conviction before any court of competent jurisdiction in the city of Albany, by a fine not exceeding one hundred dollars, or by imprisonment, at the discretion of the court.

**Part of grounds may be set apart for university or art buildings.**

§ 25. Nothing in this act shall prevent the commissioners from hereafter setting apart any portion of the grounds under their control, for a university, or for buildings for purposes of science and learning.



## CHAPTER 45 OF THE LAWS OF 1872.

An Act supplementary to and amendatory of "An Act in relation to a public park in the city of Albany," passed May fifth, eighteen hundred and sixty-nine, and the acts supplementary and amendatory thereof.

Passed February 16, 1872; three-fifths being present.

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

**Lawful for Park Commissioners, by a two-thirds vote, to purchase or take additional real estate for park purposes.—Streets running through park to be discontinued.**

Section 1. It shall be lawful for the Board of Commissioners of the Washington Park of the city of Albany, whenever they shall deem it necessary, by a vote of two-thirds of all the members thereof, to be taken by yeas and nays, which shall be entered on the minutes of the said board, to purchase or take any ground or real estate, with the appurtenances, belonging to any person or persons, for the purpose of laying out, opening, extending, straightening, widening or altering said park and the approaches thereto; and they may locate and lay out such approaches connecting with said park as may, in their judgment, be necessary; and may take all or any part or parts of existing streets; and all the streets, tracts, pieces or parcels of land so acquired, selected or located by such commissioners, for the purposes aforesaid, shall be deemed to have been taken by the city of Albany for public use, as and for a public park, and are hereby declared to be such, subject, with the approaches thereto, to the control and supervision of such commissioners. The parts of all streets, avenues and highways now laid out as running through said park, or pieces of land added thereto, may be closed and discontinued, so far as the same would run through or intersect said park, or pieces of land added thereto, whenever the said commissioners shall declare the closing or discontinuing thereof needful.

**Title, how acquired.—Real estate sought to be taken must be described in petition.—Names and residences, etc., of owners to be stated.—Certain acts made applicable to proceedings under this act.**

§ 2. In case the Board of Commissioners of said park are unable to agree with the owners or occupants of such real estate for the

purchase or acquisition thereof for park purposes, then the said commissioners may take proceedings to acquire title to the same in the manner and by the special proceedings prescribed in sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of an act to authorize the formation of railroad corporations, and to regulate the same, passed April second, eighteen hundred and fifty; as such sections, or some of them, have been amended by any act to amend the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same, passed April second, eighteen hundred and fifty," substituting in such sections for the company, or corporation, or railroad company, the Board of Commissioners of Washington Park; provided, that, in the petition named in the said fourteenth section, the real estate sought to be taken must be fully described, and then it need only be therein stated that said commissioners have been unable to acquire title to the said real estate for the reason to be therein mentioned. The petition shall also state the names and places of residence of the parties, so far as the same can by reasonable diligence be ascertained, who own, or have, or claim to own or have, estates or interests in the said real estate; and if any such persons are infants, their ages, as near as may be, must be stated; and if any such persons are idiots, or persons of unsound mind, or are unknown, such facts must be stated, together with such other allegations and statements of liens, or incumbrances on said real estate as the said commissioners may choose to make. It shall also be therein stated that it is the intention of the said commissioners, in good faith, to acquire title to said real estate for the purposes of a public park in the city of Albany, and that in their judgment the real estate described in the petition is required for some one of the purposes, naming it, for which the commissioners have authority to take real estate. Sections five and six of an act to amend an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same, passed April second, eighteen hundred and fifty," passed April fifteen, eighteen hundred and fifty-four, and section second of an act further to amend the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same, passed April second, eighteen hundred and fifty," passed April fourteen, eighteen hundred and fifty-seven, are also hereby made applicable to the proceedings

to obtain title to real estate by the Park Commissioners, as herein provided.

§ 3. The twenty-sixth section of the said act to authorize the formation of railroad corporations and to regulate the same, passed April second, eighteen hundred and fifty, is also hereby made applicable to the commissioners of said park, who are hereby authorized to acquire title to any real estate which they may decide to be necessary for any of the purposes for which they are authorized to acquire real estate, in the same manner as is prescribed in said twenty-sixth section of said act of eighteen hundred and fifty.

**Absolute title of real estate taken to vest in commissioners.**

§ 4. The absolute fee of all real estate taken or purchased by the commissioners under and by virtue of the aforesaid railroad acts shall be vested in such commissioners and their successors, in trust for the purposes for which such real estate was acquired.

§§ 5 and 6. [Repealed by chapter 98, Laws of 1874.]

§ 7. [Amended by chapter 66, Laws of 1873, § 7, and repealed by chapter 98, Laws of 1874.]

§ 8. [Amended by chapter 66, Laws of 1873, § 3, and repealed by chapter 98, Laws of 1874.]

§§ 9, 10, 11, 12 and 13. [Repealed by chapter 98, Laws of 1874.]

**Costs of land acquired assessed upon city at large.—Common Council, how notified of amount.—City bonds to issue.—How prepared and sold.—When payable.—Proceeds to be held by Treasurer.—Sinking fund, how raised, paid and invested.**

§ 14. The costs and expenses of acquiring title to any lands purchased at public or private sale by the Park Commissioners, or taken by proceedings as aforesaid, the amount of one bonds heretofore issued under and by virtue of section five of the acts in relation to Washington Park of the city of Albany, passed March eleven, one thousand eight hundred and seventy-three, together with the interest thereon from date, together with the expenses of the assessments heretofore made, shall be assessed upon the city at large and paid in the following manner: The amount thereof shall be included in a written statement, signed by the Treasurer of the said Park Commissioners, and shall be by him transmitted to the Clerk of the Common Council

of said city of Albany forthwith, and at the first meeting of such Council after such statement shall have been received by its clerk, such Common Council shall make provision for the payment of the same by the issuing of the bonds of the said city, in such form and name, and in such amounts as the said Common Council shall at such meeting determine and direct. Such bonds shall be at once prepared under the direction of the Mayor, and when prepared shall be signed by him and the Chamberlain of the city, and the same shall be sold by the Chamberlain at not less than par, and the moneys realized by their sale shall be by said Chamberlain at once transferred to the Park Commissioners through their Treasurer. Said bonds shall be payable in not less than forty nor more than fifty years from the date of issue thereof, and shall bear interest at the rate of not more than seven per cent per annum, payable semi-annually in each year, in the city of Albany or New York. And the proceeds of said bonds shall constitute a fund, to be held by the Treasurer of the said Board of Park Commissioners for the payment of the amount included in the written statement above provided for. The said Common Council shall create a sinking fund for the payment of said bonds within the time limited. Such sinking fund shall be raised by general tax annually, and shall not be less than one per centum of the amount of such bonds, besides the interest on the whole amount of said bonds which shall be due at any time during the year. Such sinking fund and interest shall be paid by the Chamberlain of said city to the Treasurer of said Board of Park Commissioners, who shall therefrom pay the interest on said bonds, from time to time, as the same shall accrue. The sinking fund shall be securely invested by the said Treasurer, under the direction of said Park Commissioners, for the purpose of paying said bonds as they shall become due. All acts and parts of acts inconsistent with the provisions of this section are repealed.

(As amended by chapter 98, Laws of 1871, sec. 2.)

#### **Assessments for Knox street property, how repaid.**

(Section 3 of chapter 98, Laws of 1874. Immediately upon the passage of this act the treasurer of the park commissioners is hereby required to give notice three times in the official papers of the city, stating a time and place when and where he will be prepared to repay to such persons as have heretofore paid the amount of their payment on account of the assessment levied upon their property for the taking of the Knox street property (so called) for park purposes, and at such time and place the treasurer or his clerk shall attend and shall repay to such persons the amount they had heretofore paid on such assessment.)

§ 15. [Amends section 21 of chapter 377, Laws of 1870.]

§ 16. The first and second sections of "An act supplementary to an act in relation to a public park in the city of Albany," passed April twenty-three, eighteen hundred and seventy, are hereby repealed.

§ 17. The first section of "An act to amend an act supplementary in relation to a public park in the city of Albany, passed April twenty-three, eighteen hundred and seventy," passed March thirty-one, eighteen hundred and seventy-one, is hereby repealed; and sections six and seven of "An act supplementary to an act in relation to a public park in the city of Albany," passed April twenty-three, eighteen hundred and seventy, are hereby repealed.

#### Clerk may be employed.

§ 18. The Treasurer of said Board of Commissioners of said park is hereby authorized to employ a clerk, whenever in his discretion he may deem it proper, and to pay him for his services out of the funds in his custody, not exceeding the sum of two hundred and fifty dollars in any one year.

§ 19. This act shall take effect immediately.

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### CHAPTER 66 OF THE LAWS OF 1873.

An Act in relation to the Washington Park of the city of Albany.

Passed March 11, 1873; three-fifths being present.

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

**City bonds to issue for lands and improvements.—Limit of amount of bonds.—How executed.—Annual amount.—Requisitions to be made to the Mayor.—Bonds, how entitled and when payable.—Denomination and interest.—Proceeds to be held by Treasurer.—Payments from fund, how made. Chamberlain to keep open record of bonds.**

Section 1. For the purposes mentioned in section two of chapter two hundred and thirty-two of the Laws of eighteen hundred and seventy-one, entitled "An act to amend an act supplementary to an act in relation to a public park in the city of Albany, passed April twenty-three, eighteen hundred and seventy," passed March thirty-one, eighteen hundred and seventy-one, the bonds of the

city of Albany to such amount as may be necessary, in addition to the three hundred thousand dollars already authorized to be issued (but not in any event to exceed the sum of two hundred and fifty thousand dollars in addition to said three hundred thousand dollars authorized), shall be issued and signed by the Mayor and Chamberlain of said city, and by the Clerk of the Common Council, and countersigned by the President and Treasurer of the Commissioners of Washington Park in the city of Albany. The bonds to be issued under this act shall not exceed the amount of one hundred thousand dollars in any one year, except as hereafter stated. Such bonds shall be issued upon the requisition of the Park Commissioners, made for the Mayor, stating the amount for which such bonds are desired. The bonds shall be known as the "City of Albany Park Bonds," and shall be payable in not less than forty nor more than fifty years from the date of their issue. They shall be one thousand dollars each, and shall bear interest at the rate of not more than seven per cent per annum, payable semi-annually on the first days of May and November in each year, in the city of New York, and the said bonds, or the proceeds thereof, shall be placed in the fund to be held by the Treasurer of the said Board of Commissioners for executing the provisions of this and the other acts in relation to said park, and the Treasurer of the commissioners shall pay the same out on warrants in like manner as other moneys heretofore received on the sale of bonds heretofore authorized to be issued and sold, and for the same general purposes; and as such bonds are from time to time issued the Chamberlain of the said city shall keep in his office, in a book provided for that purpose, a true statement of the number of each bond issued, the date and amount thereof, and the time when due, and the place of payment of the interest, and such book shall be open to public inspection, and shall deliver it to his successor in office. Said bonds shall not be sold at less than their par value.

(As amended by chapter 538, Laws of 1875.)

**Laws of 1871, applicable to bonds.**

§ 2. All the provisions contained in section three of said act (being as aforesaid, chapter two hundred and thirty-two of the Laws of eighteen hundred and seventy-one, and entitled as is recited in the first section of this act), are hereby made applicable

to the bonds and the payment of the principal and interest thereon, which shall be issued under this act.

§ 3. [Repealed by chapter 98, Laws of 1874, § 1.]

**Three-fifths expended for certain lands repaid to Park Commissioners.—Such amount to be included in general tax.**

§ 4. The sum of thirty-five thousand four hundred and thirty-one dollars is hereby assessed upon the city of Albany, to be collected by tax and paid to the Park Commissioners of said city. The above assessment is directed to be made to repay to said commissioners, as a board, three-fifths of the amount heretofore duly expended by them as such board, in the purchase of land for park purposes within the city of Albany, and be paid to the following persons, viz.: Ariel Lathrop, William H. Watson, Patrick Gardiner, John Featherly, Thomas Wearing, estate of Blandina Dudley, Mary Ann and Catherine Lovett, Hellena De Kay Townsend, Sarah T. Coles, Maria T. Viele, Maurice E. Viele, Frank A. Gregory, George Lansing, Christopher Lansing, Susan Gansevoort, Barent B. Lansing, Sarah B. Lansing, John McEwen, as Clerk of the Supreme Court in trust, Susan G. Lansing, Jane A. Pruyn, Charles B. Lansing, Robert C. Pruyn, Charles A. Lansing, and John Townsend Lansing.

The amount of the above-mentioned sum shall be stated and transmitted by the Treasurer of the board, and the same shall be collected by tax and paid over to the said Treasurer in the same manner and by the same proceedings that are provided for the collection and payment of two-fifths of the cost and expenses of acquiring title to lands purchased or taken by the Park Commissioners, by section fourteen of "An act supplementary to and amendatory of an act in relation to a public park in the city of Albany, passed May fifth, eighteen hundred and sixty-nine, and the acts supplementary and amendatory thereof," passed February sixteenth, eighteen hundred and seventy-two.

§§ 5, 6 and 7. [Repealed by chapter 98, Laws of 1874, § 1.]

§ 8. This act shall take effect immediately.

## CHAPTER 29 OF THE LAWS OF 1875.

An Act amendatory of the several acts relating to Washington Park in the City of Albany.

Passed February 24, 1875; three-fifths being present.

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

**Moneys to pay interest on bonds, custody of.—Sinking fund.**

Section 1. All moneys which have been or shall hereafter be raised by tax in the city of Albany, in the manner provided by law, for the purpose of providing means to pay the interest on the bonds of said city issued for Washington Park, shall remain in the custody of the Chamberlain of the city until used by him in the payment of said interest; and all moneys raised in like manner to provide a sinking fund for the payment of the principal of said bonds, shall be paid to the Trustees of the Sinking Funds of the said city, and be by them invested or deposited in the same manner as the other sinking funds of the said city.

§ 2. This act shall take effect immediately.

## CHAPTER 511 OF THE LAWS OF 1881.

An Act in relation to certain public parks in the city of Albany.

Passed June 14, 1881; three-fifths being present.

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

Section 1. The title of the city of Albany in and to the several public parks of said city, known respectively as the Academy Park, Townsend Park, Bleecker Park, Clinton Square Park, Hudson Avenue Park, St. Joseph's Park, Van Rensselaer Park and Beaverwyck Park, is hereby vested in the Board of Commissioners of Washington Park, to the same extent and for the same purposes as the title to the Washington Park property is vested in said board.

(As amended by chapter 203, Laws of 1884, and by chapter 296, Laws of 1890, sec. 1.)

§ 2. The said Board of Commissioners of Washington Park are hereby empowered to exercise like powers and authority over the territory embraced in the said above-mentioned parks, for the



government and control thereof, to that which they now have over the territory embraced in said Washington Park.

(As amended by chapter 296, Laws of 1890, sec. 2.)

§ 3. The said Board of Commissioners are hereby authorized and directed to expend out of the funds in their hands, and from time to time provided for the care and improvement of said Washington Park, such sums as they shall deem from time to time necessary and expedient for the improvement and embellishment of the parks specified in section one of this act. And such expenditures shall be made from funds thus provided, whenever funds adequate, in the judgment of said board, shall not have been otherwise appropriated for such purposes.

(As amended by chapter 296, Laws of 1890, sec. 2.)

§ 4. This act shall take effect immediately.

Note.—For law relating to Western avenue improvement (chapter 445 of the Laws of 1876) see ante.

#### CHAPTER 112.

An Act to declare the legal title of the Board of Commissioners of Washington Park of the city of Albany.

Became a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 14, 1890. Passed, three-fifths being present.

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

Section 1. The board created by the act of May five, eighteen hundred and sixty-nine, entitled "An act in relation to a public park in the city of Albany" under the name and title of the Board of Trustees of Washington Park of the city of Albany, and thereafter in succeeding acts of the Legislature designated as "the Board of Commissioners of Washington Park of the City of Albany" shall be hereafter known and designated as and by the title of "the Board of Commissioners of Washington Park of the city of Albany."

§ 2. All the powers, duties, rights, property and privileges, heretofore conferred by any act of the Legislature or otherwise, upon the Board of Trustees of Washington Park of the city of Albany, or upon the Trustees of Washington Park of the city of Albany,

are hereby vested in and devolved upon the said Board of Commissioners of Washington Park of the city of Albany.

§ 3. This act shall take effect immediately.

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CHAPTER 449.

An Act to enable the city of Albany to procure additional land for park purposes; to confirm and provide for the payment of assessments thereon, and to repeal chapter four hundred and seventy-six of the laws of eighteen hundred and eighty-six, entitled "An act authorizing the Board of Commissioners of the Washington Park of the city of Albany to acquire real estate on the west side of South Pearl street in the city of Albany for the purpose of a public park, and a roadway in connection therewith."

Approved by the Governor May 26, 1890. Passed, three-fifths being present.

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

**Acquisition of lands for park.—Description of lands.—Proceedings to acquire title.**

Section 1. The Board of Commissioners of the Washington Park, their successor or successors, of the city of Albany, shall proceed to acquire for a public park, the title to all the lands lying and being in the Second and Fifteenth Wards of the city of Albany bounded as follows:

Beginning at the north-eastern intersection of Delaware avenue and Morton street, and running north along the east line of Delaware avenue to such a point between Warren street and Park avenue, as shall be designated by said commissioners, thence east along a line to be designated by said commissioners between Warren street and Park avenue to Swan street, thence northerly along the west line of Swan street to the south line of Myrtle avenue, thence easterly along the south line of Myrtle avenue to Hawk street, thence south along the west side of Hawk street to the south side of Charles street, thence east along the south side of Charles street to High street, thence south along the west side of High street to the south side of Park avenue, thence east along the south side of Park avenue to Eagle street; thence south along the west side of Eagle street to Prospect place; thence east along

the south side of Prospect place to a common alley, thence south along said common alley to a point on Morton street three hundred and eighty feet east of Eagle street; thence west along the north side of Morton street to the place of beginning. And the said board shall proceed to acquire title to the same according to, and in pursuance of the provisions of title seventeen of chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany," and of the several acts amendatory thereof; but the proceedings for condemnation and the acquisition of title to said lands shall be conducted as a whole and all the property to be taken shall be valued in one proceeding and no valuation shall be finally arrived at, agreed upon or reported by the commissioners appointed to make such appraisal, until the several appraisals for all the lands above directed to be taken, shall be completed.

(As amended by chapter 131, Laws of 1892.)

§ 2. The absolute fee of said real estate so purchased or acquired under and by virtue of this act shall be vested in such commissioners and their successors, in trust, for the purposes of a public park, and said park shall be known as Beaver Park.

**Payment of unpaid assessments.—Assessments confirmed.**

§ 3. For the purpose of paying the price of purchasing and acquiring said real estate, and the cost and expenses of the proceedings to acquire the same, which shall not exceed in the aggregate the sum of three hundred and fifty thousand dollars it shall be the duty of the Board of Finance of the city of Albany to borrow on the faith and credit of the city of Albany such sums as shall be required to pay the expenditures authorized under this act, and to issue registered bonds of said city therefor, which bonds shall be signed by the said Mayor and Chamberlain, and shall be made payable both principal and interest at the office of the Chamberlain in the city of Albany, the principal thereof in twenty annual payments following the first issue thereof as nearly equal in amount as possible; they shall bear interest at a rate to be fixed by the Board of Finance of said city, not to exceed however five per centum per annum, payable semi-annually, and as fast as the money shall be required by said commissioners they shall be negotiated by said Board of Finance as

hereafter provided, and the money received therefrom shall be deposited with the Chamberlain of said city, who shall keep a separate account thereof and shall pay therefrom, upon the order of said board, their successors or successor, such sum as shall be required for the expenditures authorized by this act. The negotiations of such bonds shall be by selling the same by the City Chamberlain to the highest bidder at public auction at not less than par, giving at least ten days' previous notice of the time and place of sale by publication in the city papers designated for the publication of the city proceedings. The Chamberlain of the city of Albany is hereby authorized to make advances for the necessary expenditures by the said commissioners, upon their order or draft, from any funds in his possession prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of subsequent sale of any of said city bonds. It shall be the duty of the Common Council of said city to cause to be raised yearly, by tax upon the taxable property in said city in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon said bonds, when and as the same shall become due and payable, and from time to time in like manner to raise the money necessary to pay the principal of said bonds as they shall fall due. Any balance remaining in the hands of the said commissioners out of said fund after paying for said lands and the expense of acquiring the same, or so much thereof as shall be necessary, shall be used and expended by said commissioners in the completion and improvement of said park. Wherever an assessment shall have been made and be now unpaid, or a sale shall have been had and the premises shall not have been redeemed therefrom, affecting any of the land to be taken under the provisions of this act and such assessment shall have been made or sale shall have been had under or pursuant to any of the following laws of the Common Council of the city of Albany, namely: Excavating, filling and laying sidewalk, south side Morton street, between Elizabeth and Dove street. Law passed by Common Council December fifth, eighteen hundred and seventy. Excavating, filling and forming Park avenue from Delaware avenue to east of Dove street, and Dove street from Park avenue to Myrtle avenue. Law passed by Common Council September twenty-sixth, eighteen hundred and seventy. Laying drain in Warren alley, from drain in Warren street to one hun-

dred thirty-five feet south. Law passed by Common Council April, eighteen hundred and seventy-one. Confirmed July, eighteen hundred and seventy-one. Excavating, filling and forming Delaware avenue from Madison avenue to five hundred feet south of Morton street. Law passed by Common Council September sixteenth, eighteen hundred and seventy-two. Laying sidewalks on Morton street, south side, between Elizabeth and Dove streets. Law of September sixteenth, eighteen hundred and seventy-two. Laying drain in Park avenue, from Dove street to Delaware avenue. Confirmed September fifteenth, eighteen hundred and seventy-three. Laying drain in Dove street, from Park avenue to a point one hundred fifty-nine and one-half feet north. Confirmed February sixteenth, eighteen hundred and seventy-four. Excavating, filling, forming and paving Myrtle avenue between High and Hawk streets. Law passed by Common Council June ninth, eighteen hundred and seventy-three. Laying drain in Philip street from Warren street to alley one hundred feet north of Morton street. Law passed by Common Council April twenty-third, eighteen hundred and seventy-four. Laying drain in Johnson alley from High street to Beaver creek west of Hawk street. Law passed by Common Council September seventh, eighteen hundred and seventy-four. Excavating, filling, forming and paving Johnson alley from Grand to Philip street. Law passed by Common Council October nineteenth, eighteen hundred and seventy-four. Excavating, filling, forming and paving Johnson alley from Philip to Eagle streets. Law passed by the Common Council October nineteenth, eighteen hundred and seventy-four. Laying plank walk in Park avenue from High street to the bridge over Beaver creek. Confirmed November fifth, eighteen hundred and seventy-four. Laying drain in Elizabeth street from Warren street to Warren alley. Law passed by Common Council July ninth, eighteen hundred and seventy-five. Morton street repairs, between Hawk and Swan streets, north side. Confirmed December twenty-third, eighteen hundred and seventy-six. Excavating, filling and forming Swan street from Elm street to Morton street. Law passed by Common Council June fifteenth, eighteen hundred and seventy-four. Laying drain in Charles street from ninety feet west of Philip street to Philip street. Law passed by Common Council October twentieth, eighteen hundred and seventy-nine. Excavating, filling and

forming Myrtle avenue from Dove street to Delaware avenue. Law passed by Common Council October twentieth, eighteen hundred and seventy-nine. Laying drain in Myrtle avenue from Dove street to Delaware avenue. Law passed by Common Council December sixth, eighteen hundred and eighty. Excavating, filling and forming Park avenue, from Delaware avenue to Swan street. Law passed by the Common Council October fourth, eighteen hundred and seventy-five. Laying drain in Park avenue, between Swan and Dove streets. Law passed November twenty-fourth, eighteen hundred and seventy-nine. Laying plank walk at Prospect place, between Philip and Eagle streets. Law passed by Common Council August thirtieth, eighteen hundred and eighty. Laying plank walk in Swan street from Providence street to Hall avenue. Law passed by Common Council April fourteenth, eighteen hundred and seventy-nine. Laying drain in Warren street from alley east of Swan street to Beaver creek. Laws passed by Common Council June seventh, eighteen hundred and eighty. Laying drain in Dove street, between Myrtle avenue and Irving street. Law passed by Common Council December eighteenth, eighteen hundred and eighty-two. Morton street, repairs, between Hawk and Swan streets. Confirmed October eighteenth, eighteen hundred and eighty-one. Warren street opening. Confirmed March nineteenth, eighteen hundred eighty-eight. Laying drain in Delaware avenue, from Madison to Myrtle avenues. Law passed by Common Council June nineteenth, eighteen hundred and eighty-five. Laying drain in Myrtle avenue, from Dove street to a point sixty-six feet east of Dove street. Law passed by Common Council August third, eighteen hundred and eighty-five. Morton street repairs, between Hawk and Swan streets. Confirmed January third, eighteen hundred and eighty-seven. Filling vacant lots in block bounded by Warren, Hawk, Swan streets, Park and Myrtle avenues. Law passed by Common Council November seventeenth, eighteen hundred and eighty-four. Filling vacant lots in block bounded by Warren, Eagle, Hawk and Providence streets. Law passed by Common Council September fifteenth, eighteen hundred and eighty-four. Paving Philip and Warren streets. Law passed by Common Council April first, eighteen hundred and eighty-nine, and June third, eighteen hundred and eighty-nine. Repairing, extending and completing the Beaver creek sewer from west line of Grand

street to the sewer near the intersection of Lark street and Myrtle avenue. Law passed by Common Council May seventeenth, eighteen hundred and eighty-seven. A law to authorize the grading, filling, forming, curbing and paving and repaving the carriageway and sidewalk of that portion of Delaware avenue between the north side of Warren street and the south side of Second avenue with Trinidad sheet asphalt pavement, the assessment under which was confirmed March second, eighteen hundred and ninety-one. There shall be paid to the city of Albany, or the purchaser, as the case may be, out of the purchase price of any piece of property taken for the park, the amount of such assessment with interest as prescribed by the act of the Legislature under which it was imposed, or the price for which such land was sold with like interest, and all assessments made and all sales had under the said several laws above mentioned as the same appear on the books and records in the Chamberlain's office in the city of Albany, are hereby confirmed and ratified, and the same are and each of them is hereby declared to be a lien upon the said several lands upon which said assessments were imposed.

(As amended by chapter 134, Laws of 1892.)

§ 4. The fees of the commissioners who may be appointed under the provisions of this act shall not exceed the sum of ten dollars per day for each and every day actually engaged.

§ 5. Chapter four hundred and seventy-six of the Laws of eighteen hundred and eighty-six is hereby repealed.

§ 5a (§4). It shall be a misdemeanor for any person to discharge, throw or dump upon the lands above described after the title thereto shall be acquired under the provisions of this act, or to suffer to flow or pass, or be discharged, thrown or dumped upon such lands from any premises owned or occupied in whole or in part by such person any refuse or dirty water, drainage or sewage or any other material or thing whatsoever.

(Added by chapter 124, Laws of 1892.)

Certificates for paying awards.—Form thereof.—Contents of certificates.—Rate of interest.—Certificates, when payable, etc.—Notice of payment.—Deposit of certificates and money in certain cases.—Notice of deposit of moneys.—Delivery and payment by order of court.—Issue of bond for certificates.

§ 6. For the purpose of paying the awards and the costs and expenses of acquiring title to said real estate, and discharging any and all liens and incumbrances existing thereon, in case the bonds authorized to be issued by section three of the act hereby amended shall not be issued before this act takes effect, the Chamberlain of the city of Albany shall deliver to the several persons or corporations to whom an award has been made, or who shall appear by the order of the Supreme Court confirming the report of the commissioners heretofore duly appointed in the proceedings to acquire title to said real estate, duly made and entered in the office of the Clerk of the county of Albany, on the twenty-ninth day of August, eighteen hundred and ninety-three, to be interested in said real estate as the owners of any liens or incumbrances thereon on said date last mentioned upon their signing a joint receipt therefor and a quit-claim deed of the lands and premises described in said order, or he shall deposit, as is hereinafter provided, a certificate, in writing, which said certificate shall be in substantially the following form:

Registered No..... §.....

#### CERTIFICATE OF INDEBTEDNESS.

This is to certify that, in pursuance of chapter.....of the laws of the State of New York, passed..... eighteen hundred and ninety-four, the city of Albany is indebted to....., or assigns, in the sum of..... with interest thereon, from the twenty-ninth day of August, eighteen hundred and ninety-three, on account of an award made for a certain piece or parcel of land, described and laid out on a map made by Horace Andrews, City Engineer of the city of Albany, in certain proceedings, entitled "In the matter of the application of the Board of Commissioners of the Washington Park of the city of Albany to acquire title to real estate in the city of Albany for the purpose of a public park, to be known as Beaver Park," and filed in the Albany County Clerk's office, with



the report of the commissioners appointed to condemn and acquire the land to be taken in such proceedings, and which said parcel of land is more particularly described as follows:

.....  
 and forms a portion of the whole land described by metes and bounds in the report of said commissioners, to which reference is hereby made. This certificate is payable on the first day of February, eighteen hundred and ninety-five, unless the said the city of Albany elects to pay the same before said last-mentioned date, from the moneys derived from the sale of the bonds issued in pursuance of chapter four hundred and forty-nine of the laws of eighteen hundred and ninety, and the acts amendatory thereof, for the purpose of paying said award. This certificate shall not draw interest for a longer time than until February first, eighteen hundred and ninety-five, nor for a longer time than up to its payment, nor after the undersigned shall have given to the person in whose name this certificate has been last registered the notice mentioned and described in the act first above referred to.

In witness whereof, the Chamberlain of the city of Albany has hereunto set his hand, this.....day of....., 1894.

(Signature.)

Chamberlain.

Such certificate so delivered or deposited shall state each and every person, persons, corporation or corporations, to whom such award has been made for the particular lot of land therein described as the owner or owners of the fee, mortgagee, judgment creditor, or the owner of any other lien or incumbrance thereon; it shall describe the property taken and for which such award is made as it is described in said order of confirmation, and shall also state the amount of such award as stated in said order of confirmation, after deducting therefrom the amount of all taxes, water rents and assessments together with the interest thereon due and payable to the city of Albany at the date of the issuance of such certificate, and after also deducting all sums of money together with the interest thereon to the date of such certificate paid by said city as the purchaser at any tax and assessment sale or sales, as set forth in said order of confirmation. Such certificate shall acknowledge an indebtedness on the part of the city of Albany to the person, persons, corporation or cor-

porations therein named as owner of the fee, mortgagee, judgment creditor or otherwise in the amount of such award, after making the deductions hereinbefore referred to, and shall bear interest at the rate of six per cent per annum from date of the entry of such order of confirmation, as aforesaid. Such certificates shall be subscribed by said Chamberlain; shall be registered in his office and shall be payable on the first day of February, eighteen hundred and ninety-five, unless sooner paid from the proceeds of the sale of the bonds hereinbefore referred to, and authorized under the provisions of this act and of the act hereby amended to be issued for the purpose of paying such awards. No certificates, so issued, shall bear interest for a longer time than until the first day of February, eighteen hundred and ninety-five, nor for a longer time than up to the date of its payment, nor shall any such certificate bear interest after the Chamberlain of such city shall have given notice of his readiness to pay the same to the person, persons, corporation or corporations in whose name or names said certificate shall have been last registered in the office of said Chamberlain. Said notice shall be in writing and shall be served on said person, persons, corporation or corporations, by depositing the same in the post-office in a securely closed envelope, with postage prepaid, addressed to said person, persons, corporation or corporations at the address appearing opposite the name on the register thereof kept by said Chamberlain. In case of unknown owners the Chamberlain shall (and as to any or all of said real estate in case there shall be any dispute as to the ownership thereof or of any lien or incumbrance thereon, or when either of the persons whose name appears in said certificate refuses or is legally incompetent to accept the same, and sign a receipt therefor, or sign and acknowledge the deed referred to in the said order of confirmation, the Chamberlain may) deposit such certificate in the bank designated for holding moneys belonging to the city to be held in the custody of such bank until an adjudication shall be had in the courts as to the persons entitled thereto, and when the moneys are obtained from the sale of said bonds hereinbefore referred to, if such certificates shall not have been theretofore surrendered by said bank pursuant to an order of the court he shall deposit such moneys to the amount required to pay such certificates so deposited in said bank, to the credit of the respective persons therein named,

and in case of unknown owners, to the credit of the real estate for which the award has been made, and take up and cancel such certificate so deposited. And upon payment or the deposit of the money therefor, as aforesaid, all liability on the part of the city shall cease. In case any deposit of money shall be so made, notice of the same shall be immediately published by the Chamberlain of the city in the official papers for a period of ten days, specifying the name or names of the persons to whose credit such deposit has been made, and when the names of the persons to whom the award has been made are unknown, such notice shall specify the particular real estate for which the same has been made, and the amount thereof, and in what bank deposited. And if there shall be any question as to the title of said real estate, or as to any liens or incumbrances on any of said real estate, or as to the persons to whom any portion of such award shall be paid, the said certificate shall, nevertheless, be delivered to, or the amount of such award after the same shall have been deposited as aforesaid shall be paid wholly or in part to such person or persons as shall by the order of the Supreme Court, or a judge thereof, upon notice to the Corporation Counsel, be declared to be entitled thereto; and if any such owner or person interested is an infant or otherwise legally incompetent to receive the same and give the necessary receipt and release therefor, the said court may authorize the amount to which said infant or other person is entitled to be paid to the guardian or trustee of such infant or other person, who has given or shall give satisfactory security to account to the said infant or such other incompetent person therefor, and to pay over the same. In order to pay said certificates of indebtedness when they shall fall due, it shall be the duty of the Board of Finance of the city of Albany, to issue the registered bonds of said city therefor, as provided in and by section three of the act hereby amended, in such amount as shall be necessary to pay the total amount of the certificates of indebtedness herein authorized and to redeem the same as they shall be respectively presented to said Chamberlain for payment.

(Added by chapter 17, Laws of 1894.)

Park improvement certificates.—Form thereof.—Negotiation, etc.—Proceeds, how applied.—Work, when to commence.

§ 7. The Chamberlain of the city of Albany is hereby authorized and directed, upon the written requisition or requisitions of the Board of Commissioners of the Washington Park, signed by its President and Secretary, to prepare and negotiate registered certificates, which shall be in the following form:

Registered No. .... §.....

CERTIFICATE OF INDEBTEDNESS.

THE CITY OF ALBANY.

BEAVER PARK IMPROVEMENT.

(Insert date.)

THIS IS TO CERTIFY, That the city of Albany is indebted to (insert name of payee) in the sum of (insert amount) dollars, for value received, which sum, with interest thereon from the date hereof to the date of its payment, at the rate of (here insert rate of per cent) per cent per annum, the city of Albany agrees to pay (here insert name of payee) or to .....order as registered in the office of the Chamberlain on the.....day of..... 1894, unless renewed on that date, as provided in and by the statute hereinafter referred to. This certificate is issued pursuant to chapter (here insert the proper chapter) of the Laws of eighteen hundred and ninety-four, and the faith and credit of the city of Albany is pledged to the payment thereof.

In witness whereof, the Mayor of the city of Albany has hereunto set his hand the day and year first above written, and these presents have been duly countersigned by its Chamberlain.

In the presence of:

(Signature.)

Mayor of the City of Albany.

Registered in my office and countersigned (insert date).

(Signature.)

Chamberlain.

Said certificates shall be signed by the Mayor of the city of Albany and shall be registered and a description thereof be entered in the records of the Chamberlain's office, and shall then

be countersigned and negotiated by him at not less than their face or par value, and the proceeds thereof shall be held by said Chamberlain as a separate fund to be paid out upon the warrants drawn by the said Board of Commissioners of the Washington Park upon the Chamberlain; and such certificates so to be issued under this section shall not exceed in the aggregate the sum of twenty-five thousand dollars, and the proceeds thereof shall be used in paying for work to be done (including the tools necessary to be used) in grading and otherwise preparing the ground required for Beaver Park, for park purposes, and for no other purpose; and said Board of Commissioners of Washington Park are directed to proceed at once with such work whenever the money is available for that purpose.

(Added by chapter 17, Laws of 1894.)

**Advances for expenditures.—Certificates, when payable, etc.—  
Bonds for principal and interest.—Interest on certificates,  
how paid.—Deduction of assessments, etc.—How applied.**

§ 8. The Chamberlain of the city of Albany is authorized to advance, for the purposes of this act, from any fund or funds in his hands not required for immediate expenditures, any money thus available in anticipation of the negotiation of any certificates provided for in section seven of this act, and the same shall be returned to such fund or funds whenever it shall be realized from such certificates. The said certificates so to be issued shall be payable at such time or times and shall bear interest at such rate or rates not exceeding five per cent as may be fixed by the Board of Finance of the city of Albany, and may be renewed by direction of the said Board of Finance, and at its option, in case it shall not be thought desirable to issue the bonds hereinafter provided for before maturity of such certificates, or any of them, provided that all certificates to be issued hereunder shall be so made payable that they shall be redeemed not later than the first day of February, eighteen hundred and ninety-five, and shall be paid out of the proceeds of the sale of the bonds to be issued by the city of Albany in continuance of and in all respects in the form and manner required in the case of bonds authorized by section three of the act hereby amended. The bonds so authorized by said last mentioned section three of the act hereby amended to be issued, shall be issued in such an aggregate

amount that the proceeds of the sale thereof shall be sufficient for the purpose of redeeming and paying in full both principal and interest all certificates authorized by any of the provisions of this act, and not otherwise provided for. The interest on all certificates issued under this, and the seventh section of this act, shall be paid as often as the same becomes due, by the Chamberlain out of any unappropriated money, or out of any fund, not required for immediate use, in his hands, and shall be raised in the next annual tax budget, and be repaid to the source or fund from which it may be advanced. In case the city of Albany shall have been the purchaser of any piece of property taken for Beaver Park at any assessment sale held under and pursuant to the several laws in section three of the act hereby amended, mentioned, or shall have been a purchaser at any tax sale held pursuant to the provisions of the charter and laws regulating the government of the city of Albany, the amount of said assessment, with interest, as prescribed by the act of the Legislature, under which it was imposed, to and until the date of the issuance of the certificate hereinbefore in this act referred to, or the price for which said land was sold, together with the costs and expenses of said sale, with a like interest, shall be deducted out of the purchase price of any piece of property taken for said park, and shall be deposited with the Chamberlain of said city and credited by him to the account of the Board of Commissioners of the Washington Park, and shall be available for the payment of said certificates of indebtedness, described in this and the foregoing section, or if not needed for the payment of said certificates shall be added to any balance remaining in the hands of the said commissioners, after paying for said lands and the expense of acquiring the same, and shall together with all money derived from the sale of the buildings and other structures on the lands acquired for said Beaver Park be used and expended by said commissioners if in their judgment the same is necessary in the completion and improvement of said park.

(Added by chapter 17, Laws of 1894.)

#### **Proceedings legalized.**

§ 9. The proceeding heretofore commenced in pursuance of the act hereby amended for the purpose of acquiring title to the land therein described and entitled "in the matter of the application of the Board of Commissioners of Washington Park of the city

of Albany to acquire title to real estate in the city of Albany for the purpose of a public park to be known as 'Beaver Park,' and all the various steps therein taken towards the completion of the same, and the awards therein made and the liens and incumbrances thereon, as set forth in the order confirming the report of the commissioners appointed therein," are hereby in all things legalized and confirmed.

(Added by chapter 17, Laws of 1894.)

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CHAPTER 154.

An Act to enable the Dudley Observatory of the city of Albany to transfer its real estate to the city of Albany, and to receive from said city, certain lands in exchange therefor.

Approved by the Governor March 18, 1892. Passed, three-fifths being present.

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

Section 1. The Board of Trustees of "The Dudley Observatory of the city of Albany," are hereby authorized and empowered to grant and convey to the Board of Commissioners of Washington Park of the city of Albany, for the purposes of a public common, in said city, all the real estate and the buildings thereon, situated within said city of Albany, of which they now stand seized and possessed, and to receive in exchange therefor, in the manner and subject to the conditions hereinafter mentioned, a plot of ground not exceeding six acres in extent, to be accurately defined and described by metes and bounds in the conveyance thereof, and not more than fifteen thousand dollars in money or the bonds of the city of Albany, and it shall be lawful for the Board of Commissioners of Washington Park of the city of Albany, with and subject to the approval of the Mayor of the city of Albany, to convey to the said "The Dudley Observatory of the city of Albany," not more than six acres of that portion of real estate of which the said Board of Commissioners of Washington Park of the city of Albany, are now seized and possessed, known as "the alms-house farm." Such grant and conveyance shall be made subject however to the condition that there shall be erected on said land so granted and conveyed, within three years after the execution and delivery of said conveyance from said city, an

observatory building, and that the same shall be used upon completion, and thereafter continue always to be used, as, and for, an astronomical observatory, under penalty of the forfeiture of said land to said city upon failure in the fulfillment of said condition. The Board of Commissioners of Washington Park shall, nevertheless, have authority, subject to the approval of the trustees of said observatory, to lay out and maintain said premises as if the same were still a part of the lands in their possession for park purposes. And upon the agreement for such exchange being made, it shall be lawful for the Board of Finance of said city of Albany, to cause the bonds of the city of Albany, for not more than fifteen thousand dollars to be issued; which bonds shall be signed by the Mayor and Chamberlain and shall be registered and made payable in the city of Albany, the principal thereof in not more than fifteen annual payments following the first issue thereof as nearly equal in amount as possible; they shall bear interest at a rate to be fixed by said Board of Finance, not exceeding five per centum per annum, payable semi-annually. The negotiation of such bonds shall be by selling the same by the said Chamberlain to the highest bidder, at public auction, at not less than par, upon giving at least ten days' previous notice of the time and place of sale by publication in the official papers of said city. And not more of such bonds shall be sold than shall be necessary to produce the sum of fifteen thousand dollars. It shall be the duty of the Common Council of the city of Albany to cause to be raised yearly by tax upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon said bonds, when and as the same shall become due and payable, and, from time to time, in like manner to raise the money necessary to pay the principal of said bonds, as they shall fall due.

Upon the payment of such fifteen thousand dollars to the trustees of "The Dudley Observatory of the city of Albany," such trustees shall execute and deliver to the Board of Commissioners of Washington Park of the city of Albany a deed with the warranty of said "The Dudley Observatory of the city of Albany," of all the real estate and buildings of the said "The Dudley Observatory of the city of Albany," situated within the corporate limits of said city, and the Board of Commissioners of Washington Park of the city of Albany shall execute and deliver to the trustees of "The Dudley Observatory of the city of



Albany," subject to the conditions and provisions mentioned, a deed describing not more than six acres of the real estate known as "the almshouse farm," the title to which is now vested in the Board of Commissioners of Washington Park of the city of Albany.

(As amended by chapter 285, Laws of 1892.)

#### Construction of act.

§ 2. Nothing in this act shall be construed as requiring a transfer by said trustees of the Dudley Observatory of the piers of masonry which now support the instruments in use by said observatory, or the library cases in the present observatory buildings, or to prevent the removal thereof.

§ 3. This act shall take effect immediately.

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#### CHAPTER 762.

An Act to enable the city of Albany to procure additional land for park purposes.

Became a law May 23, 1894, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. The Board of Commissioners of the Washington Park, their successors or successor, of the city of Albany, is hereby authorized and empowered to acquire for a public park, the title to all the lands not owned by said city of Albany lying and being in the Eighth Ward of the city of Albany within the area bounded as follows: Beginning at the north-east corner of Knox and Colonie streets; thence east along the north side of Colonie street to a point five hundred and eighty-six feet east of the east side of Lark street; then north parallel with Knox street one hundred and twenty-five feet to the north side of lots lying and being on the north side of Colonie street; thence east and parallel with Colonie street about eight hundred and forty-one feet to the east side of Swan street; thence north and along east side of Swan street and said Swan street line produced to north side of Dudley avenue about nine hundred and forty-five feet; thence east and along the north side\* of Dudley avenue to

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\*So in the original.

the line of New York Central railroad lands about seven hundred and fifteen feet; thence north and west along lands of the New York Central railroad to a point where the east line of Knox street prolonged meets said railroad line; thence south along said prolongation of Knox street line and along the east line of Knox street to place of beginning. And whenever the said board shall proceed to acquire title to the same such proceedings shall be taken and conducted according to and in pursuance of the provisions of title seventeen of chapter two hundred and ninety-eight of the Laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany," and of the several acts amendatory thereof; but the proceedings for condemnation and the acquisition of title to said lands shall be conducted as a whole, and all the property to be taken shall be valued in one proceeding, and no valuation shall be finally arrived at, agreed upon or reported by the commissioners appointed to make such appraisal, until the several appraisals for all the lands above directed to be taken shall be completed.

§ 2. The absolute fee of said real estate so purchased or acquired under and by virtue of this act shall be vested in such commissioners and their successors, in trust, for the purpose of a public park, and said park shall be known as Dudley Park.

§ 3. After said lands shall have been acquired as aforesaid and for the purposes of paying the price of purchasing and acquiring said real estate, and the costs and expenses of the proceedings to acquire the same, which shall not exceed in the aggregate the sum of one hundred thousand dollars, it shall be the duty of the Board of Finance of the city of Albany to borrow on the faith and credit of the city of Albany such sums as shall be required to pay the expenditures authorized under this act, and to issue registered bonds of said city therefor, which bonds shall be signed by the said Mayor and Chamberlain, and shall be made payable, both principal and interest, at the office of the Chamberlain in the city of Albany, the principal thereof in forty annual payments, following the first issue thereof, as nearly equal in amount as possible; they shall bear interest at a rate to be fixed by the Board of Finance of the said city, not to exceed, however, five per centum per annum, payable semi-annually, and as fast as the money shall be required by said commissioners, they shall be negotiated by said Board of Finance, as hereinafter provided, and the money received therefrom shall be deposited with the

Chamberlain of said city, who shall keep a separate account thereof, and shall pay therefrom, upon the order of said board, their successors or successor, such sum as shall be required for the expenditures authorized by this act. The negotiation of such bonds shall be by selling the same, by the said Chamberlain, to the highest bidder, at public auction, at not less than par, giving at least ten days' previous notice of the time and place of sale, by publication in the city papers designated for the publication of the city proceedings. When such lands shall have been acquired as aforesaid, the Chamberlain of the city of Albany is hereby authorized to make advances for the necessary expenditures by the said commissioners, upon their order or draft, from any funds in his possession, prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of subsequent sale of any of said city bonds. It shall be the duty of the Common Council of said city to cause to be raised yearly, by taxation, upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon said bonds, when and as the same shall become due and payable, and, from time to time, in like manner, to raise the money necessary to pay the principal of said bonds as they shall fall due. Any balance remaining in the hands of the said commissioners out of said fund, after paying for said lands and the expense of acquiring the same, or so much thereof as shall be necessary, shall be used and expended by said commissioners in the completion and improvement of said park.

§ 4. This act shall take effect immediately.

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#### CHAPTER 781.

An Act to enable the city of Albany to raise money for the grading and improvement of Beaver Park.

Accepted by the city.

Became a law May 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. It shall be the duty of the Board of Finance of the city of Albany to borrow on the faith and credit of the said city of Albany the sum of eighty thousand dollars, and to issue

registered bonds of said city therefor, which bonds shall be signed by the said Mayor and Chamberlain, and shall be made payable both principal and interest at the office of the Chamberlain in the city of Albany, the principal thereof in twenty annual payments following the first issue thereof as nearly equal in amount as possible; they shall bear interest at the rate to be fixed by the Board of Finance of said city, not to exceed, however, five per centum per annum, payable semi-annually, and as fast as the money shall be required by the Board of Commissioners of Washington Park they shall be negotiated by said Board of Finance as hereafter provided, and the money received therefrom shall be deposited with the Chamberlain of said city, who shall keep a separate account thereof and shall pay therefrom, upon the order of said board, their successors or successor, such sums as shall be required for the expenditures authorized by this act. The negotiations of such bonds shall be by selling the same by the City Chamberlain to the highest bidder at public auction at not less than par, giving at least ten days' previous notice of the time and place of sale by publication in the city papers designated for the publication of the city proceedings. The Chamberlain of the city of Albany is hereby authorized to make advances for the necessary expenditures by the said commissioners, upon their order or draft, from any funds in his possession prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of subsequent sale of any of said city bonds. It shall be the duty of the Common Council of said city to cause to be raised yearly, by tax upon the taxable property in said city in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon said bonds, when and as the same shall become due and payable, and from time to time in like manner to raise the money necessary to pay the principal of said bonds as they shall fall due.

§ 2. The moneys realized from the selling of the bonds provided in section one of this act shall be used and expended by said commissioners in the grading, forming and improvement of Beaver Park, in the city of Albany.

§ 3. This act shall take effect immediately.

## CHAPTER 788.

An Act to enable the Board of Commissioners of the Washington Park of the city of Albany to grant an easement in or convey or lease a plot of ground sufficient and adequate in size from that portion of real estate of which the said board is now seized and possessed, known as "the alms-house farm," for the purpose and to be used for the erection thereon of the Bender Hygienic Laboratory.

Accepted by the city.

Became a law May 27, 1895, with the approval of the Governor. Passed by a two-thirds vote.

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

Section 1. The Board of Commissioners of the Washington Park of the city of Albany, are hereby authorized and empowered to grant an easement in or to convey or lease to Union University, or to other properly constituted persons or authorities, a plot of ground, not exceeding two hundred feet in width and five hundred feet in depth, of that portion of real estate of which the said Board of Commissioners of the Washington Park, of the city of Albany, is now seized and possessed, known as "the alms-house farm," which plot of ground shall be near the present site of the Dudley Observatory, and shall be accurately defined and described by metes and bounds in the conveyance, lease or grant thereof, and which grant, lease or conveyance thereof shall be made subject, however, to the condition that there shall be erected upon said land so granted, leased or conveyed, within three years after the execution and delivery of said grant, lease or conveyance, a building which shall be used, upon completion and thereafter, continue always to be used, as and for a chemical and bacteriological laboratory, which shall be known as the Bender Hygienic Laboratory, where there shall be conducted bacteriological investigations and other scientific research, under penalty of the forfeiture of said land to said city of Albany or the Board of Commissioners of the Washington Park of said city, upon failure in the fulfillment of said conditions. The Board of Commissioners of the Washington Park shall nevertheless have authority, subject to the approval of the trustees in control of said laboratory, to lay out and maintain said premises and

grounds as if the same were still a part of the lands in their possession, for park purposes. Upon the making and executing by the trustees in charge of the said laboratory with the Board of Commissioners of the Washington Park of the city of Albany of an agreement to comply with the conditions herein imposed, the said Board of Commissioners of the Washington Park of the city of Albany shall execute and deliver to Union University or to other properly constituted persons or authorities in charge of said laboratory, subject to the conditions and provisions mentioned, a deed, lease or grant, describing a plot of ground situate near the present site of the Dudley Observatory, and which shall be a portion of the real estate of which the said Board of Commissioners of the Washington Park are now seized and possessed, known as "the alms-house farm," the title of which is now vested in the said Board of Commissioners of the Washington Park of the city of Albany.

§ 2. This act shall take effect immediately.

## TITLE VIII.

RELATING TO THE CITY COURT AND THE  
SPECIAL SESSIONS.

Note.—No attempt has been made to make a full compilation of the laws relating to the City (formerly Justices) Court, the Special Sessions or the Police Court. Many of the old provisions are repealed, either expressly or by implication, and many general provisions of the Codes are now made applicable to these courts. Only the provisions of the Codes which specially relate to these courts are here inserted.

## THE CITY COURT.

(The following statutes relating to the Justices' Court of the city of Albany are omitted here, they having been in the main superseded by the later enactments, viz.: Chapter 47, Laws 1821; chapter 347, Laws 1844; chapter 70, Laws 1848, and chapter 184, Laws of 1856.)

## CODE OF CIVIL PROCEDURE.

**A court of record.**

§ 2. Each of the following courts of the State is a court of record:

\* \* \* \* \*

19. The Justices' Court of the city of Albany.

**Jurisdiction preserved.**

§ 4. Each of those courts shall continue to exercise the jurisdiction and powers now vested in it by law, according to the course and practice of the court, except as otherwise prescribed in this act.

**Jurisdiction in summary proceedings to recover land.**

§ 2234. Application for the removal of a person from real property, as prescribed in this title, may be made to the County Judge or Special County Judge of the county or a Justice of the Peace of the city or town or the Mayor or Recorder of the city wherein the real property, or a portion thereof, is situated. Application may also be made, if the property, or a portion thereof, be situated in the city of New York to a Justice of the Marine Court of that city or to the District Court of the district within which the property, or a portion thereof, is situated; or if the justice of such court be for any reason disqualified, to the District Court of an adjoining district; if in the city of Brooklyn, to a Police Justice of that city; if in the city of Albany, or the city of Troy, to a Justice of the Justices' Court of that city; if in the city of Yonkers, to the City Judge of that city; if in the cities of Rochester or Buffalo, to a Judge of the Municipal Court of that city. Where the property is situated in an incorporated village, the boundaries of which embrace portions of two or more towns, application may be made to a Justice of the Peace of either town, who keeps an office in the village.

(Amended 1881 and 1884.)

**Service of complaint with summons.—Proceedings thereupon.**

§ 3207. Section three thousand one hundred and twenty-six of this act applies to an action to recover upon or for breach of a contract, express or implied, brought in a District Court of the city of New York, in the Justices' Court of the city of Albany, or in the Justices' Court of the city of Troy.

**When plaintiff may serve complaint with summons.—Proceedings thereupon.**

§ 3126. In an action brought in a Justices' Court of the city of Brooklyn, to recover upon or for the breach of a contract, express or implied, the plaintiff may serve upon the defendant with the summons, and in like manner, a copy of a written complaint, verified in like manner as a verified pleading in the Supreme Court. In that case, unless the defendant, upon the return of the summons; or, if the cause has been adjourned by the clerk, as prescribed in subdivision fifth of section three thousand one hundred and twenty of this act, at the time to which it was adjourned; files a written answer, veri-



fied in like manner, denying one or more material allegations, or, generally, each allegation of the complaint, or setting forth new matter, constituting one or more defenses or counter-claims, the justice must render judgment in favor of the plaintiff, for the sum claimed in the complaint, with costs, without putting the plaintiff to any proof. The provisions of this section apply, where the action is against two or more defendants jointly indebted, and the summons and a copy of the complaint are served upon one or more, but not upon all of them; in which case, judgment may be taken, as prescribed in this section, against all the defendants, in like manner and with like effect, as a judgment taken as prescribed in section three thousand and twenty of this act.

**Id.; and proof of service.**

§ 3028. In an action brought in either of those courts, the summons, and, in a proper case, a copy of the complaint, may be served by any person not a party to the action; except that, where the action is brought in a District Court of the city of New York, a person, other than a constable or a marshal, serving the same, must be first empowered to do so, either by the justice, or by the attorney to the corporation, as now prescribed by law. Proof of service thereof, by such a person, must be made by his affidavit; which must state the particular place, time, and manner of service, and that the affiant knew the person so served, to be the person mentioned and described in the summons, as defendant therein.

**Action to be commenced by service of summons.**

§ 3209. An action, brought in either of those courts, at any time after this chapter takes effect, must be commenced by the voluntary appearance of, and joinder of issue by, the parties, or by the service of a summons.

**Order of arrest.—Warrant of attachment.—Requisition to replevy.**

§ 3210. Article third, fourth and fifth of title second of chapter nineteenth of this act apply to an action brought in either of those courts, except as otherwise prescribed in the next section. And except, also, that where the warrant of attachment, or requisition to replevy, is issued out of a District Court of the

city of New York, against a non-resident defendant, the said warrant, or requisition, must require the marshal to attach or replevy the property, on or before a day therein specified, which must be not less than two nor more than four days before the return day of the summons.

(Amended 1884.)

**The last section qualified.**

§ 3211. The provisions of the last section are subject to the following qualifications:

1. Nothing contained in either of the articles, so made applicable, applies to an order of arrest, in an action brought in a District Court of the city of New York, or affects any provision of this title, relating to the jurisdiction of either of the courts specified in this title.

2. An order of arrest, in an action brought in the Justices' Court of Albany, or the Justices' Court of Troy, or a warrant of attachment, or a requisition to replevy, in either of those courts, or in a District Court of the city of New York, must be granted by, and directed to, and executed by, the officer empowered, by the statutes remaining in force after this chapter takes effect, to grant or execute, as the case requires, in the same court, a warrant to arrest, a warrant of attachment, or a requisition in an action to recover a chattel.

3. The manner of applying for, granting, and executing an order of arrest, a warrant of attachment, or a requisition to replevy, and the proceedings thereupon, and with respect thereto, as prescribed in the articles so made applicable, are subject to the statutes, remaining unrepealed after this chapter takes effect, specially applicable to those courts, or to either or any of them, prescribing the duties of the justices, or of the clerks thereof, or regulating the mode of transacting business in an action brought therein.

**Proceedings where title to real property is in question.**

§ 3212. Sections two thousand nine hundred and fifty-one to two thousand nine hundred and fifty-eight of this act, both inclusive, apply to an action brought in either of those courts.

**Appeals.**

§ 3213. An appeal from a judgment rendered in the Justices' Court of the city of Albany, or the Justices' Court of the city of

Troy, may be taken in a case where an appeal may be taken to a County Court from a judgment rendered by a Justice of the Peace as prescribed by title eight of that chapter, and in no other case. Such an appeal must be taken to the County Court of the county wherein the court is located.

(Amended 1883.)

#### **Effect of this act upon jurisdiction and proceedings.**

§ 3214. Except as otherwise specially prescribed in this title, this act, does not affect any statutory provision remaining unrepealed after this chapter takes effect, relating to the jurisdiction and powers of either of those courts; the appointment, qualification, tenure of office, powers, or duties of the justices, or of the clerk, or any other officer thereof; or the proceedings therein; except that a provision of this or any other statute whereby a proceeding in an action brought in either of those courts, or a special proceeding, brought therein, or before a justice thereof, is assimilated, either expressly, or by reference to another provision of law, to a proceeding, in an action or a special proceeding before a Justice of the Peace, is deemed to refer to the corresponding proceeding, as prescribed in chapter nineteenth of this act.

#### **Jurisdiction in civil actions.**

§ 3223. The Justices' Court of the city of Albany, and the Justices' Court of the city of Troy, have jurisdiction each within the city where the court is located, of an action, of which a Justice of the Peace has jurisdiction, as prescribed in sections one thousand seven hundred and thirty-seven, two thousand eight hundred and sixty-one, two thousand eight hundred and sixty-two and two thousand eight hundred and sixty-three of this act; and also of an action to recover a penalty, given by the charter, or a by-law or an ordinance of the Common Council of that city, where the plaintiff demands judgment for a sum, not exceeding two hundred dollars. Neither of those courts has jurisdiction of any other civil action; but this section does not affect the jurisdiction conferred, by the statutory provisions remaining in force after this chapter takes effect, upon either of those courts, in a special proceeding.

#### **Id.—Upon judgment by confession.**

§ 3224. The jurisdiction of each of those courts extends also to the taking and entry of a judgment, upon the confession of a

defendant, as prescribed in title sixth of chapter nineteenth of this act, where the sum confessed does not exceed five hundred dollars.

**Docketing judgments.—Execution thereupon.**

§ 3225. The provisions of sections three thousand and seventeen to three thousand and twenty-two of this act, both inclusive, apply to a judgment rendered in either of those courts, and to the proceedings subsequent thereto, and in the action wherein the judgment was rendered; except that the transcript, filed in the clerk's office of the county wherein the court is located, must be furnished by the clerk of the court, in which the judgment was rendered.

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CHAPTER 438 OF THE LAWS OF 1881.

An Act in relation to the Justices' Court of the city of Albany, abolishing the fees thereof, establishing the fees of attorneys therein, increasing the jurisdiction thereof, and having reference to the manner of procedure therein.

Passed May 31, 1881; three-fifths being present.

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

**Justices not to receive fees except in summary proceedings.**

Section 1. The Justices' Court of the city of Albany shall not, nor shall the justices of said court, take or be allowed any costs or fees for services rendered by said court, of said justices, or either of them, in any civil action, or in any proceedings for naturalization; but either of said justices shall be entitled to receive such fees in summary proceedings to recover the possession of real property as are now allowed by law to Justices of the Peace for like services.

**Allowances to prevailing party.**

§ 2. In all civil actions in which an issue of fact shall be tried in said court, there shall be allowed to the prevailing party and be included in the judgment by way of indemnity for his expenses, an attorney's fee, as follows: When the amount involved shall be one hundred dollars or more, ten dollars; when sixty dollars and less than one hundred, seven dollars; when

thirty dollars and less than sixty, five dollars; when ten dollars and less than thirty, two dollars and fifty cents; when less than ten dollars ten per centum upon the amount involved. When the plaintiff shall recover judgment, the amount of such judgment shall, for the purposes of this section, be deemed the amount involved; when judgment shall be rendered in favor of the defendant, the sum claimed in the complaint shall be deemed the amount involved. When the plaintiff shall recover judgment upon the failure of the defendant to answer, he shall recover one-half the attorney's fee to which he would be entitled upon the recovery of a judgment for the same amount after trial of an issue of fact.

#### **When eligible to the office of justice.**

§ 3. No person shall be eligible to the office of justice of the said court, unless he shall be a resident elector of the city of Albany, and unless he shall have been regularly admitted to practice as an attorney at law in the Supreme Court of this State, at least three years previous to his election.

#### **Jurisdiction.**

§ 4. The damages claimed, or the sum sought to be recovered in any action or civil proceeding of which said court now has cognizance, shall not exceed three hundred dollars, but may equal that amount, and the said court is hereby expressly given jurisdiction in all such actions to that extent. Such court is also hereby expressly given jurisdiction in an action to recover one or more chattels, with or without damages for the taking, withholding or detention thereof, when the value of the chattel, or of all the chattels, as stated in the affidavit made on the part of the plaintiff, does not exceed the sum of three hundred dollars; and also when, in a matter of account, the sum total of both parties, proved to the satisfaction of the court, does not exceed the sum of six hundred dollars.

#### **Opening of defaults.—Stay of proceedings.**

§ 5. Except as herein otherwise provided, the said court shall have the power to open defaults and set aside judgments rendered and entered therein, and executions issued thereon, upon such terms as may be just, in a case where the defendant shall fail to appear on the return day of the process, or on any

adjourned day, when it is shown that manifest injustice has been done, and the defendant satisfactorily excuses his default; but no greater terms shall be imposed than the payment of the costs and attorney's fee included in the judgment and the sum of three dollars for opposing the motion. The application, therefore, shall be founded upon affidavits, and shall be made within twenty days from the entry of such judgment. Upon presentation of such application the said court shall issue an order, returnable in not less than five nor more than eight days, requiring the plaintiff to show cause, if any, why the said judgment should not be set aside. A copy of said order and of the papers upon which the same is granted shall be served upon the plaintiff or his attorney, if one shall have appeared in the action, not less than three days prior to the return thereof. Pending such application and the determination thereof the said court may stay proceedings under any execution which shall have been issued. When a judgment shall be set aside the action shall proceed as though no judgment had been rendered. In such a case where an execution has been issued and a levy made thereunder, the same may, in the discretion of the court, be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover. The filing of a transcript of a judgment in the County Clerk's office shall not prevent said court from exercising the powers conferred by this section. If after such filing, any default shall be opened, a certified copy of the order shall be filed in said clerk's office, and shall affect the judgment and filing of the transcript thereof to the extent and in the manner provided in and by said order, and the County Clerk shall note the filing of such order in the margin of the entry of such judgment in the judgment book.

**Practice.**

§ 6. The Provisions of the Code of Civil Procedure relating to practice in Courts of Justices of the Peace shall govern the practice and proceedings in the said court, except as such provisions may be hereby, or may have been heretofore, modified by previous acts in relation to the Justices' Court of the city of Albany; and the fees of jurors, constables and witnesses in all actions and proceedings in said court shall be the same as provided by the said Code of Civil Procedure for Courts of Justices of the Peace.

**Testimony of witnesses may be taken conditionally.**

§ 7. Whenever any action pending in said court shall have been commenced by the actual service of process, or where the defendant shall have appeared in the action, either party may have the testimony of any witness who is about to leave the county of Albany, or any county adjoining the said county of Albany, and will probably continue absent when the testimony is required, taken conditionally, to be used on the trial of such action, to be taken in the manner provided for in an action pending in the Supreme Court.

**Upon trial by the court, when judgment to be rendered.**

§ 8. Upon the trial of all civil actions, if a jury trial be not demanded as by law required, the court must hear the evidence and decide all questions of law and fact, and render judgment accordingly, within eight days from the time the same is submitted to it for that purpose, except where the defendant is under arrest and has not given security for his appearance; in such cases the court shall render its judgment within twenty-four hours after the close of the trial. All issues of law shall be heard and decided by the court without a jury.

§ 9. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

§ 10. This act shall take effect immediately.

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**CHAPTER 122 OF THE LAWS OF 1884.**

An Act to change the name of the Justices' Court of the city of Albany to the "City Court of Albany," to prescribe the manner of the appointment of the clerk thereof, and of marshals and attendants upon said court, to increase the jurisdiction thereof, to abolish the office of constable in the city of Albany and to amend the charter of said city.

Passed April 10, 1884; three-fifths being present.

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

**Name changed.**

Section 1. The Justices' Court of the city of Albany shall, on and after the first Tuesday of May, eighteen hundred and eighty-

four, be known and designated as the "City Court of Albany," and the justices of said Justices' Court are continued in office for the balance of the term for which they have been elected; and shall on and after said first Tuesday of May, eighteen hundred and eighty-four, be known as the "Justices of the City Court of Albany," and the clerk of said court shall, in like manner, be known as the "Clerk of the City Court of Albany."

#### **Actions, etc., continued.**

§ 2. All actions and proceedings pending in said Justices' Court of the city of Albany on the fifth day of May, eighteen hundred and eighty-four, shall without any order to that effect be continued under the title of said court, as amended and changed by this act, and the seal of said court shall be made to conform thereto.

#### **Transcripts, etc., how to be certified.**

§ 3. All transcripts of judgments recovered, papers used or proceedings had in said Justices' Court in the city of Albany on and prior to said fifth day of May, eighteen hundred and eighty-four, shall be certified by said clerk of said City Court in the same manner as if this act had not been passed, but all subsequent proceedings in said court had upon said judgments shall be prosecuted under the title of the "City Court of Albany;" but the fact that the judgment was recovered in the said tribunal under the title of the Justices' Court of the city of Albany may be recited therein.

#### **Clerk.**

§ 4. The justice of said court, junior in time of service, shall be and act as clerk of the said court, unless the three justices thereof make and file a certificate under their hands designating and appointing one of the said justices, other than said junior justice, to be and act as said clerk, which certificate shall be recorded in the docket room of said court. The said junior justice or justice so designated as aforesaid shall be the clerk of said court and shall have and possess all the powers which the clerk of the said Justices' Court of the city of Albany now has and possesses by law.



**Mayor to appoint Marshals.—Term of office.—Official oath and bond.—Powers and duties.—Rules and regulations prescribing attendance, etc.—Fees.—No constables to be elected.**

§ 5. The Mayor of the city of Albany must, within five days after the passage of this act, and every year thereafter, or whenever vacancies occur in the office of marshal of the City Court of Albany, herein provided for, appoint as many persons as may be necessary, not exceeding six, who are residents and electors of the city of Albany, marshals of the City Court of Albany, who shall, in addition to their other duties, be and act as attendants upon the said court during its sessions. The said marshals so appointed as aforesaid shall possess all and singular the powers of constables now elected in the several towns of the State, and all and singular the powers, duties and privileges of the constables now elected in and for the city of Albany. The said marshals so appointed as aforesaid shall hold their offices for one year next succeeding their appointment, and until their successors shall be appointed and have qualified, unless sooner removed or suspended for cause as now provided by law for constables elected in and for towns and in and for the city of Albany, and constables acting as such in the Justices' Court of the city of Albany. Every person so appointed to the office of marshal shall, before he enters upon the duties of his office and within eight days after he shall be notified of his appointment, take and subscribe the oath of office provided by the constitution, and shall execute and file in the County Clerk's office of Albany county, with at least two sureties to be approved by the said court, a bond to the people of the State of New York in the penal sum of one thousand dollars conditioned for the faithful discharge of the duties of marshal of the City Court aforesaid, in which said bond the said marshal and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto all such sums of money as the said marshal shall become liable to pay on account of any execution which shall be delivered to him for collection, and shall also jointly and severally agree and become liable to pay each and every such person for any damages which he may sustain from or by any act or thing done by said marshal, by virtue of his office of marshal. All provisions of law relating to the powers and duties of constables elected in and for towns, and in and for the city of

Albany, shall be and are hereby made to apply to and include the said marshals of the City Court of Albany. The justices of said court, or a majority of them, shall have the power to make such rules and regulations, to be entered in full upon the docket of said court, prescribing the attendance and duties of said marshals as attendants upon the said court as they deem necessary and proper, and a violation of said rules and regulations by said marshals, or either of them, is hereby constituted a cause for suspension or removal from office as hereinbefore provided for. The fees of each marshal so appointed as aforesaid shall be and be paid the same as now provided by law for constables rendering similar services. The said marshals shall neither receive or be entitled to any salary, fee, reward or compensation for services rendered as court attendants. Hereafter no constable shall be elected in and for the city of Albany or the wards thereof.

#### **Jurisdiction.**

§ 6. The damages claimed, or the sum sought to be recovered in any action or civil proceeding of which said court now has cognizance, shall not exceed five hundred dollars, but may equal that amount, and the said court is hereby expressly given jurisdiction in all such actions to that extent. Such court is also hereby expressly given jurisdiction in any action to recover one or more chattels, with or without damages for the taking, withholding or detention thereof, when the value of the chattel, or of all the chattels, as stated in the affidavit made on the part of the plaintiff, does not exceed the sum of five hundred dollars, and also, when in a matter of account the sum total of both parties, proved to the satisfaction of the court, does not exceed the sum of one thousand dollars.

#### **Existing laws continued in force.**

§ 7. Except as hereinbefore provided all laws now in force relating to said Justices' Court of the city of Albany, the justices, clerk and constables thereof, shall continue in force and effect and shall apply to the said City Court of Albany.

#### **Inconsistent acts repealed.**

§ 8. All acts and parts of acts inconsistent with this act, and all provisions of the charter of the city of Albany in relation to the election of constables in said city inconsistent with this act, are hereby repealed.

§ 9. This act shall take effect immediately.

## THE SPECIAL SESSIONS.

(See, in addition to the laws here inserted, chapter 150, Laws 1849, and chapter 284, Laws 1872.)

## CODE OF CRIMINAL PROCEDURE.

## CHAPTER 3.

**Jurisdiction.**

§ 68. The Court of Special Sessions in the city of Albany has jurisdiction;

1. To try and determine all cases of petit larceny charged as a first offense, and all misdemeanors, not being infamous crimes, committed within the city;

2. To take recognizances to appear before the court at a succeeding term from persons charged with a crime or misdemeanor triable therein;

3. To impose or enforce sentence of fine or imprisonment, or both, in the discretion of the court, in all cases within its jurisdiction, upon conviction to the same extent as the Court of Sessions of the county of Albany could do in like cases;

4. To punish a contempt of court in the same manner and to the same extent as the Court of Oyer and Terminer of the county could do in like cases;

5. In cases where a jury trial is demanded by a defendant, to draw from the jury box containing the names of jurors who reside in the city of Albany, such number of names as the Recorder or County Judge may direct, and to require the Sheriff of the county to summon the persons, so drawn, to appear at the time designated for trial, to impanel a jury of twelve men, to require the attendance of additional jurors and to punish a juror or witness neglecting to appear in the same manner and to the same extent as the Court of Oyer and Terminer of the county could do in like cases;

6. On motion of the District Attorney, to issue a warrant, for the arrest of a person who neglects to appear agreeably to the requirements of a recognizance to appear thereat, commanding the officer executing the same to bring the party forthwith before the court, if in session, otherwise to commit him to the common jail of the county, there to remain until delivered by due course of law.

**Recognizances returnable, where.**

§ 69. Upon charges for offenses triable by this court, the police magistrate or any other magistrate in the city, hearing the same, shall, if offered, take recognizances in the cases provided by law returnable at the Court of Special Sessions; and all such recognizances as shall have been so taken shall be returned to and filed with the District Attorney of the county of Albany. If no such recognizance be offered, the magistrate or magistrates shall commit the defendant to the common jail of the county of Albany until he shall thence be delivered in due course of law, and the trial of such person shall be had before the Court of Special Sessions, except that where a Police Justice or other magistrate, in this city, has jurisdiction, the defendant may elect to be tried before such Police Justice or other magistrate.

**When person held to trial.**

§ 70. Whenever a person is brought before a Police Justice or other magistrate of the city, charged with any of the following crimes, viz.: Petit larceny charged as a first offense, offenses against the laws relating to excise and the regulation of taverns, inns and hotels, offenses being misdemeanors against the laws relating to gaming, assaults upon and interference with a public officer in the discharge of his duty, and it shall appear to the magistrate that the crime has been committed, and that there is sufficient cause to believe the defendant guilty thereof, the magistrate must order him to be held to answer the charge before the Court of Special Sessions.

**Officers to attend.**

§ 71. The Court of Special Sessions in the city of Albany, must be held by the Recorder of the city, with or without one or more of the Justices of the Peace to be associated with him. In case of the absence or inability of the Recorder to act, the County Judge of the county of Albany, must act in his place. If the Recorder and County Judge are both unable, by reason of absence or other cause, to hold the court, the clerk must adjourn the court, to the next following Tuesday, and continue such adjournments until the Recorder or County Judge attends. Not more than two officers shall be designated or appointed by the Sheriff or other authority to attend the Court of Special Sessions

of the city of Albany, unless the court shall by an order entered in its minutes, require the attendance of a greater number.

**Clerk.**

§ 72. The County Clerk of Albany county is Clerk of the Court of Special Sessions of the city of Albany, and must attend the same in person or by deputy.

**Court, when and where held.**

§ 73. The Court of Special Sessions of the city of Albany must be held at the City Hall in the city of Albany, on Tuesday of each week and may be held and continued for such length of time as it deems proper.

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CHAPTER 766.

An Act in relation to the City Court of Albany, and fixing the terms of the justices thereof.

Accepted by the city.

Became a law May 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. At the election in the city of Albany, to be held on the Tuesday succeeding the first Monday in November, eighteen hundred and ninety-five, and each second year thereafter, a justice of the City Court of Albany shall be elected in said city, as other city officers are elected, who shall hold office for the term of six years, from and after the first day of January next succeeding his election; except that the justice of said court to be elected at said election to succeed the justice of the said court elected in said city on the second Tuesday of May, eighteen hundred and ninety-two, shall be elected for the term of four years from and after the first day of January next succeeding his election, and at the expiration of said four-year term, his successor shall be elected for the term of six years.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

## TITLE IX.

RELATING TO WATER-WORKS AND WATER  
COMMISSIONERS.

## CHAPTER 235 OF THE LAWS OF 1850.

An Act to provide for a supply of water in the city of Albany.

Passed April 9, 1850; three-fifths being present.

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

**Water Commissioners appointed.**

Section 1. James Stevenson, Erastus Corning, John Townsend, John Taylor and Robert E. Temple, are hereby appointed Water Commissioners of the city of Albany, who shall respectively hold their offices until removed by the Common Council of the said city, as hereinafter provided; and in case of a vacancy in the office of any commissioner, by death, resignation or removal from the said city, the same shall be supplied by a vote of two-thirds of the members elected to the said Common Council, and the persons so appointed shall hold their places by the same tenure as the persons herein named; and vacancies among persons so appointed shall be supplied in the like manner. Before entering upon the duties of their appointment the persons herein named, or so appointed, shall take the oath of office prescribed by the Constitution of this State, before some judge of a court of record, or some member of the Common Council of the said city, and file the same in the office of the Clerk of the County of Albany.

**Duty and powers of commissioners.**

§ 2. It shall be the duty of the said commissioners to examine and consider all matters relative to supplying the city of Albany with a sufficient quantity of pure and wholesome water; and for

that purpose they shall have power to employ engineers, surveyors and such other persons as may be necessary for said purpose.

**Plans to be adopted and expenses estimated.**

§ 3. The said commissioners shall adopt such plans as in their opinion may be most feasible for procuring such supply of water, and which shall embrace proper distribution pipes and supply for all streets now paved in said city; and shall ascertain the probable amount of money necessary to carry the same into effect, and for that purpose they shall have power to make conditional contracts, to become valid when ratified by the Common Council of said city with the owner or owners, whether individuals or corporations, of all lands, tenements, hereditaments, rights or privileges whatsoever, which may be required for the purpose, and the like conditional contracts for the execution of the work, or any part thereof, or the supply of any necessary material.

**Plans and expenses to be reported to Common Council.**

§ 4. The said commissioners shall make a report to said Common Council, containing a description of the plan adopted by them, their estimate of the expense thereof, the probable amount of revenue when completed, with their reason and calculations for their said estimates and opinions, and also the conditional contracts made by them under this act.

**Loan of \$600,000 authorized.**

§ 5. It shall then be the duty of the Common Council, and they are hereby authorized to raise by loan from time to time, a sum not exceeding in the whole six hundred thousand dollars, by the creation of a public fund or stock, to be called "the water stock of the city of Albany," which shall bear an interest not exceeding six per cent per annum, and be payable at some time within twenty years from the time of issuing any such stock; and it shall be the duty of the said Common Council, when sufficient means, in their opinion, can be provided, as they may be needed, to direct the prosecution of the said work. "A portion of the said water stock, not exceeding one-half thereof, may be made payable at such times, not exceeding thirty years from the time of issuing the same, as the said Common Council shall direct."

(As amended by chapter 102, Laws of 1851.)

Section 2. If it shall be found necessary to incur expenses not now contemplated in the execution of said act, the amount of said water stock may be increased, by the common council of the city of Albany, not more than fifty thousand dollars.)

**Money, how applied.**

§ 6. The moneys to be raised by virtue of this act shall be applied and expended to and for the purpose of supplying the city of Albany with pure and wholesome water, according to the plan so adopted and ratified as aforesaid, with such alterations as may be made by the said commissioners, and ratified by the said Common Council, and for no other purpose whatsoever.

**Survey and purchase of land.**

§ 7. The said commissioners are hereby authorized to enter in and upon any land or water for the purpose of making surveys and to agree with the owner of the property, real or personal, which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner.

**Proceedings in case of disagreement as to value of land taken.**

§ 8. In case of disagreement between the commissioners and the owner of any property which may be required for said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or married woman or insane or absent from this State, or unknown, or the owner of a contingent or uncertain interest, the Supreme Court, at any General Term in the Third District, shall, upon the application of either party, after ten days' personal notice, or where such notice cannot be served within the State, after three weeks' notice of such application, published in all the daily newspapers of the city of Albany, nominate and appoint three disinterested persons to examine such property, who, being duly sworn faithfully and impartially to discharge their duties, shall estimate and report to said court the several sums which will be a just compensation to such owners respectively for the appropriation to the purposes of this act of any property which may be so required, or for the temporary use of any property.

**Damages, how paid.**

§ 9. Whenever such report shall have been confirmed by said Supreme Court the said commissioners may deposit or invest, as said court may direct, or pay to said owner, or to such person or persons as the court may direct, the sum mentioned in said



report, in full compensation for the property so required, and thereupon the said Mayor, Aldermen and Commonalty of the city of Albany shall become seized in fee of the property so acquired, and shall be discharged from all claim by reason of any such appropriation or use.

**Penalty for injuring water-works.**

§ 10. If any person shall willfully do or cause to be done any act whereby any work, materials or property whatsoever, erected or used within the city of Albany or elsewhere by the said Common Council or by the said commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, such person, on conviction thereof, shall be deemed guilty of a misdemeanor and punished accordingly.

**Contracts, how made.**

§ 11. All contracts for materials or for the construction of the work shall be made in writing, and of each contract there shall be three originals executed by the parties, which shall be numbered with the same number and indorsed with the date of the contract, the name of the contractor, and a summary of the work to be done or materials furnished, one of which copies shall be given to the contractor, one to the Chamberlain of said city, and one retained by the said commissioners.

**Public notice of proposals.**

§ 12. Public notice shall be given in one or more newspapers, as the said commissioners shall direct, of the time and places at which sealed proposals will be received for entering into contracts; and all sealed proposals for contracts shall be for a sum certain as to the price to be paid or received, and no proposition which is not thus definite and certain shall be received or acted on, and no more than one proposition shall be made by or received from any one person for the same contract, and no proposal or contract shall be assigned without the consent of the commissioners and the Common Council.

**Security to be given by contractors.**

§ 13. Every person who shall enter into any contract for the supply of materials or the performance of any work shall give

satisfactory security to the said commissioners for the faithful performance of his contract according to its terms.

**Duty of commissioners.**

§ 14. It shall be the duty of the said commissioners to superintend the construction of the work, keep a record of their proceedings in a suitable book, keep a registry containing the names of all persons furnished with water, and they shall have and exercise a general supervisory and controlling power in all matters relating to the preservation and continuance of the work authorized by this act, and shall make a report to the Common Council of their proceedings generally, and of the state of the matters in their charge, whenever required by the Common Council so to do.

**Disbursements of money, how made.**

§ 15. The Common Council shall authorize the commissioners to draw upon the Chamberlain of the city for any sum in favor of and to be paid to the owner of any land, waters, streams or property acquired by virtue of this act, and in favor of or to be paid to any contractor for any sum due upon his contract. Such drafts shall specify the objects for which they are drawn, as near as may be, and the Common Council shall make it the duty of the Chamberlain to pay such drafts, in every case where a deed or other voucher is delivered to him, or a contract has been filed with him, and a duplicate receipt of the contractor for such draft shall be presented therewith.

**Commissioners to report semi-annually.**

§ 16. The said commissioners shall semi-annually, or at any time, if required by the Common Council, report to the Common Council a general exhibition of the state of the work, including a full detail of the amount expended in the progress of the work, and all such matters in relation to their acts in the premises as the said Common Council shall require; and the said commissioners, in case of misconduct, may be removed by a vote of two-thirds of all the members of the said Common Council.

**Streets may be used.**

§ 17. The said commissioners, in behalf of the said Mayor, Aldermen and Commonalty, and all persons acting under their

authority, shall have the right to use the ground or soil under any street, highway or road within the county of Albany, for the purpose of introducing water into and through any portion of the city of Albany, on condition that they shall cause the surface of said street, highway or road to be relaid and restored to its usual state, and all damages done thereto to be repaired.

**Commissioners to receive no pay.**

§ 18. The said commissioners shall not be entitled to receive any compensation for their services; but such incidental expenses as they may incur in the discharge of their duties, which the Common Council shall deem reasonable and necessary shall be paid to them.

**Line of pipes, when extended.—By-laws and regulations.**

§ 19. After the completion of said works according to said plan, and when required by the Common Council so to do, it shall be the further duty of the said commissioners to cause the line of pipes for the said water-works to be extended through any of the public streets, lanes or alleys in said city, and superintend the laying down of the same, and to keep a correct account of the expenses therefor, and return the same to the Common Council, as soon as the extended work shall have been completed, the expense of all which shall be paid by the Chamberlain on the order of the said commissioners, out of the money collected from the water rates; and the said commissioners shall make such by-laws or regulation for the preservation, protection and management of the said water-works, and the use and control of the water, as may be deemed advisable, and which when ratified or approved by the Common Council, shall have the same force and effect as any law or ordinance by them enacted, and the same shall not be altered or amended by the said commissioners without the approval of the said Common Council.

**Receipts for water rents, how applied.—Sinking fund.—Issue of water stock to meet deficiency in sinking fund.—Rate of interest and when payable.**

§ 20. The entire annual receipts for water rates, after deducting therefrom such sums as may be necessary to defray the ordinary expenses of repair of said water-works, and of extending the same, and salaries of officers and agents, shall be applied

toward the payment of the interest on the loan or loans heretofore or hereafter made for said works, and also to the appropriation of five thousand dollars per annum, with such additions thereto, in each year, as the said commissioners may determine and certify to the Chamberlain of the city, to a sinking fund for the payment of the principal of the said loan or loans, as it shall from time to time become due and payable, which sinking fund shall be controlled and managed by the board of trustees having charge of the sinking fund for the payment of the present debt of the city of Albany, and in the same manner as provided by "An act authorizing the city of Albany to raise money by tax, and regulating the expenditure thereof, and for other purposes," passed March twenty-seventh, eighteen hundred and forty-eight. And in case said sinking fund shall prove inadequate in any year to pay the principal of the said loan or loans maturing during that year, the Common Council of said city may, in its discretion, authorize the issue of "the water stock of the city of Albany," to an amount corresponding with the deficiency existing; the stock so issued to bear interest not exceeding seven per cent per annum, payable semi-annually, and the principal to be reimbursable at such periods of time, not exceeding twenty years, as the said Common Council shall fix and determine.

(As amended by chapter 21, Laws of 1871.)

#### **Deficiencies.**

§ 21. In case the entire annual receipts for water rates, after deducting therefrom such sum or sums as may be necessary to defray the ordinary expenses and repairs of the said works, and of extending the same, shall not be sufficient in any one or more years to pay the interest on the said loan or loans, and also the annual appropriation for the sinking fund, as above provided for, it shall be and is hereby made the duty of the Board of Supervisors of the county of Albany, and they are hereby authorized to cause to be levied and collected from and against all the taxable property within the lamp and watch districts, at the same time and in the same manner as other contingent expenses of said city are assessed, levied and collected, such sum or sums of money as may be certified by the said Common Council to be necessary to make good such deficiencies, and the same shall be applied to the payment of such interest and appropriation to the sinking fund.

§ 22. [Amended by chapter 21, Laws of 1887, and repealed by chapter 304, Laws of 1892.]

#### Scale of rents.

§ 23. The said commissioners, with the assent of the Common Council, shall establish a scale of annual rents to be charged and paid annually for the supply of water, or for benefits resulting therefrom, to be called "water rents," and apportioned to vacant lots and the different classes of buildings in said city, in reference to their dimensions, ordinary uses for dwellings, stores, shops, private stables and other common purposes, as near as may be practicable, and from time to time alter, modify, amend and increase or diminish such rents in said scale, and extend it to other descriptions of buildings, establishments or uses; but the rents shall be so fixed and kept as to produce a sum sufficient to pay the expenses of repairs, for extending the works, salaries, annual appropriation to the sinking fund, and five per cent on the then existing water debt, to meet, in part, the interest thereon.

(As amended by chapter 253, Laws of 1854.)

#### Collection of rents.

§ 24. Such regular water rents shall be collected from the owners or occupants of all such buildings, respectively, which shall be situated upon lots adjoining any street or avenue in said city in which the distributing pipes are now or may hereafter be laid, and from which they can be supplied with water; and also from the owners of vacant lots, situated in like manner, for benefits resulting by the introduction or increase of the supply of water in said city; and said regular rents shall be, like State and county taxes, a lien and charge upon such buildings and lots as is herein provided.

(As amended by chapter 253, Laws of 1854.)

#### Special rates.

§ 25. Hotels, factories, stables and other buildings, establishments and trades which consume water beyond the quantity required for ordinary uses or common purposes, as specified in the foregoing twenty-third section, shall pay therefor annually, in advance, to the Chamberlain of the city, as special rates, in addition to the rents established by the scale aforesaid, such sum

as the commissioners shall direct, before any permit to use such extra quantity of water shall be given.

(As amended by chapter 253, Laws of 1854.)

§ 26. The Water Commissioners of the city of Albany shall, on or before the first day of November in each year, make out an assessment-roll for each ward of the said city, in which they shall set down, in three separate columns, according to the best information in their power:

1. In the first column the name of the owner or occupant of any building or vacant lot chargeable with water rent under the provisions of this act.

2. In the second column the number of the building, if it have any, or its location, and the location of any vacant lot to be assessed for such water rents.

3. In the third column the amount of the water rent assessed upon such building or lot.

1.\* When the apportionment and assessment shall have been made, as above stated, the said Water Commissioners shall cause a notice to the effect that the assessment-rolls for water taxes have been completed and are open for inspection and examination by any person interested, to be published at least twice in one of the official papers of the city of Albany. During the time of such publication and until and including the twentieth day of November, when the same is not a public holiday, the said rolls shall be open for inspection and examination at the Water Commissioners' office; and on the application in writing of any person considering himself aggrieved, which application shall be signed by such person and contain his post-office address or place of residence, said Board of Water Commissioners shall cause notice to be given to the person or persons so objecting, that they will be granted a hearing in the matter at a meeting to be held for that purpose, such meeting shall be held on a day to be designated in said notice, not later than the thirtieth day of November. The notice of such hearing shall be served on the person or persons objecting, by mailing the same to such person or persons addressed to him or them at the post-office address designated in his or their application with the full postage thereon prepaid, or by leaving said notice at the place of residence designated by the objector in his application. After such

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\*So in the original.

hearing and consideration of the objections presented, the board may review and correct such assessment-rolls or any or either of them. After such review and corrections, if any, and on or before the fifth day of December, the said Water Commissioners shall deliver the said assessment-rolls to the Receiver of Taxes of the said city, with their warrant, under the hands and seals of a majority of them annexed thereto commanding him to collect from the several persons named in the said assessment-rolls, the several sums mentioned in the last column of such rolls opposite their respective names, and pay over the same to the Chamberlain of the said city. The said water rents, so charged, shall be collected in the same manner as is or may be prescribed by law for the collection of taxes, for city purposes of the city of Albany; the like notice shall be given by the Receiver of Taxes of the said city, and also the like rebate for prompt payment shall be made, and in all respects, the like proceedings shall be had by the said Receiver of Taxes and the County Treasurer of the county of Albany, as is or may be provided by law for the collection of city taxes in the said city. The assessment aforesaid shall be a lien upon the lot and building, or vacant lot upon or against which the same is charged, and the same may be sold separately or in conjunction with the sale of the same for the non-payment of taxes upon the same, and the deed given upon such sale or upon any sale for or including an assessment for water rates shall be prima facie evidence of the regularity and legality of all proceedings prior to the execution of such deed. In addition to the remedies herein provided for the collection of water rents the said Board of Water Commissioners may shut off the supply of water to or for any lot or building whose owner neglects or refuses to pay the water rent assessed upon or against it, until the same is paid.

(As amended by chapter 253, Laws of 1854, and by chapter 396, Laws of 1888.)

#### **Rights of Albany Water-works Company.**

§ 27. Before the Water Commissioners of the city of Albany shall lay down any pipes for the supply and distribution of water in any part or section of a street in said city, where the trustees and company of the Albany Water-works have laid their pipes for supplying and distributing water, they shall purchase by agreement, or acquire by appraisal, as herein provided, of said

Water-works Company, all their property, interests and rights, under their charter, at a price not to exceed the par value of the stock of said company; which agreement, when ratified and confirmed by the Common Council of said city, shall be final and conclusive; and the said trustees and company of the said Albany Water-works shall thereupon be authorized to convey to the corporation of the city of Albany all their property, rights and interests so agreed to be purchased. In case of disagreement between the commissioners and the said company as to the amount of compensation to be paid for such property, rights and interests, the same proceedings shall and may be had to ascertain the amount of such compensation, not exceeding par value, as aforesaid, as are herein provided in respect to land or water required for the purposes of this act, with the like effect; and until such agreement be made, or such compensation be ascertained and paid, or secured to be paid, to the satisfaction of the said company, no water pipes shall be laid down by said commissioners in any part or section of a street where said Albany Water-works Company have laid pipes for supplying and distributing water; but nothing in this act contained shall be so construed as to prevent the commissioners from crossing any street in the said city with their works, under the authority conferred on them by this act. The corporation of the city of Albany, upon acquiring such property, rights and interests, as aforesaid, shall possess the same power to charge and receive a compensation for the use of the water which is now possessed by the Albany Water-works Company until the completion of the works contemplated by this act. The preceding provisions of this section shall be inoperative unless the Albany Water-works Company shall, within sixty days after the passage of this act, serve upon the Clerk of the Common Council of the city of Albany, a notice in writing, that they accept and agree to the provisions contained in this act.

#### **Supply pipes.**

§ 28. The connecting or supply pipes leading from the dwellings to the distribution pipes, shall be inserted and kept in repair at the expense of the owners or occupants of the buildings, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the Superintendent or Chamberlain, or other person having charge thereof; and all



such connecting or supply pipes and fixtures shall be constructed under and according to the direction of the Superintendent or his agent.

#### Rules and regulations.

§ 29. The rules and regulations for the use of the water shall be printed on each permit and distributed to each house or building supplied with water, and shall be notice to the owners and occupants, and shall authorize the recovery, by process of law, in the name of the Mayor, or the Superintendent, of any penalty established by said commissioners for any violation of said rules and the observance of said rules may also be enforced by cutting off the use and supply of water.

§ 30. This act shall take effect immediately.

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#### CHAPTER 212 OF THE LAWS OF 1851.

An Act to preserve the purity of certain streams used to supply the city of Albany with water.

Passed April 8, 1851.

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

#### Penalties.

Section 1. Any person who shall throw, deposit, place or cast, or cause to be placed, thrown, cast or deposited into or in the Patroon's creek, Gates' creek, Sand creek, or any other stream used to supply the city of Albany with water, or in or into any of their sources, tributaries or branches, or into any reservoir, conduit, aqueduct or pipe, constructed or used for the purpose of supplying the said city with water, any dead animal, ordure, or deleterious, offensive, filthy or impure matter, liquid or thing, or who shall place, locate or deposit any dead animal, ordure, or deleterious, offensive, filthy or impure matter, liquid or thing, near to any of the said streams, their sources, tributaries, or branches, or to any such reservoir, conduit, aqueduct or pipe, so that the same, or any part thereof, may be washed or carried by rain, flood or otherwise, into any such stream, reservoir, conduit, aqueduct or pipe, shall be liable to prosecution for a misdemeanor, and on conviction shall be punished by fine and imprisonment, or both, as the nature of the case may require; but such

fine shall not exceed fifty dollars, nor such imprisonment six months.

**Jurisdiction of offenses.**

§ 2. The Court of Special Sessions, in the city of Albany, established by chapter one hundred and fifty of the Laws of one thousand eight hundred and forty-nine, shall have jurisdiction of the offenses declared in this act, and shall proceed in the trial thereof as prescribed by the said chapter one hundred and fifty, which chapter shall apply in all respects to the proceedings against the persons complained of for violations of this act.

**Nuisances to be abated.**

§ 3. Any slaughter-house, distillery, or manufactory of any description, and any privy or stable which shall be erected or maintained, so near any of the streams mentioned in the first section of this act, or any reservoir, conduit, aqueduct or pipe used as mentioned in the said first section as to expose any filthy, deleterious, or impure matter, liquid or thing to be carried, washed, or in any way conveyed into any such stream, its source, tributaries or branches, or into any such aqueduct, reservoir, conduit or pipe, shall be deemed a nuisance, and the owners and occupants thereof shall be liable to prosecution, conviction and punishment, as for creating or maintaining a nuisance; and every such slaughter-house, distillery, manufactory, privy or stable may be abated by the Common Council of the city of Albany, or their lawful agents and officers, in the same manner as private nuisances may be abated by individuals.

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CHAPTER 28 OF THE LAWS OF 1852.

An Act to amend an act entitled "An Act to provide for a supply of water in the city of Albany, and to make a loan therefor," passed April ninth, eighteen hundred and fifty.

Passed February 19, 1852; three-fifths being present.

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

**Money may be raised by loan.—Interest.—When paid.**

Section 1. It shall be lawful for the Common Council of the city of Albany, by a vote of two-thirds of their number, to raise

by loan, from time to time, as the same may be required, the sum of one hundred and fifty thousand dollars, by increasing "the water stock of the city of Albany," which the said Common Council were authorized to create by the fifth section of the act hereby amended. The said increase of stock shall bear an interest not exceeding six per cent per annum, and the principal be payable at such time as the said Common Council shall determine, not exceeding thirty years from the time of issuing said stock.

**Application of money.**

§ 2. The moneys authorized to be raised by virtue of this act shall be applied by the Water Commissioners of the city of Albany, in the manner now provided by law, to the payment of work and labor already performed, and materials furnished for the water-works of said city, and also to the extension or improvement of the said works, whenever such extension or improvement shall be required, by a vote of two-thirds of the members elected to the Common Council of said city, and the like two-third vote shall be necessary to authorize or require the extension of the said works, as specified in section nineteen of the act hereby amended.

§ 3. This act shall take effect immediately.

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CHAPTER 5 OF THE LAWS OF 1857.

An Act to amend an act entitled "An act to provide for a supply of water in the city of Albany, and to make a loan therefor," passed April 9, 1850.

Passed January 28, 1857; three-fifths being present.

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

**Common Council to raise money by loan.—Rate of interest.**

Section 1. It shall be lawful for the Common Council of the city of Albany, by a vote of two-thirds of their number, to raise, by loan, from time to time, as the same may be required, the sum of fifty thousand dollars, by increasing "the water stock of the city of Albany," which the said Common Council were authorized to create by the fifth section of the act hereby amended. The said increase of stock shall bear an interest not exceeding six

per cent per annum, and the principal be payable at such time as the said Common Council shall determine, not exceeding thirty years from the time of issuing said stock.

**Moneys, how to be applied.**

§ 2. The moneys authorized to be raised by virtue of this act shall be applied by the Water Commissioners of the city of Albany to the extension or improvement of the water-works of said city whenever such extension or improvement shall be required by the Common Council of said city in the manner now provided by law.

§ 3. This act shall take effect immediately.

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CHAPTER 258 OF THE LAWS OF 1857.

An Act authorizing the city of Albany to supply a portion of the town of Watervliet with water.

Passed April 6, 1857; three-fifths being present.

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

**Extension of water pipes.**

Section 1. The Common Council of the city of Albany, on the application of the owner or occupant of property lying in any portion of the town of Watervliet, within two miles of the northern boundary line of said city, may, from time to time, by a two-thirds vote of all the members elected to said Common Council, empower the Water Commissioners of said city to extend and supply with water, for fire or other uses, the line of pipes now supplying the city with water, into that portion of the town of Watervliet herein described.

**Water rents.**

§ 2. On the completion of any portion of the work authorized by the first section of this act, and on the water being furnished, as aforesaid, the said commissioners, with the assent of the Common Council, shall establish a scale of water rents to be charged and paid annually for the supply of water, or for benefits resulting therefrom, by the owners or occupants of houses, buildings or lots in said town furnished with the same, or in front of which the pipes have been laid, and such rents shall be like State and

county taxes, a lien and charge upon such houses, buildings and lots, respectively.

**By-laws and regulations.**

§ 3. All the provisions of the act entitled "An act to provide for the supply of water in the city of Albany," passed April ninth, eighteen hundred and fifty, and the several acts amendatory thereof, except as herein modified, and by-laws or regulations now or hereafter duly enacted for the preservation, protection and management of all the water-works of the city of Albany, and also the levying and collection of the water rents by the commissioners, Receiver of Taxes, and County Treasurer, shall extend to and be applicable to that portion of the town of Watervliet furnished with water as herein provided, in the same manner and with the like effect as though the same constituted one of the wards of said city.

§ 4. This act shall take effect immediately.

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CHAPTER 197 OF THE LAWS OF 1859.

An Act to amend an act entitled "An Act to provide for a supply of water in the city of Albany," passed April 9, 1850, and also to amend the acts amendatory of said act.

Passed April 8, 1859; three-fifths being present.

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

Section 1. All the provisions of laws now in force in regard to the redemption of lands sold for taxes, the parties entitled to make such redemption, and the time and manner in which such redemption may be made, shall apply to all buildings and real estate in the city of Albany, or the town of Watervliet, which may at any time be sold, in the manner now prescribed by law for the non-payment of water rents assessed or charged, or that may hereafter be assessed or charged upon the same, by virtue of either of the acts hereby amended.

§ 2. This act shall take effect immediately.

## CHAPTER 43 OF THE LAWS OF 1868.

An Act to provide for an additional supply of water in the city of Albany.

Passed March 20, 1868; three-fifths being present.

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

**Duty of Water Commissioners.**

Section 1. It shall be the duty of the Water Commissioners of the city of Albany, on the requisition of the Common Council of said city, in the form and manner now required by law for the improvement and extension of the water-works of said city, to examine and consider all matters relative to procuring an additional supply of pure and wholesome water; and for that purpose they shall have power to employ engineers, surveyors and such other persons as may be necessary.

**Conditional contracts.**

§ 2. The said commissioners shall adopt such plans as in their opinion may be most feasible for procuring such additional supply of water, and shall ascertain the probable amount of money necessary to carry the same into effect, and for that purpose they shall have power to make conditional contracts, to become valid when ratified by the Common Council of said city, with the owner or owners, whether individuals or corporations, of all lands, tenements, hereditaments, rights or privileges whatsoever, which may be required for the purpose, and they may make the like conditional contracts for the execution of the work or any part thereof, or the supply of any necessary material.

**Report upon plan and estimate of expense.**

§ 3. The commissioners shall make a report to the Common Council, containing a description of the plan adopted by them, their estimate of the expense thereof, with their reasons and calculations for their said estimate, and also the conditional contracts made by them under this act.

§ 4. [Repealed by chapter 304, Laws of 1892, § 8.]

**Moneys, how to be expended.**

§ 5. The moneys to be raised by virtue of this act shall be applied and expended for the purpose of procuring an additional

supply of water for the city of Albany, according to the plan ratified and adopted, as aforesaid, with such alterations as may be made by the said commissioners, with the approval of the Common Council, and for no other purpose whatsoever.

**Commissioners may agree with owners of land.**

§ 6. The said commissioners are hereby authorized to enter in and upon any land or water for the purpose of making surveys, and to agree with the owner of the property, real or personal, which may be required for the purpose of this act, as to the amount of compensation to be paid to such owner.

**How to acquire lands.—Three Commissioners of Estimate to be appointed.**

§ 7. In case of disagreement between the commissioners and the owner of any property which may be required for said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or married woman, or insane, or absent from this State, or unknown, or the owner of a contingent or uncertain interest, the Supreme Court, at any General Term in the Third District, shall, upon the application of either party, after ten days' personal notice, or where such notice cannot be served within the State, after three weeks' notice of such application, published in two of the daily newspapers of the city of Albany, nominate and appoint three disinterested persons to examine such property, who, being duly sworn faithfully and impartially to discharge their duties, shall estimate and report, to the said court, the several sums which will be a just compensation to such owners, respectively, for the appropriation to the purposes of this act, of any property which may be so required, or for the temporary use of any property.

**Confirmation of report.—Owners of lands may appeal.—Second report.**

§ 8. Whenever such report shall have been confirmed by said Supreme Court, the said commissioners may deposit or invest, as said court may direct, or pay to said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required; and

thereupon the Mayor, Aldermen and Commonalty of the city of Albany shall become seized, in fee, of the property so acquired, and shall be discharged from all claim by reason of any such appropriation or use.

Within twenty days after the confirmation of the report of the three persons appointed, as aforesaid, either party may appeal, by notice in writing to the other, to the Supreme Court in the Third District, at any General Term, from said report. On the hearing of such appeal the court may, in its discretion, direct a second estimate and report to be made by the same persons, or it may appoint, for that purpose, three other disinterested persons. If the amount of compensation to be made by the commissioners is increased by the second estimate and report, the difference shall be paid by the commissioners to the person or persons entitled to the same, when directed as aforesaid; and if the amount is diminished, the difference shall be refunded to the Mayor, Aldermen and Commonalty of the city of Albany, by the person or persons to whom the same has been paid, and judgment therefor may be rendered by the court, on the filing of the second estimate and report, against the person or persons liable to pay the same. Such appeal shall not affect the possession by the Mayor, Aldermen and Commonalty of the city of Albany of the property acquired as aforesaid; nor shall it suspend or delay the prosecution of the work authorized by this act.

#### **Willful injury to work, how punished.**

§ 9. If any person shall willfully do or cause to be done any act whereby any work, materials or property whatsoever erected or used by the said Common Council, or by the said commissioners, or by any person acting under their authority, for the purpose of procuring and keeping an additional supply of water, shall, in any manner, be injured, such person, on conviction thereof, shall be deemed guilty of a misdemeanor and punished accordingly.

#### **Contracts, how executed.**

§ 10. All contracts for materials or for the construction of the work shall be made in writing and executed by the parties in triplicate; one copy shall be given to the contractor, one to the Chamberlain of said city and one retained by the commissioners.



**Notice of receiving proposals to be given.**

§ 11. Public notice shall be given in one or more newspapers, as the said commissioners shall direct, of the time and place at which sealed proposals will be received for entering into contracts; and all sealed proposals for contracts shall be for a sum certain as to the price to be paid or received, and no proposition which is not thus definite and certain shall be received or acted on, and no more than one proposition shall be made by or received from any one person for the same contract, and no proposal or contract shall be assigned without the consent of the commissioners of the Common Council.

**Security to be given.**

§ 12. Every person who shall enter into any contract for the supply of materials or the performance of any work, shall give satisfactory security to the said commissioners for the faithful performance of his contract according to its terms.

**Water Commissioners to superintend construction.**

§ 13. It shall be the duty of the said commissioners to superintend the construction of the work, keep a record of their proceedings in a suitable book, and they shall have and exercise a general supervisory and controlling power in all matters relating to the preservation and continuance of the work authorized by this act, and shall annually make a report to the Common Council of their proceedings generally and of the matters in their charge, and at any other time when required by the Common Council.

**Common Council to authorize drafts upon City Chamberlain.**

§ 14. The Common Council shall authorize the commissioners to draw upon the Chamberlain of the city for any sum in favor of and to be paid to the owner of any land, waters, streams or property acquired by virtue of this act, and in favor of and to be paid to any contractor or other person for materials furnished or work performed. Such drafts shall specify the objects for which they are drawn, as near as may be, and the Common Council shall make it the duty of the Chamberlain to pay such drafts in every case where a deed or other voucher is delivered to him, or a contract has been filed with him, and a duplicate receipt of the contractor or other person for such draft shall be presented therewith.

**Right to use of public streets.**

§ 15. The said commissioners, in behalf of the said Mayor, Aldermen and Commonalty, and all persons acting under their authority, shall have the right to use the ground or soil under any street, highway or road within the county of Albany, for the purpose of procuring an additional supply of water for the city of Albany, on condition that they shall cause the surface of said street, highway or road to be relaid and restored to its usual state, and all damages done thereto to be repaired.

**Sinking fund.**

§ 16. The sum of five thousand dollars per annum, and such additional amount as the commissioners annually may direct, shall be set apart and constitute a sinking fund for the payment of the principal of the loan or loans authorized by this act, as it shall from time to time become due and payable, which sinking fund shall be controlled and managed by the Board of Trustees having charge of the sinking funds of said city, and in the same manner as now provided by law.

**Deficiency in annual receipts, how to be met.**

§ 17. In case the entire annual receipts for water rates, after deducting therefrom such sum or sums as may be necessary to defray the ordinary expenses and repairs of the water-works and of extending the same, shall not be sufficient in any one or more years to pay the interest on the loan or loans, and also the annual appropriations for the sinking fund: it shall be and is hereby made the duty of the Board of Supervisors of the county of Albany, and they are hereby authorized and directed to cause to be levied and collected from and against all the taxable property, at the same time and in the same manner as other contingent expenses of said city are assessed, levied and collected, such sum or sums of money as may be certified by the said Common Council to be necessary to make good such deficiency, and the same shall be applied to the payment of such interest and appropriations to the sinking fund.

§ 18. This act shall take effect immediately.

## CHAPTER 106 OF THE LAWS OF 1876.

An Act to amend chapter three hundred and twenty-eight of the Laws of eighteen hundred and seventy-three entitled, "An act to amend an act to provide for an additional supply of water in the city of Albany," passed March twentieth, eighteen hundred and sixty-eight.

Passed April 11, 1876; three-fifths being present.

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

Section 1. [Repealed by chapter 304, Laws of 1892, § 8.]

**Application of funds.**

§ 2. The additional amount to be raised by this act the Water Commissioners of the city of Albany shall apply to the building of a supplemental reservoir in the city of Albany, and the extension and improvement of the water-works in said city, and in payment for the work, labor, materials and machinery necessary for such purposes.

§ 3. This act shall take effect immediately.

## CHAPTER 306 OF THE LAWS OF 1885.\*

An Act relating to the further supply of pure and wholesome water for the city of Albany and modifying and amending parts of chapter two hundred and seventy-six of the Laws of eighteen hundred and eighty-four, entitled "An act in addition to and amendatory of the several acts relating to a supply of water in the city of Albany."

Passed May 22, 1885; three-fifths being present.

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

**Special Water Commissioners, names, powers and duties of.**

Section 1. Samuel Hand, Archibald McClure, Albert Vander Veer and Owen Golden are hereby constituted and appointed a Special Water Commission of the city of Albany, and are directed to make due inquiry as to the available sources of supply of pure and wholesome water for the city of Albany, and if the present water supply of said city be in their judgment the best available

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\* See chapter 212, Laws of 1887, post.

supply for said city, then as to what, if any, method can be adopted for the improvement of the character of the water now used, or the purification thereof, and for such purposes they are authorized to employ competent engineers, experts and other assistants, and to incur such other expenses as may be proper in the premises, provided that the entire amount of money to be so expended shall not exceed the sum of ten thousand dollars. Any vacancy which may occur in said Special Water Commission through death, resignation, or otherwise, shall be filled by the appointment of a successor by the remaining commissioners.

**Organizations and officers and report.—Meeting of Common Council to consider report.—Action to be taken thereon, etc.—Vote to be taken by ayes and nays, etc.—Commission may accept bids and enter into contract.—Cost limited to \$1,200,000.—Contractors to give bonds.—Superintendent and assistants.**

§ 2. Said Special Water Commissioners shall, immediately after the taking effect of this act, meet and organize by the selection from their own number of a president and secretary, and shall, within six months from and after the time that this act shall take effect, make a report to the Common Council of the city of Albany of the results of their inquiries in the premises, which report shall be filed with the Clerk of said Common Council. Said report shall explain as fully as practicable the plan proposed, and the estimated cost thereof, or shall state that said commissioners have no plan to propose. Said Clerk shall, immediately upon the filing of such report with him, call a meeting of said Common Council for the consideration thereof; of which meeting at least five days' notice shall be given in the usual manner. If such report shall by resolution be approved by a majority of the members elected to said Common Council within one month after it shall be filed with the Clerk of that body, then such resolution of the Common Council shall, before it takes effect and within five days after its passage be sent to and left at the office of the Mayor of the city of Albany, duly certified by the Clerk of the Common Council, of the time of which act on his part, said Clerk shall make a record in a book kept by him for that purpose, and such Clerk shall be guilty of a misdemeanor in case he willfully neglects for a period longer than during such five days to deliver such resolution at the Mayor's office. If the

Mayor approves of such resolution he shall sign it and it shall take effect immediately, and it shall then be the duty of the Special Water Commission to cause to be made full and exact plans and specifications of the work in and by said report recommended, and to advertise in the official city newspapers and such other newspapers and in such other manner as to said Special Water Commission shall deem proper for at least three weeks for proposals for the doing thereof, and in such advertisement to state a definite time and place at which bids will be received, at which time and place said Special Water Commission shall meet and publicly receive and open such bids and state the contents thereof. If the Mayor does not approve of such resolution he shall return it with his objections, and file it together with such objections, with the Clerk of the Common Council within ten days after it was delivered at his office. The said Clerk shall at the time fixed for the next regular meeting, and in the room where such meetings are authorized to be held, if there be a meeting of the Common Council at such time, read aloud said veto or objections and enter the same at length upon the journal of the board; and if there be no such meeting then the Clerk shall at such time and place announce the fact of such veto and enter the same upon the journal of the board and within three days after said objections are so entered, or such announcement made, shall cause such objections or veto to be published one time in the corporation newspapers. Unless three-fourths of all the members elected to the Common Council shall at the time designated for the first regular meeting after its publication (at which a meeting shall be held) vote to pass said resolution notwithstanding the objections of the Mayor, it shall not take effect; if said three-fourths shall so vote therefor, it shall take effect as if signed by the Mayor. In every case the vote shall be taken by ayes and noes and be entered on the journal, and if such resolution shall not be returned by the Mayor within ten days after it has been delivered at his office as hereinbefore provided for, it shall take effect in like manner as if he had signed it; provided, however, that if the Mayor or the Clerk of the Common Council shall within such ten days certify in writing to that board that owing to the sickness or absence from the city of the Mayor he has been unable duly to consider such resolution, then the time within which such resolution may be vetoed by the Mayor shall be extended for ten days more. Said Special Water

Commission may accept any bid or bids then made and enter into proper contract or contracts with such bidders for the doing of the work, or may again advertise for new bids and enter into contracts under such new bids; provided, however, that no contract shall be made for the whole or any part of any work the cost of the entire and complete performance and execution of which, including all incidental damages and liabilities connected therewith, shall exceed one million and two hundred thousand dollars. Such bonds shall be required of the contractors for such work as in the judgment of said Special Water Commission shall be proper. Said Special Water Commission is authorized to employ a proper person to superintend the said work and such assistance as may in its judgment be necessary, and to make any other expenditures necessary and proper in the supervision and prosecution thereof. And said works when fully completed shall be surrendered and possession thereof shall be given to the Board of Water Commissioners of said city, who shall thereafter have the same jurisdiction and control over the same as over the present existing water-works of said city.

**Expenses, how to be paid.—Bonds to issue to provide means for erection of new works.**

§ 3. All expenses incurred under the provisions of this act shall be paid by the Chamberlain of the city of Albany upon the presentation of the bills therefor accompanied by the warrant of the Special Water Commission, stating the name of the claimant and the amount of the claim, and directing the payment thereof, which warrant shall be signed by the secretary of the commission, and when it shall direct the payment of more than two hundred and fifty dollars, shall be also countersigned by the president thereof. The money required to meet and pay said warrants shall, to the extent of the expenditure for the inquiry and investigation to be made as to a new available supply, or the improvement or purification of the present supply of said city, be paid out of the moneys in the Chamberlain's hands collected from city water-rates; the money to be paid for the erection or building of any new work or works intended to improve the character of or purify the present water supply, shall be provided by the issuing of bonds of the city of Albany, in the manner and form hereinafter more particularly described and provided for, which bonds shall be issued under requisitions upon the Common

Council of said city, to be signed by the members of said Special Water Commission, or a majority thereof, and it shall be the duty of the said Common Council, whenever such requisition shall from time to time be made upon it under the provisions of this act, to cause the said bonds to be issued, provided that the total amount thereof shall not exceed the sum of one million and two hundred thousand dollars.

**Majority to decide.—Three-fourths to sign report.—Written minutes to be kept.**

§ 4. All questions and matters arising before such Special Water Commission shall be decided by the majority of the members thereof, except that the report to the Common Council above mentioned shall not be made or acted upon in any manner by said Common Council, or be deemed or considered a report under the provisions or within the meaning and intent of this act, unless the same shall be signed and approved by at least three-fourths of the said Special Water Commissioners. Written minutes shall be kept of the proceedings taken and action had at the meetings of said Special Water Commission, and the votes upon all questions involving or directing an expenditure of money shall be taken by ayes and noes, which shall be entered, with the names of those voting, in said minutes, and shall not be valid unless so taken.

**Board of Water Commissioners not to take action under law referred to.—Partial report and action thereon.**

§ 5. Except as hereinafter provided, the Board of Water Commissioners of the city of Albany are forbidden to take any proceedings under, or to take any steps to carry into effect the provisions of an act entitled "An act in addition to and amendatory of the several acts relating to a supply of water in the city of Albany," passed May twelve, eighteen hundred and eighty-four, and known as chapter two hundred and seventy-six of the Laws of eighteen hundred and eighty-four. The Special Water Commission hereby created may at any time within the limitations of this act, make a partial report with recommendations. Upon such report and upon its approval by the Common Council, and by the Mayor of the city of Albany, such action may be taken by the present Water Commissioners of the city of Albany, either as provided for and authorized by this act, or by chapter

two hundred and seventy-six of the Laws of eighteen hundred and eighty-four, the title of which chapter is mentioned in this section, in conformity with such partial report and recommendations of said Special Water Commission, but not otherwise.

**Within what time report to be made.—When Board of Water Commissioners may proceed under act referred to, etc.**

§ 6. If no report shall be made to said Common Council within said six months by said Special Water Commission, or if the report made shall not recommend any new or different source of supply of water for the city of Albany, or shall recommend a method of improving the character of or purifying the present water supply of said city, or if any report shall not be approved by the Common Council and Mayor as above stated, then the said Board of Water Commissioners of said city shall proceed to carry out the provisions of said chapter two hundred and seventy-six of the Laws of eighteen hundred and eighty-four; provided, however, that the requisition for the issue of bonds heretofore made upon the Common Council by the Board of Water Commissioners under said act, chapter two hundred and seventy-six of the Laws of eighteen hundred and eighty-four, shall be of no validity or effect, but said Board of Water Commissioners, subject to the stay and suspension of action on its part imposed by the preceding provisions of this act, is authorized and empowered to hereafter make from time to time requisitions upon the Common Council of the city of Albany for the issue of the bonds specified in said act of eighteen hundred and eighty-four, or of so many of them as may from time to time be required to raise money to make such payments as may be necessary and proper under said act of eighteen hundred and eighty-four, and the Common Council shall from time to time cause the bonds for which such requisitions shall be made to be issued.

**Rate of interest, sale of lands, etc.—Water rates.**

§ 7. All loans contracted or made by the issuing of bonds under the provisions of this act, or under the said act chapter two hundred and seventy-six of the Laws of eighteen hundred and eighty-four, shall bear interest at the rate of four per cent per annum, payable semi-annually, and be sold, after ten days' public notice in the city newspapers of the time and place of sale thereof, for not less than par. They shall be so made payable



that five per cent of the principal of the entire loan shall be and become due in continuous annual payments, the first of which payment shall become due on the first day of February, after the issuing of the first requisition. The bonds issued under the first requisition shall be those first to fall due, and in like manner under each subsequent requisition. It shall be the duty of the Board of Water Commissioners of the city of Albany to so fix and regulate the charges for water therein as to collect sufficient money to meet and pay at maturity the bonds issued under the provisions of this act or the said act of eighteen hundred and eighty-four, in addition to the amount which it shall be necessary to raise to pay any bonds falling due of the existing water debt. The scale of water rates established by said Board of Water Commissioners shall be general and uniform, and shall be annually reported in detail in the report of said board to the Common Council, which said report shall also contain a full statement of all moneys collected by water rates, whether general or special, and of the disposition thereof, and a balance sheet showing the receipts and disbursements of the funds, and the present condition thereof, the account of the sinking fund, the receipts and disbursements thereof, and in detail the investments or cash, if any, held therefor.

**Title to lands to be acquired.**

§ 8. If it shall, in the judgment of the Special Water Commissioners, become necessary, for the purpose of carrying out the provisions of this act, to acquire the title to any land or to condemn or pay for any rights, easements or other property, and the Special Water Commission shall not be able to agree with the owners thereof as to the compensation to be paid therefor, or such owners shall be unknown, the said Special Water Commission shall have the right to acquire the title to, and the use of the same by proceedings conducted in the name of the city of Albany, under and pursuant to the provisions of the act entitled "An act to authorize the formation of railroad companies, and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory thereof. All property acquired or taken under the provisions of this act shall be taken and acquired in the name of the city of Albany and shall be owned by said city of Albany.

**Duplicate parts of pumping engines to be purchased.**

§ 9. Said Board of Water Commissioners is hereby directed to purchase duplicate parts of such portions of the present pumping engines as are most liable to accident or injury.

§ 10. This act shall take effect immediately.

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 CHAPTER 212.

An Act modifying and amending chapter three hundred and six of the Laws of eighteen hundred and eighty-five, entitled "An act relating to the further supply of pure and wholesome water for the city of Albany, and modifying and amending parts of chapter two hundred and seventy-six of the Laws of eighteen hundred and eighty-four, entitled 'An act in addition to and amendatory of the several acts relating to a supply of water in the city of Albany.'"

Passed April 26, 1887; three-fifths being present.

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

**Modification of plans, to be approved by Common Council.—  
Limitation of expense.**

Section 1. If the Special Water Commission appointed by and under chapter three hundred and six of the Laws of eighteen hundred and eighty-five, entitled "An act relating to the further supply of pure and wholesome water for the city of Albany, and modifying and amending parts of chapter two hundred and seventy-six of the Laws of eighteen hundred and eighty-four, entitled 'An act in addition to and amendatory of the several acts relating to a supply of water in the city of Albany,'" shall at any time, before the completion of the work provided for by said act, deem it advisable, and for the best interests of the city of Albany, to change or modify the plan proposed by said commission and approved by the Common Council of said city, as prescribed by section two of said act, they shall make a report to the Common Council, specifying the changes or modifications proposed, and in case the same be approved of by resolution of the Common Council, the work may be thereafter prosecuted and completed in accordance with the plan as so changed or modified; provided, however, that the whole expense of the work, including any and all modifications and changes so made, shall not exceed

the sum specified in and limited by said act, namely, the sum of one million two hundred thousand dollars.

**Right of Water Commission to contract without advertising.**

§ 2. In case the original plan proposed by said commission and approved by the Common Council, or in case the plan as modified or changed as provided for in section one of this act, shall embrace or require for its successful execution any patented inventions or improvement, the said Special Water Commission are hereby authorized to contract for the work, or any part or portion thereof, as they deem advisable, without advertising for proposals as required by section two of said act, chapter three hundred and six of the Laws of eighteen hundred and eighty-five.

**Purchase of pumping engines.—Erection of boiler-house.—**

**Employment of engineers, etc.—Limitation of cost thereof.**

**Issue of city bonds to meet cost.—Avails, how disbursed.—**

**Water rates to be applied in paying bonds, etc.—Bonds, when payable.—Rate of interest.**

§ 3. The Water Commissioners of the city of Albany are hereby authorized to purchase a pumping engine or engines of sufficient power and capacity to pump at least fifteen millions of gallons of water every day of twenty-four hours, with boilers and all necessary appurtenances; also to purchase the necessary land and to erect thereon a suitable building or buildings in which to place said engine and boilers for the purpose of pumping water for the use of the city and in order to maintain a full and adequate supply; and also shall have power to employ such engineers, surveyors and other assistants as may be necessary in the prosecution of said work. Provided, however, that the whole cost and expense of said work shall not exceed the sum of two hundred and fifty thousand dollars; and for the purpose of paying for the expenditure thus incurred, the said Water Commissioners are hereby authorized to make requisition upon the Board of Finance of said city from time to time, specifying the amount required, and said Board of Finance are hereby authorized and required to raise the amount of each requisition by a sale at public auction, by the Chamberlain, of bonds of the city of Albany; such bonds, however, shall not be sold at less than their par value, and the aggregate amount of said bonds shall not exceed said sum of two hundred and fifty thousand dollars. The moneys raised by the sale of bonds shall be paid into the

city treasury, and shall be disbursed by the Chamberlain upon presentation of bills audited by the Water Commissioners, and accompanied by their warrant directing the payment thereof. It shall be the duty of said Water Commissioners to so fix and regulate the charges for water in said city as to collect sufficient money to meet and pay at maturity the bonds so issued, together with the interest thereon, in addition to the amount already chargeable upon and payable out of the money so collected. The principal of all bonds issued to pay for the work referred to or authorized by this act, shall, each issue thereof, be made payable in nineteen consecutive annual payments, as nearly equal in amount as possible; the first of which payments shall be provided to be made at the end of one year from and after the date of issue of such bonds. The bonds shall bear such rate of interest, not to exceed three and one-half per centum per annum, as the commission directing their issue shall authorize.

**Location of engine, decision as to.**

§ 4. In case any difference of opinion shall arise between the Special Water Commission and the Water Commissioners of the said city, as to the location of the engine herein provided for, or in regard to any other matter, such matters in difference shall be submitted to the joint Water Board or Commissioners, together with the Mayor and the President of the Common Council and the City Engineer and Surveyor, and the decision of the said board so constituted shall be final and conclusive.

§ 5. This act shall take effect immediately.

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CHAPTER 304.

An Act to provide for the appointment of a Board of Water Commissioners for the city of Albany.

Approved by the Governor April 14, 1892. Passed, three-fifths being present.

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

**Appointment of Board of Water Commissioners.—Organization.**  
**—Superintendent.—Clerical assistance.—Additional assistance.**

Section 1. The Mayor of the city of Albany shall by a designation in writing, to be filed with the Clerk of the Common Council

of said city, appoint within thirty days from and after the passage of this act, seven citizens, residents of Albany, who shall constitute the "Board of Water Commissioners of the city of Albany," who shall serve without compensation and shall have and exercise all the powers which are now or heretofore have been possessed or exercised by the board heretofore known as the "Water Commissioners of the city of Albany." Said Board of Water Commissioners of the city of Albany shall meet when notified of their appointment, at a time and place to be designated by the Mayor and shall elect from their own number a President of said board. They shall also elect a Superintendent who shall not be a commissioner, and who shall also act as Secretary of said board, who shall hold his office during the pleasure of such board and shall receive a salary to be fixed by said board not to exceed, however, the sum of three thousand dollars per annum, and who shall under the supervision and direction of said board devote his whole time and services to the care, construction and management of the water-works of said city, and perform the executive duties involved in the furnishing, maintenance and care of the water supply thereof. Said Superintendent is hereby authorized and empowered to employ such clerical assistance as he may require in the discharge of the duties of his said office at an expenditure not to exceed twenty-five hundred dollars, to be paid by the Chamberlain of said city out of moneys in his custody accruing from the water rates imposed by said board. Said board is also hereby authorized to employ such additional assistance as shall be necessary in its judgment to maintain the water-works under its charge for the purpose of furnishing such water supply.

**Terms of office of members of board.—Annual appointment of commissioner.—Vacancies.—Term of present board and special commission.**

§ 2. The respective terms of office of the members of the Board of Water Commissioners so appointed as aforesaid, shall be as follows: One commissioner to hold office until the first day of May, eighteen hundred and ninety-three; one commissioner to hold office until the first day of May, eighteen hundred and ninety-four; one commissioner to hold office until the first day of May, eighteen hundred and ninety-five; one commissioner to hold office until the first day of May, eighteen hundred and ninety-

six; one commissioner to hold office until the first day of May, eighteen hundred and ninety-seven; one commissioner to hold office until the first day of May, eighteen hundred and ninety-eight, and one commissioner to hold office until the first day of May, eighteen hundred and ninety-nine. On the first day of May, eighteen hundred and ninety-three, or within ten days thereafter, and on the first day of May or within ten days thereafter in each succeeding year, the Mayor shall appoint one citizen of the city of Albany to be a member of said Board of Water Commissioners of the city of Albany, to take the place of the commissioner whose term shall expire as hereinbefore provided, and such appointee shall hold office for a period of seven years and until his successor shall be appointed. Any vacancy which may occur in said Board of Water Commissioners through death, resignation, removal from the city or otherwise, shall be filled by the appointment of a successor for the unexpired term of such member, by the Mayor, in the same manner as the original appointment hereinbefore provided. The term of office of the present Water Commissioners of the city of Albany and the Special Water Commission of the city of Albany shall end, and their official functions cease, and such board and commission shall be abolished immediately after the appointment of the said Board of Water Commissioners of the city of Albany as aforesaid.

**Powers vested in board.—Transfer of records and property to board.**

§ 3. Immediately upon the organization of the Board of Water Commissioners appointed under the first section of this act, the powers now or heretofore possessed by the said Water Commissioners of the city of Albany and the Special Water Commission of the city of Albany, shall vest in and shall thereafter be exercised by the Board of Water Commissioners of the city of Albany created by the first section of this act; and all maps, records and other property, both real and personal, belonging to the city of Albany that may be now in the possession or custody or under the control or management of either the said Water Commissioners of the city of Albany or said Special Water Commission of the city of Albany, or any of the officers or employes thereof, shall be immediately after said organization as aforesaid has been affected,\* transferred to and be regarded as in the posses-

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\*So in the original.

sion, control and management of the Board of Water Commissioners of the city of Albany, hereby and hereinbefore created.

**Improvement of water supply.—Reports to Council.**

§ 4. It shall be the duty of the said Board of Water Commissioners of the city of Albany to examine and consider all matters relating to the improvement of the quality and quantity of the present water supply, and also if it deems it necessary so to do the procuring of an additional supply of pure and wholesome water for said city. Said board shall from time to time adopt such plans as in its opinion may be most feasible for improving the supply of water now in use and procuring such additional supply of water, and shall ascertain the probable amount of money necessary to carry the same into effect and after so doing it shall make from time to time reports to the Common Council of said city which shall contain as fully as practicable the results of the investigations and inquiries of said board in the premises, a description in detail of any plan adopted or proposed by said board, and an estimate of the expense thereof, with the reasons for its adoption and detailed statements as far as practicable of said estimates of cost.

**Issue of bonds upon ratification of reports.—Requisitions for issue.—Interest.—Bonds, when payable.—Regulation of rates to meet bonds.—Scale of water rates.—Annual report to Council.—Prevention of waste of water.**

§ 5. If any report described in the last section shall be ratified by the said Common Council by a resolution duly adopted by a vote of two-thirds of all the members elected thereto, which resolution shall take effect only in the same manner as other resolutions of said Common Council and not otherwise, then it shall be lawful for said Common Council to raise by loan from time to time as the same may be required by the said Board of Water Commissioners a sum not to exceed in the aggregate five hundred thousand dollars by the issuing of bonds under the provisions of this act; provided, however, that the requisition for the issue of bonds heretofore or that may hereafter be made upon the Common Council by the Water Commissioners of the city of Albany, under and by virtue of chapter two hundred and seventy-six of the Laws of eighteen hundred and eighty-four shall be of no validity or effect. All bonds hereafter issued under the provisions

of this act as aforesaid shall bear interest at a rate to be fixed by the Board of Finance of the city of Albany, not exceeding, however, five per centum per annum, payable semi-annually and which said bonds shall be sold after ten days' public notice in the official newspapers of said city, stating the time and place of such sale, for not less than par. They shall be so made payable that five per centum of the principal of the entire loan shall be and become due in continuous annual payments, the first of which payments shall become due on the first day of February after the issuing of the first requisition. The bonds issued under the first requisition shall be those first to fall due, and in like manner under each subsequent requisition. It shall be the duty of the said Board of Water Commissioners of the city of Albany to so fix and regulate the charges for water therein as to collect sufficient money to meet and pay at maturity the bonds issued under the provisions of this act, in addition to the amount which it shall be necessary to raise to pay any bonds falling due of the existing water debt. The scale of water rates established by said board shall be general and uniform, and shall be annually reported in detail in the report of said board to the Common Council, which said report shall also contain a full statement of all moneys collected by water rates, whether general or special, and the disposition thereof, and a balance sheet showing the receipts and disbursements of the funds and the present condition thereof; an account of the sinking fund and receipts and disbursements thereof, and in detail the investments or cash, if any held therefor, but no report, which shall be submitted as hereinbefore provided to the Common Council, shall be acted upon by that body until after it shall have been referred to the committee of the board and a hearing shall be had before such committee of any person or persons desiring to be heard and no such report shall be finally acted upon by the Common Council, except in case of accident or emergency until at least two weeks shall have elapsed after said report shall have been submitted to that body. It shall be the duty of said board to take such action as may be practicable to prevent the waste of the city water by consumers thereof and it or its duly authorized agents or servants shall have the power and authority to inspect the plumbing and manner of use of the city water in any building or place to which it shall be supplied from the city mains.



**Application of moneys raised.**

§ 6. All moneys authorized to be raised by virtue of this act as aforesaid shall be applied by the said Board of Water Commissioners in the manner now provided by law for the purpose of improving the character of and purifying the present water supply, and procuring an additional supply of pure wholesome water for said city, in accordance with the recommendations of said Board of Water Commissioners as contained in its said report and as approved and ratified by the Common Council by resolution as aforesaid, and if deemed necessary by said Board of Water Commissioners for the extension and improvement of the water-works of said city, whenever such extension or improvement is ratified by the said Common Council, and approved of by the said Mayor, and for no other purpose or purposes whatever.

**Contracts for work and materials.—Expenses, how paid.—Payments by Chamberlain.—Clerical assistants for Chamberlain.**

§ 7. All work, labor and services necessary to be performed and all materials necessary to be furnished under the provisions of this act, including all ordinary extensions of the works and maintenance of the same as they now exist, involving an expenditure of more than two hundred and fifty dollars shall be performed and furnished under the direction of said Board of Water Commissioners by contract, and in the same manner as contracts are now let and awarded by the Board of Contract and Apportionment of said city, according to law. All other expenses incurred under the provisions of this act, and including the expenses of maintenance of said water-works during the current year, shall be paid by the Chamberlain of the city of Albany upon the presentation of the bills therefor, stating the name of the claimant and the amount and character of the claim, verified by the claimant in the same manner as is now required by law of persons who may present claims against any other board, commission or department of said city, and certified by the President and Secretary of said Board of Water Commissioners, as is now required by other city officers, boards, commissions and departments, which said bill shall be accompanied by the warrant of the Board of Water Commissioners directing such payment. All payments to be made for the discharge and satisfaction of any and all such claims shall be made directly by the Chamberlain of said city

who shall also receive and disburse all moneys raised by loan or otherwise for the support and maintenance of the water-works and water supply of said city hereinbefore provided for. And for such purpose, in addition to the assistance now furnished by law to said Chamberlain; in the discharge of the duties of his office he is hereby authorized to employ such additional clerical assistants as to him may seem necessary at an expense not to exceed the sum of fifteen hundred dollars per annum, to be paid out of any moneys in his custody credited to said Board of Water Commissioners.

**Acts repealed.**

§ 8. Section four of chapter forty-three of the Laws of eighteen hundred and sixty-eight, entitled "An act to provide for an additional supply of water in the city of Albany," as amended by chapter three hundred and twenty-eight of the Laws of eighteen hundred and seventy-three, and as further amended by chapter one hundred and six of the Laws of eighteen hundred and seventy-six; chapter two hundred and seventy-six of the Laws of eighteen hundred and eighty-four, entitled "An act in addition and amendatory of the several acts relating to the supply of water in the city of Albany," and chapter twenty-one of the Laws of eighteen hundred and eighty-seven, entitled "An act to amend chapter two hundred and thirty-five of the Laws of eighteen hundred and fifty, entitled 'An act to provide for a supply of water in the city of Albany,'" are hereby repealed.

§ 9. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed.

§ 10. This act shall take effect immediately.

## TITLE X.

MISCELLANEOUS ACTS RELATING TO THE  
CITY OF ALBANY.

## CHAPTER 121, LAWS OF 1851.

An Act to amend an act, entitled "An act relating to sales by auction in the city of Albany," passed March 16, 1851.

Passed April 10, 1851.

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

Section 1. The first section of the act, entitled "An act relating to sales by auction in the city of Albany," passed March 16, 1851, is hereby amended so as to read as follows:

Section 1. Section thirty-eight of chapter seventeen, title one, part one of Revised Statutes, is hereby extended to the city of Albany.

§ 2. This act shall take effect immediately.

## CHAPTER 17, TITLE 1, PART 1.

Section 38. All sales of goods, by public auction, in the city of New York, by an auctioneer, shall be made in the day time, between sunrise and sunset, excepting,

1. Books or prints;
2. Goods sold in the original package as imported, according to a printed catalogue, of which samples have been open and exposed to public inspection, at least one day previous to the sale.

Every auctioneer who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall forfeit his appointment.

## CHAPTER 195.

An Act to authorize the city of Albany to make a loan to the Albany and Susquehanna Railroad Company.

Passed April 10, 1852; three-fifths being present.

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

Section I. It shall be lawful for the Mayor, Aldermen and Commonalty of the city of Albany to issue bonds, under their corporate seal, to the amount of one million dollars, and to loan the same to the Albany and Susquehanna Railroad Company; the said bonds to be issued in sums of not less than one thousand dollars each, to bear interest at the rate of six per cent per annum, payable semi-annually, and the principal reimbursable at the expiration of thirty years from the time of issuing the same.

§ 2. No portion of the above-recited bonds shall be issued or loaned to said company, until the following requirements shall have been fully carried into effect, as follows:

First. Satisfactory evidence to be furnished to the Common Council of the city, that the route of the road for its entire length and depot grounds have been designated and purchased such depot grounds in Albany to be within that portion of the corporate limits of the city lying south of Hamilton street; the passenger depot to be located between Gansevoort and Hamilton streets, and the freight depot and work shops between Ferry and Gansevoort streets, and that said grounds and roadway have been paid for by said company and are free from incumbrance, so that the mortgage shall be the first lien thereon.

Second. The like evidence to be furnished that the company have procured by subscription, and actually expended in the construction of their road an amount equal to ten thousand dollars per mile, computing the entire line of road from Albany to Binghamton.

Third. The like evidence to be furnished that the net avails of the bonds herein authorized to be issued by the city, together with the aid to be procured on the bonds of the company will complete the road.

Fourth. To execute to the Mayor, Aldermen and Commonalty of the city of Albany, a mortgage on their real estate, road and appurtenances to secure the payment of the principal and interest

of the bonds of the city herein authorized to be issued, and also the payment to the trustees of the sinking fund of the city of Albany, of the premiums which the said company may receive on the sale of said bonds, and the further payment to the said trustees of one per cent per annum on the entire loan herein authorized.

§ 3. Upon the production to and the acceptance of the evidence, and the approval of the mortgage by the Common Council, as provided for in the preceding section, the Mayor of the city shall execute and deliver to the Albany and Susquehanna Railroad Company the bonds of the city, as authorized by the first section of this act. The said bonds shall be issued as the same may from time to time be required by the company, but no issue shall at any time be made exceeding the sum of two hundred and fifty thousand dollars; and after the first issue of bonds shall have been delivered to the company, no subsequent issue shall be demanded or authorized until the company have furnished the same evidence as required by the second section of this act, that they have procured from some other source and actually expended in the construction of their road or in the procurement of equipments an amount equal to the bonds of the city previously issued and delivered to said company, and that they have expended the money realized on the sale of said bonds in the completion of the road, commencing within the city of Albany, south of Hamilton street.

§ 4. The bonds of the city herein authorized to be issued may, at any time, at the option of the holder be converted into the stock of the company, and when so converted the said bonds shall be returned to the Chamberlain, of the city of Albany, and by him be duly canceled.

**Investment of premium, etc., in certain stocks or bonds.—Conditions of certain mortgage loans.—Sinking fund constituted.**

§ 5. The moneys which the trustees of the sinking fund of the city of Albany shall receive from premiums, and the annual percentage recited in the second section of this act, shall be by them invested in stocks or bonds of the United States or the State of New York, bonds of the city and county of Albany, or bonds of any other incorporated city in the State of New York, or in the first consolidated mortgage bonds of the Albany and Susque-

hanna Railroad Company, or loaned on bond and mortgage on property in the city of Albany worth, as appears upon the last preceding assessment-rolls of the city of Albany, at least twice the value of the sum loaned, nor shall any money be paid by the trustees of the sinking fund to any person procuring any such loan until an abstract of title shall be made to the property to be mortgaged and there shall be indorsed thereon a certificate of the attorney for the president, managers and company of the Delaware and Hudson Canal Company to the effect that the title is free and clear from all incumbrances or other lien or charge of any kind other than that of the mortgage to be taken by said trustees which mortgage shall be left in the County Clerk's office for record and be entered upon such abstract before the money to be secured thereby shall be paid to the borrower, and shall constitute a sinking fund for the ultimate payment of the bonds of the city herein authorized to be issued.

(As amended by chapter 481, Laws of 1888.)

§ 6. The directors of the Albany and Susquehanna Railroad Company shall be at liberty to issue mortgage bonds of the company to the amount of one million dollars, which shall be a lien on their real estate, road and appurtenances, equal and to the same extent as the mortgage executed to the Mayor, Aldermen and Commonalty of the city of Albany.

§ 7. The evidence required by the second and third sections of this act shall be under oath and when accepted and approved be placed on file in the office of the Chamberlain of the city, and the resolution or evidence of acceptance and approval be recorded in the minutes of proceedings of the Common Council.

§ 8. The Common Council of the city of Albany shall after the first issue of bonds herein authorized, appoint one director of the Albany and Susquehanna Railroad Company; the said director shall be a resident of the city, and when so appointed shall possess all the powers now enjoyed by any member of the present board, and shall hold his office during the pleasure of the Common Council; and the powers of appointment hereby conferred shall continue until the bonds of the city issued to said company shall have been fully paid and satisfied.

§ 9. This act shall not take effect until it shall have been submitted to the electors of the city of Albany, qualified to vote at an election for charter officers of said city, at a special election to be held within sixty days from the passage of this act for

the purpose of determining whether it is expedient for the Mayor, Aldermen and Commonalty of said city to loan their corporate bonds to the Albany and Susquehanna Railroad Company as herein provided. The inspectors heretofore chosen in the several election districts of said city shall hold said special election and any vacancy which may exist shall be filled in the manner now provided by law. The said election shall be conducted in the same manner as charter and State elections are conducted in said city, and all the provisions of law relative to the same are hereby extended to and made applicable to said election. The inspectors in each election district shall provide a box in which each elector qualified at the time of said election to vote, may deposit a ballot on which shall be written or printed the words "for the railroad loan" or the words "against the railroad loan;" those ballots on which shall be written or printed the words "for the railroad loan" shall be deemed as approving of this act, and those upon which shall be written or printed the words "against the railroad law" shall be deemed as not approving of it. The said box shall be kept open for the reception of ballots from nine o'clock in the morning until four o'clock in the afternoon and the said inspectors shall, immediately thereafter, canvass the ballots deposited in said box, and certify and return to the clerk of the Common Council of said city, the result of said canvass designating how many ballots were received "for the railroad loan" and how many were "against the railroad loan." The Mayor and Clerk of the Common Council of said city shall within five days after said returns shall have been made as herein required, proceed to canvass the same, and shall make and return to the Common Council to be recorded in their minutes of proceedings, a certificate setting forth the aggregate vote cast at said election, designating the number given "for the railroad loan" and also the number given "against the railroad loan" and that this act and the loan therein authorized to be made by the Mayor, Aldermen and Commonalty of said city to the Albany and Susquehanna Railroad Company has been approved and confirmed, or not approved and rejected as the case may be, by a majority of all the electors who have voted at said election. The time designated for the aforesaid election shall be designated by the Common Council and notice thereof published in the city papers, at least four weeks before the said election shall be held.

§ 10. This act shall take effect immediately.

## CHAPTER 398.

An Act to extend the time for the completion of the Albany and Susquehanna Railroad and to comply with the conditions of the act authorizing the city of Albany to make a loan to said company.

Passed April 14, 1857; three-fifths being present.

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

Section 1. The Albany and Susquehanna Railroad Company shall have four years in addition to the time they now have by law, for complying with the provisions of the forty-seventh section of "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty; and the time is also extended in like manner for said company to comply with the conditions specified in an act, entitled "An act to authorize the city of Albany to make a loan to the Albany and Susquehanna Railroad Company," and upon compliance with such conditions on the part of the company within such extended time the authorities of said city are hereby authorized and required to execute, issue and deliver bonds, to the company as therein contemplated to the extent and in the manner specified in the terms of said act.

## CHAPTER 747.

An Act to extend the time for the completion of the Albany and Susquehanna Railroad, and to amend the several acts authorizing town subscriptions to the capital stock of the same.

Passed April 24, 1867; three-fifths being present.

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

Section 1. The time for the completion of the Albany and Susquehanna Railroad, and of the company to comply with the conditions of the act authorizing the city of Albany to make a loan to said company, passed April tenth, eighteen hundred and fifty-two, is hereby extended three years in addition to the time now allowed by law,



## CHAPTER 513 OF THE LAWS OF 1875.

An Act to abandon the further use by the people of the State of New York, of the buildings, lands and improvements in the county of Albany used as a public arsenal, and to convey said buildings and improvements to the city of Albany.

Passed June 7, 1875.\*

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

**Arsenal abandoned.—Appraisal and sale of buildings, etc.**

Section 1. The lands and premises conveyed to the people of the State of New York by deed of Stephen Van Rensselaer, proprietor of the manor Rensselaerwyck, dated the sixteenth day of August, eighteen hundred and eleven, described as follows:

All that certain piece or parcel of land situate, lying and being in the town of Watervliet, in the county of Albany, beginning at a stake near the old Schenectady road, standing at the distance of thirteen chains, on a course north thirty-five degrees thirty minutes west, from the north-west corner of the house formerly occupied by John Humphries on said road, and runs thence north thirty-four degrees thirty minutes west, three chains thirty-three links, then north fifty-five degrees thirty minutes east, three chains thirty-three links; thence south thirty-four degrees thirty-three minutes east, three chains thirty-three links; thence south fifty-five degrees thirty minutes west three chains thirty-three links to the place of beginning, containing one acre of land, now used as a public arsenal by the people of the State of New York, is hereby abandoned, and shall not hereafter be used for the purpose of a public arsenal for the use of the people of the State of New York; and the commissioners of the land office are hereby authorized and directed to cause the buildings and improvements upon said lands to be appraised by three disinterested appraisers to be appointed by them, and on the payment by the city of Albany of the amount of such appraisal into the treasury of the State, said commissioners shall convey all the said buildings and improvements upon such lands to the city of Albany for its use and benefit, to be removed as soon as practicable.

§ 2. This act shall take effect immediately.

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\*Certified to by the presiding officer of the assembly, as having passed the assembly "by a two-third vote."

## CHAPTER 357 OF THE LAWS OF 1870.

An Act granting the consent of the State of New York to the purchase, by the United States, of certain lands for the purpose of the erection of a building for the accommodation of the United States custom-house, post-office, courts, internal revenue offices, and other offices of the United States government located in the city of Albany.

Passed April 22, 1870; three-fifths being present.

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

**Consent of State given to the United States to purchase land for custom-house, etc.**

Section 1. The consent of the State of New York is hereby given to the purchase, by the United States, of one or more pieces of land situate in the city of Albany, not exceeding one acre in quantity, on which to erect a building for the accommodation of a United States custom-house, post-office, courts, internal revenue offices, and such other United States offices as may be located in that city; and the United States shall have, hold, own and occupy the said land or lands when purchased, and exercise jurisdiction and control over the same, and every part thereof, subject to the restrictions hereinafter mentioned.

**Jurisdiction ceded.**

§ 2. The jurisdiction of the State of New York in and over the said lands mentioned in the foregoing section, when purchased by the United States, shall be and the same is hereby ceded to the United States; provided, however, that the jurisdiction hereby ceded shall continue no longer than the United States shall own said land or lands.

**State to retain concurrent jurisdiction.**

§ 3. The said consent is given and the said jurisdiction ceded upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over said lands, so far as that all civil processes in all cases, and such criminal and other processes as may issue under the laws or authority of the State of New York, against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therein in the same way and manner

as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

**Jurisdiction not to vest until purchase of lands.—Exemption from State taxation.**

§ 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands, by purchase or grant; and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exempted from all taxes, assessments and other charges which may be laid or imposed under the authority of this State.

**Penalty for malicious injury to grounds, buildings, etc.**

§ 5. Any malicious, unlawful, reckless or voluntary injury to or mutilation of the grounds, buildings or appurtenances shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offense, imprisonment, not exceeding six months, in the county jail or penitentiary, to be prosecuted before any court of competent jurisdiction

§ 6. This act shall take effect immediately.

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CHAPTER 195 OF THE LAWS OF 1873.

An Act granting the consent of the State of New York to the acquisition of the United States of certain lands for the purpose of the erection of government buildings at Albany and Utica, New York, and ceding jurisdiction over the same.

Passed April 10, 1873; by a two-thirds vote.

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

**Consent of State given to acquisition of lands by the United States.**

Section 1. The consent of the State of New York is hereby given to the acquisition by the United States, by purchase, in conformity with the laws of this State, of one or more pieces of land in the city of Albany, not exceeding one acre in quantity; and also of one or more pieces of land in the city of Utica, not

exceeding one acre in quantity, on which lands, in each of said cities, said United States may erect a government building, and the said United States shall have, hold, occupy and own the said lands when thus acquired, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

**Jurisdiction ceded.**

§ 2. The jurisdiction of the State of New York in and over the said land or lands mentioned in the foregoing section, when acquired by the United States, shall be and the same hereby is ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said lands.

**Condition.**

§ 3. The said consent is given and the said jurisdiction ceded upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over the said lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the State of New York against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therein the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

**When jurisdiction to vest in the United States.**

§ 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands, by purchase or by condemnation, in conformity with the laws of this State, and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

**Penalty for willful injuries.**

§ 5. Any malicious, willful, reckless or voluntary injury to or mutilation of the grounds, buildings or appurtenances shall subject the offender or offenders to a fine of not less than twenty

dollars, to which may be added, for an aggravated offense, imprisonment, not exceeding six months, in the county jail, or work-house, to be prosecuted before any court of competent jurisdiction.

**Title, how acquired.**

§ 6. If the United States cannot acquire title to the land above mentioned, or any portion thereof, by purchase, they shall cause application to be made to the Supreme Court for a writ of inquiry of damages, and such proceedings shall thereupon be had and the damages ascertained and paid in the manner prescribed in the fourth article of title two of chapter nine of the third part of the Revised Statutes.

§ 7. This act shall take effect immediately.

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CHAPTER 285 OF THE LAWS OF 1880.

An Act to provide for repairing or rebuilding and enlarging the City Hall of the city of Albany, for the use of said city and the use of the county of Albany, and to provide means for the payment therefor.

Passed May 13, 1880; three-fifths being present.

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

**Commission to rebuild City Hall.—Additional land.**

Section 1. The Mayor of the city of Albany, the Chairman of the Board of Supervisors of the county of Albany, Erastus Corning, Charles P. Eaton, Robert C. Pruyn, Albertus W. Becker, Barclay Jermain, Charles Van Benthynsen and Marcus T. Hun, are hereby appointed commissioners to repair or rebuild and enlarge the City Hall in the city of Albany, for the use of said city and for the use of the county of Albany, and to procure for that purpose such additional land as may be necessary, within the block bounded by Pine street, Maiden lane, Lodge street and Eagle street. Said land shall be procured either by purchase or by the like proceedings as are authorized by article four, title two, chapter nine, part three of the Revised Statutes, entitled "Of the writ ad quod damnum," and the land so procured shall be taken in the name of the city of Albany and of the county of Albany.

**Official oath.—Chamberlain.—Clerk.—Treasurer.**

§ 2. The said commissioners before entering upon their duties, shall take and file in the office of the Clerk of said county, the oath of office prescribed by the twelfth article of the Constitution. They shall elect one of their number as Chairman, who shall preside at their meetings, and perform such other duties as they shall assign to him. They shall appoint a Clerk, who shall receive a salary to be fixed by them, and such Clerk shall keep a record of the proceedings of said commissioners, and perform such other duties as the commissioners may prescribe. They shall also designate as the Treasurer of said commissioners, the County Treasurer of said county, who shall without compensation, in addition to the duties hereinafter prescribed, take charge of, receive and disburse, under the direction of said commissioners, all moneys coming into their hands by virtue of this act, and said Treasurer shall at such times as said commissioners shall determine, make a detailed statement to them of the condition of said moneys.

**First meeting.—Subsequent meetings.—Not to receive compensation.**

§ 3. The first meeting of said commissioners shall be held within fifteen days after this act shall take effect, on a day to be designated by a majority of said commissioners, who are not such ex officio, at twelve o'clock noon, at the old Assembly Chamber of the old capitol, in the city of Albany. Subsequent meetings shall be held upon the call of the Chairman or any two of said commissioners, at such time and place in said city as he or they shall designate, or as said commissioners shall, at any meeting, fix by adjournment; notices of meetings so called shall be given by the Clerk through the post-office, addressed to the respective commissioners at their place of residence at least two days before the time of meeting. Any act of the commissioners, at a regular meeting to which a majority of their whole number shall assent, shall be valid and binding as the act of all of them. None of said commissioners shall receive any compensation for his services, but each of them shall be entitled to receive his actual disbursements and expenses in the discharge of his duties. Any vacancy in their number caused by death, resignation, removal from Albany county or otherwise, shall be filled by appointment, to be made by the remaining commissioners.

To cause City Hall to be rebuilt.—Dimensions and plan.—To assign rooms to officers and make certificate thereof.—Certificate to be recorded.

§ 4. Said commissioners shall cause to be rebuilt or erected, completed and furnished ready for use, the said City Hall, for the use of the city and county of Albany, as a court-house, and for other public purposes, of dimensions and upon a plan which shall furnish accommodations for the County Clerk, Surrogate, County Treasurer, District Attorney, County Judge; for the Circuit, County Court, General Term of the Supreme Court, Supreme Court Chambers, Courts of Sessions and other courts; for the Supervisors' rooms, for jury rooms; for the Mayor, Chamberlain, Receiver of Taxes, City Surveyor and Engineer, Street Commissioners, Register of Vital Statistics, Assessors, Water Commissioners; for the Common Council chamber, Clerk of the Common Council, and generally for the public offices and departments of the said city and county of Albany. The said commissioners shall also determine and designate by a certificate in writing, signed by them, or by a majority of them, what parts of said hall shall be assigned to the use of said courts, the judges and officers thereof, and what parts thereof shall be assigned to the use of the county of Albany and the city of Albany respectively. The execution of such a certificate shall be acknowledged or proved as deeds of real estate are required to be in order to entitle the same to be recorded, and such certificate shall be recorded in the office of the Clerk of said county.

One-half expense to be borne by city and one-half by county.—  
Repairs and warming to be done by contract.

§ 5. One-half of the expenses incurred in erecting said hall and completing and furnishing the same ready for use, and in purchasing the necessary ground as aforesaid, shall be borne and paid by the city of Albany, and the other half by the county of Albany; and all expenses to be incurred after the erection and completion of said hall for necessary repairs and for the warming, lighting, protection and care thereof, shall be borne and paid by the county and city in like proportion. Such necessary repairs and the warming, lighting, protection and care of building, shall be made and provided for by contract or contracts, each to be entered into by both the Mayor of the city of Albany and the Chairman of the Board of Supervisors of the county of Albany

for the time being; and no expense so incurred shall be allowed or directed to be paid by either the Board of Supervisors of said county or the Common Council of said city until the bills therefor have been duly approved by both the said Mayor and Chairman, except the salaries of employes which shall have been fixed in writing for a definite period of time at a definite sum by said Mayor and Chairman jointly.

**Architect.—Record of proceedings.**

§ 6. The said commissioners shall have authority to employ and pay an architect, and also a Superintendent and such other necessary assistants as they shall require for the purposes aforesaid. They shall keep a full record of their proceedings and exact and particular accounts of all their receipts and disbursements, which records and accounts shall at all times be open for inspection by the Chairman of the Board of Supervisors of said county and the President of the Common Council of said city, and of any committee appointed for the purpose by either of those bodies, and upon completion of their duties, said commissioners shall deposit such record and all other books of accounts and vouchers in the office of the Clerk of said county, there to be preserved as records of his office.

**Misdemeanor for commissioners, etc., to furnish materials.**

§ 7. It shall be a misdemeanor, punishable by a fine and imprisonment, for either of said commissioners, or any clerk, architect or superintendent appointed by them, to be in any way or manner interested, directly or indirectly, in furnishing any materials, supplies or labor for the erection of said hall, or in any contract which said commissioners are empowered by this act to make.

**Board of Supervisors to borrow money for county part of expenses.—Twenty year bonds.—Rate of interest.—To be registered.—County Treasurer to keep separate account.—Bonds, how to be negotiated.—Treasurer to make advances.**

§ 8. It shall be the duty of the Board of Supervisors of said county to borrow, upon the faith and credit of said county, such a sum of money as shall be requisite to pay the proportion hereinbefore fixed to be borne and paid by said county of the expenditures which said commissioners are authorized by this act to make, and to issue the bonds of said county therefore, which



bonds shall be signed by the Chairman of the Board of Supervisors, and by the County Treasurer, and shall be payable at such times, not more than forty years nor less than twenty years from the date thereof, as the Board of Supervisors shall determine; such bonds shall bear semi-annual interest at the rate of not over five per centum per annum, and as fast as the money shall be required by said commissioners they shall be negotiated by the Chairman of the Board of Supervisors and County Treasurer as hereinafter provided. They shall be registered in the office of the County Treasurer and shall be payable at that office. The County Treasurer shall keep a separate account of the moneys which shall be raised upon said bonds and shall pay therefrom upon the order of said commissioners or a majority of them, from time to time, such amounts as shall be required to pay the proportion of said county, as hereinbefore fixed, of the expenditures which said commissioners are empowered by this act to make. The negotiation of such bonds shall be by selling the same, by the County Treasurer, to the highest bidder at public auction, at not less than par, giving at least ten days' previous notice of the time and place of sale by publication in the papers in Albany designated for the publication of county proceedings. The Treasurer of the county of Albany is hereby authorized to make advances for the necessary expenditures by the commissioners, on their order, from any funds in his possession, prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of the subsequent sales of any of said county bonds.

**Annual tax to pay interest.**

§ 9. It shall be the duty of the Board of Supervisors of said county to cause to be raised yearly, by tax upon the taxable property in said county, in the same manner as other taxes are levied, a sum sufficient to pay the interest upon said bonds, when, and as the same shall become due and payable, and from time to time, in like manner, to raise the money necessary to pay the principal of said bonds as they shall fall due.

**Mayor and Common Council to borrow money, etc.—Twenty year bonds.—Rate of interest.—Chamberlain to make advances.**

§ 10. It shall be the duty of the Mayor and Chamberlain of the city of Albany to borrow upon the faith and credit of said city,

such a sum of money as shall be requisite to pay the proportion hereinbefore fixed to be paid and borne by said city of the expenditures which said commissioners are authorized by this act to make and to issue the bonds of said city therefor, which bonds shall be signed by said Mayor and Chamberlain; shall be payable in the city of New York, not more than forty years nor less than twenty years from the date thereof; shall bear semi-annual interest at the rate of not over five per centum per annum; shall be duly registered in the office of said Chamberlain, and as fast as the money shall be required by said commissioners, they shall be negotiated by said Mayor and Chamberlain, as hereinafter provided, and the moneys received upon such negotiation shall be deposited with the Chamberlain of said city, who shall keep a separate account thereof and shall pay therefrom, upon the order of said commissioners or a majority of them, from time to time, such amounts as shall be required to pay the proportion of the city of Albany, as hereinbefore fixed, of the expenditures which said commissioners are empowered by this act to make. The negotiation of such bonds shall be by selling the same, by the City Chamberlain, to the highest bidder at public auction, at not less than par, giving at least ten days' previous notice of the time and place of sale, by publication in the city papers designated for the publication of city proceedings. The Chamberlain of the city of Albany is hereby authorized to make advances for the necessary expenditures by the commissioners, on their order, signed by a majority of them and authorized at a meeting of said commissioners duly called, from any funds in his possession prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of the subsequent sales of any of said city bonds.

#### **Annual tax to pay interest.**

§ 11. It shall be the duty of the Common Council of said city to cause to be raised yearly by tax upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon its said bonds, when and as the same shall become due and payable, and from time to time, in like manner, to raise the money necessary to pay the principal of its said bonds as they shall fall due.

**Members of Common Council and Supervisors not to be interested, etc.**

§ 12. No member of the Common Council of said city, or of the Board of Supervisors of said county, or city or county officers elected by the people, shall be eligible to the office of commissioner under this act, excepting that the Mayor of the city and the Chairman of the Board of Supervisors are to be commissioners, *ex officio*, as before provided. Nor shall any member of said Common Council or said Board of Supervisors, or any city or county officer, be in any way interested, directly or indirectly, in furnishing any material or supplies, or in any contract made for the erection of said building, or in any contract thereof or in any part thereof.

**Work to be done by contract.**

§ 13. The work of rebuilding or constructing said building shall be let by contract or contracts, and after said commissioners shall have given reasonable notice, in three of the principal newspapers in the city and county of Albany, calling for bids for the performance of said work, then the same shall be let to the lowest responsible bidder, upon his executing to said commissioners a good and sufficient bond with sureties for the faithful performance of said work.

**Amount to be expended.**

§ 14. The whole amount expended by said commissioners, by virtue of this act shall not exceed two hundred and ninety thousand dollars for the payment of the cost of employing the architect, superintendent and his assistants, and the clerk, as hereinbefore provided for, and for furnishing said building, and defraying all other necessary expenses pertaining to the building or construction thereof.

(As amended by chapter 37, Laws of 1881.)

**Thirty-five thousand dollars may be expended to acquire additional land, etc.—City and county to bear expense equally.  
—Funds, how to be raised.—Tax.**

§ 15. In addition to the amount authorized to be expended by the preceding section the commissioners are authorized, in their discretion, to expend such additional amount, not exceeding the sum of thirty-five thousand dollars, as may be necessary to enable them to acquire such additional land as they may deem

necessary, in the manner provided in the first section of this act, to reshape, regrade and reflag the sidewalks around the City Hall, repave with granite block pavement those portions of Maiden lane, Pine street and Washington avenue which the city or county is bound to keep in repair, and to sign on behalf of the property owned by the city or county of Albany any petition which may be required by law to enable the Common Council to pass any law for the repaving of the aforesaid streets, or any part of them, with granite blocks, and to complete the filling up of the interior of the building, to build a bridge from the City Hall to the old jail, and procure such additional furniture as they may deem necessary and advisable. One-half of the amount so expended shall be borne and paid by the city of Albany, and the other half by the county of Albany. The Treasurer of the county of Albany and the Chamberlain of the city of Albany are authorized and required to make advances for the necessary expenditures of the commissioners as prescribed in section eight and section ten of this act. In case there shall be no funds in the hands of the County Treasurer or of the Chamberlain from which such advances can be made, or in case it shall be necessary to replenish any fund from which advances shall have been so made, the President of the Board of Supervisors and the Treasurer of the county of Albany shall be, and they are hereby, authorized to borrow, upon the credit of the county of Albany, and the Mayor and the Chamberlain of the city of Albany shall be, and they are hereby, authorized to borrow, upon the credit of the city of Albany, such sums of money as may be necessary to make the said advances or replenish the said funds, and shall issue certificates of indebtedness therefor, signed by the President of the Board of Supervisors and the County Treasurer, and by the Mayor and Chamberlain respectively. Such certificates shall bear interest at the rate of not over five per cent per annum, and shall be made payable in the city of Albany on or before the first day of March, eighteen hundred and eighty-four. It shall be the duty of the Board of Supervisors of said county, and of the Common Council of said city, to cause to be raised by tax upon the taxable property in said county and city, respectively, in the same manner as the other general taxes are levied, a sum sufficient to pay all certificates issued or moneys advanced as herein provided, together with the interest thereon. Statements showing the amount of the certificates issued or moneys advanced shall be prepared and sub-

mitted to the Board of Supervisors by the County Treasurer, and to the Common Council by the Chamberlain on the first day of November, eighteen hundred and eighty-three, and the amounts therein stated shall be levied and included with and in the taxes of that year.

(Added by chapter 12, Laws of 1883.)

§ 16. This act shall take effect immediately.

(Added by chapter 12, Laws of 1883.)

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#### CHAPTER 258 OF THE LAWS OF 1881.

An Act for the improvement of the Broadway railroad crossing in the city of Albany.

Passed May 13, 1881; three-fifths being present.

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

#### **Railroad may change grade of street, etc.**

Section 1. It shall be lawful for the New York Central and Hudson River Railroad Company to lower the road-bed and change the grade of the streets in the city of Albany called Broadway, Colonic and North Lausing, and to elevate the tracks of the railway of said company at the place of the intersection of said railway with said streets, or either of them, so that facilities for travel on said streets may be provided under the said railroad, according to plans which may be agreed upon by the Mayor of said city and the said railroad company, who are hereby authorized to determine the manner and means by which said tracks of said railroad shall be carried over said streets or either of them, and the time in which the same shall be commenced and completed; but said work shall be commenced within one year, and said improvement completed within two years from the passage of this act.

#### **Bridge over streets.**

§ 2. The said railroad company is authorized to construct and maintain a bridge over said streets, or either of them, at said place of intersection, upon which to lay and run the tracks of said railroad, and to make or cause to be made, such alterations in the grade thereof, and also in the grade of Livingston avenue

as may be agreed upon between the said Mayor of the city of Albany and the said railroad company.

**May acquire lands.**

§ 3. The said railroad company is authorized to take possession of such lands and tenements as may be required and necessary to carry out and execute said improvement in such crossing or incident thereto, as may be agreed upon as aforesaid, and if it cannot agree with the owner or owners for the purchase thereof, it shall have the right to acquire title to the same according to, and in pursuance of the provisions of the act entitled "An act to authorize the formation of railroad companies, and to regulate the same," passed April second, eighteen hundred and fifty, and of the several acts amendatory thereof, and the costs of all lands so taken shall be paid by the railroad company.

**Cost and expense of change of grade, etc.—Notice to owners of property to file claims.—Proceedings to ascertain damage.—Tax to pay same.**

§ 4. The cost and expenses of changing the grade of said streets and said tracks and of the improvement in said crossing, and of acquiring title to any lands and tenements taken therefor, authorized by this act, shall be paid and borne by said railroad company. The said railroad company, however, shall not be liable to pay any compensation which the owners or occupants of adjoining property may be entitled to, for damages which they may suffer, by reason or on account of such changes of grade or improvement, but the same shall be paid and borne by the said city of Albany, which shall be liable therefor (excepting that the said railroad company shall not be entitled to any award of damages by reason of said improvement). Within thirty days after the completion of said improvement, it shall be the duty of the Mayor of said city of Albany, to cause to be published at least three times in each week, for two successive weeks, in each of the official newspapers of said city, a notice declaring the same to be completed and requiring all owners and occupants of adjoining property, who may claim to have suffered damage by reason or on account of such change of grade or improvement, to file in the office of the Mayor of said city, within thirty days after the day of the final publication of said notice by the Mayor, and which date shall be specified in said published notice, notice of their claim for such damages, together with the name and resi-

dence of such claimant. No person or corporation who shall fail to file such notice of claim within the time and in the manner hereinbefore required, shall be entitled to receive or recover any damages or compensation by reason or on account of such change of grade or improvement. Within thirty days after the expiration of the time fixed for the filing of claims as aforesaid, if any such notice of claim shall have been duly filed, proceedings shall be instituted by the said city through the Mayor thereof, in its behalf, upon notice to the party or parties who shall have duly filed such notice of claim, for the appointment of commissioners to ascertain and determine the amount of damages, if any, such party or parties have sustained, said commissioners to be appointed and all proceedings in relation to the ascertaining of damages, to be had in the manner prescribed in the said act for acquiring title to real estate mentioned in the preceding section, and if said commissioners shall determine that any damages have been sustained by any or either of said claimants, the amount thereof shall be assessed, levied and collected in the manner now provided by law for the assessment, levying and collection of taxes in said city.

#### **Liability of railroad company to cease.**

§ 5. After the completion of the said improvement at said crossing, by carrying the said streets, or either of them, or a portion thereof, under said railroad, so that the same can be used by passengers and vehicles, the said railroad company and the said city of Albany, shall be free and exempt from any damages, compensation or liability to any person or persons or corporation for or on account of any accident or injury to person or property, happening by or in the use of any surface road or street over the said railway tracks at said crossing.

#### **Horse railway to change grade.**

§ 6. The Watervliet Turnpike and Railroad Company is hereby authorized and required upon the change of the grade of said streets and said railway tracks at said crossing, to change the tracks of its horse railway laid in said Broadway, so as to conform to and not interfere with the improvement of said crossing provided for in this act, and the Mayor of said city is hereby empowered to compel and make said change in the said horse railway tracks.

**Agreement to be in writing, etc.**

§ 7. Any agreement made pursuant to this act, between the Mayor of said city and the said railroad company, shall be in writing, signed by the said Mayor, and the president or secretary of the said railroad company, and filed in the office of the Clerk of Albany county, and thereupon said agreement shall become and be obligatory upon the said railroad company and the said city, and each of them shall be and is authorized and required to perform and keep the same according to the true intent and meaning thereof.

§ 8. All laws, acts or parts of acts inconsistent with this act, are hereby repealed.

§ 9. This act shall take effect immediately.

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CHAPTER 95 OF THE LAWS OF 1883.

An Act in relation to claims for damages against the city of Albany by reason of the work done under the act for the improvement of the Broadway railroad crossing in the city of Albany, passed May thirteenth, eighteen hundred and eighty-one, and to provide for the payment by said city of any awards which may be made by the commissioners provided for in that act.

Passed March 14, 1883; three-fifths being present.

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

**Time for presentation of claims extended.**

Section 1. The time in which to file claims under and pursuant to the provisions of section four of the act entitled "An act for the improvement of the Broadway railroad crossing in the city of Albany, passed May thirteenth, eighteen hundred and eighty-one," is hereby extended until ten days after the passage of this act, but only upon condition that any person filing a claim during such extended time shall, at the same time, file a written consent to the hearing of such claim by the commissioners, who may have already been appointed, and a waiver of any notice of any proceedings already taken, or in regard to which notice may have been given prior to or on the day of the filing of such claim. And in case such written consent and waiver shall not be filed at the same time with the claim, then the commissioners shall have no power to hear or decide upon any such claim. In



case of such filing, then the hearing of the claim and the further proceedings therein shall be had before the commissioners appointed to hear and decide upon the claims filed under and pursuant to the said section (four) of the act aforesaid.

**Only one report to be made.**

§ 2. The commissioners shall make but one report, in which shall be embraced a separate statement of the decision arrived at in the case of each claim presented, and the amount (if any) awarded the claimant, and no decision arrived at by the commissioners shall be announced until the hearing in regard to all has been completed; and when such report is made it shall be signed by the commissioners, or a majority thereof, and delivered to the Corporation Counsel.

**Bill of expenses.—Taxing bill.**

§ 3. The Corporation Counsel, upon receipt of such report of the commissioners, and before filing the same, shall prepare a bill of the expenses incurred under his direction in the proceedings containing the amounts charged by the respective parties who performed the labor mentioned in such bill, and upon the usual notice of taxation of costs served upon all who have appeared in the proceedings, and upon the commissioners, he shall present at any Special or Adjourned Term at Chambers of the Supreme Court within the Third Judicial District, a petition that the bill aforesaid, together with the amount of the compensation of the commissioners, be taxed and fixed by such court. For the purpose of taxing such bill and of fixing such compensation the court may hear the questions either by affidavit or oral proof, or both, in its discretion, and shall allow such sums as in its judgment the several services performed were fairly and reasonably worth. Its decision shall be in writing and filed in the Clerk's office of Albany county, and the report of such commissioners shall thereupon be filed in the same office by the Corporation Counsel. No judge or commissioner shall be disqualified from acting or serving by reason of any residence in the city of Albany.

**Proceedings on final confirmation of report.**

§ 4. Upon the final confirmation of the report of the commissioners, the amount awarded, together with all the expenses above mentioned, shall be added together, and a certificate of

such total sum shall be signed by the Chamberlain and filed in his office. It shall then be determined by the Finance Department of the city, by a certificate to be signed by them, or a majority of them, and filed in the Chamberlain's office, whether the aforesaid total amount of awards and expenses shall be paid by the issue of bonds payable in equal parts, in two, three or four years, and in accordance with such decision bonds of the city of Albany as hereinafter provided for shall be issued and sold and the proceeds shall be immediately applied by the Chamberlain in payment of all the said awards and expenses. If there be no certificate signed by a majority of the Finance Committee and filed in the office of the Chamberlain within ten days after the final confirmation of the report of the commissioners, then the full amount of the awards and all other expenses shall be paid by the issue of bonds payable one-half in one and one-half in two years as hereinafter provided for.

#### **Bonds.**

§ 5. Upon the filing of the certificate mentioned in the last section, or in default thereof, bonds of the city of Albany shall be prepared under the direction of the Mayor and Chamberlain, divided in amounts to be paid annually in accordance with such certificate, or else in case of default, as is provided for in the last section, and payable at a rate of interest not exceeding six per cent, as the Mayor and Chamberlain may determine to be for the best interests of the city, and such bonds shall be signed by the Mayor and Chamberlain and countersigned by the Clerk of the Common Council. They shall be payable at the office of the Chamberlain of the city of Albany, and interest payable there semi-annually. Such bonds shall be sold at auction to the highest bidder by the Chamberlain and shall be of such denomination as the purchaser at such sale may desire; such sale shall be at an amount, however, not less than par, and they may be registered in the name of the purchaser.

#### **Annual tax.**

§ 6. There shall be included in the annual tax budget of the city such sum as shall be necessary to pay any of the bonds maturing before the collection of taxes from the next annual budget, and sufficient to pay the interest on all the bonds upon which interest will mature during the then coming year.

**Memorandum of payment to be made, etc.**

§ 7. Upon the payment of any of these bonds the Chamberlain shall make a memorandum thereof, describing them and the amount thereof, which memorandum shall be made in a book kept by him on deposit in his office for such purpose and which shall remain there as a public record. Such memorandum shall also be signed by the Mayor or the Receiver of Taxes, after which such bonds thus paid shall, in the presence of the Chamberlain and of the Mayor or Receiver of Taxes, be burned or otherwise destroyed, and a minute to that effect made in such book and signed by the Chamberlain and Mayor or Receiver of Taxes.

§ 8. This act shall take effect immediately.

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## CHAPTER 146 OF THE LAWS OF 1876.

An Act in relation to repairs of certain streets in the city of Albany.

Passed April 22, 1876; three-fifths being present.

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

**Lawful to use granite blocks in repairs of pavements.**

Section 1. In making repairs of the pavement in any of the streets in the city of Albany, pursuant to title nine of chapter seventy-seven of the Laws of eighteen hundred and seventy, and the acts amendatory thereof, it shall be lawful to use granite blocks instead of the material now composing such pavement. Such repairs, however, to be done in all cases under the supervision of the Street Commissioner and subject to the approval of the Mayor and the City Surveyor and Engineer.

§ 2. This act shall take effect immediately.

## CHAPTER 88 OF THE LAWS OF 1879.

An Act making an appropriation for the construction of an iron swing, draw or lift-bridge at Lawrence street, in the city of Albany.

Passed March 17, 1879; three-fifths being present.

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

**Appropriation.—Proviso.**

Section 1. The sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the canals, for the current fiscal year for the construction of an iron swing, draw or lift-bridge to replace the present unsafe structure across the Erie canal, at Lawrence street, in the city of Albany; provided, however, that such bridge shall not be constructed unless the proper authorities of the city of Albany shall assume the entire expense of operating said bridge, under the direction of the Superintendent of Public Works.

§ 2. This act shall take effect immediately.

## CHAPTER 342 OF THE LAWS OF 1879.

An Act in relation to the funded debt of the city of Albany.

Passed May 20, 1879; three-fifths being present.

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

**Surrender of bonds.—Issue of certificates or scrip therefor.**

Section 1. The Common Council of the city of Albany are hereby authorized to receive a surrender of any coupon bond or bonds of said city, with the coupons thereon, issued by said city and now outstanding; and after the said bond or bonds so surrendered have been duly canceled as hereinafter provided, the Mayor and Chamberlain of said city shall issue a registered certificate or scrip obligating said city to pay the owner of said coupon bond or bonds so surrendered, or his assigns, an amount equal to the same and of the same tenor as to the rate of interest and time of payment. The interest and principal shall, however, be made payable at the office of said Chamberlain in the city of Albany.

**How executed and registered.**

§ 2. The said certificates or scrip so issued shall be sealed with the seal of said city, and signed by the Mayor and Chamberlain and countersigned by the Chairman of the Finance Committee of the Common Council, and shall be registered in a book of registry to be kept in the office of said Chamberlain, and on any assignment of said scrip all new or subsequent certificates or scrip issued to such assignees shall be executed with like formality and registered in like manner.

**Cancellation of bonds surrendered.—Indorsement.—Certificate to be made and filed.**

§ 3. At the time of such surrender, and before any certificate of any scrip as above provided shall be issued, the bond or bonds so surrendered for exchange shall be canceled, together with each and every one of the coupons belonging to such bond or bonds in the presence of the Mayor, Chamberlain and Chairman of the Finance Committee, by erasing the names signed to said bond or bonds and on each of the said coupons, and also perforating the same in such manner as to preclude their being again issued or put in circulation. There shall be an indorsement made by the said Chamberlain on the face of said surrendered bond or bonds, stating the fact of such surrender and exchange and the date thereof, and the said Mayor, Chamberlain and Chairman shall, together sign a certificate and swear to the truth thereof, stating the fact of such bonds having been surrendered, and that the same were canceled as above directed, and the said Chamberlain shall file such sworn certificate and said canceled bonds and coupons in his office, and report the fact to the Common Council at their next meeting.

**Certificates, what to contain.**

§ 4. All certificates of scrip issued as above provided shall embody therein a reference to the specific law by virtue of which the original debt was created, and state whether the same is for the park, water, general fund debt or otherwise.

## CHAPTER 424 OF THE LAWS OF 1870.

An Act in relation to the statistics of the poor.

Passed April 27, 1870; three-fifths being present.

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

**Acts relating to annual reports extended to certain officers.**

Section 1. All the provisions of sections seventy-five, seventy-six, seventy-seven and seventy-eight of chapter twenty, title one, part one, Revised Statutes of the State of New York, as amended by chapter two hundred and fourteen, Laws of eighteen hundred and forty-two, and chapter one hundred, Laws of eighteen hundred and forty-nine, relating to reports by Superintendents of the Poor of the several counties of the State to the Secretary of State, and the penalties for the neglect of duties under said acts, are hereby extended to and made applicable to the Commissioners of Public Charities and Correction for the city and county of New York, the Superintendent of the Alms-house of the county of Albany, the Keeper of the Poor-house of the county of Putnam, and the Superintendents of the Poor who are appointed by the Boards of Supervisors of the counties of Fulton, Herkimer and Jefferson, the Commissioners of the Alms-house elected in the cities of Newburgh and Poughkeepsie, and all poor officers elected or appointed in other cities of the State, under special acts of the Legislature.

**Newburgh and Poughkeepsie Alms-house Commissioners to make report.**

§ 2. The Commissioners of the Alms-house of the cities of Newburgh and Poughkeepsie, and the poor officers of other cities chosen under special acts of the Legislature, shall annually, on the first day of December, report to the Superintendent of the Poor of their respective counties such statistics as, from time to time, may be required to be reported in the other cities and towns of this State, under the general laws of the State.

**Annual reports when to be made.**

§ 3. The Superintendents of the Poor elected or appointed in the several counties of the State, the Superintendent of the Alms-house of the county of Albany, the Keeper of the Poor-house of the county of Putnam, and the Commissioners of Public

Charities and Correction of the city and county of New York, are hereby required to make annual reports for their respective counties to the Secretary of State, on or before the tenth day of January of each year (covering the year ending November thirty), upon the statistics of the poor required to be made by the acts hereby amended.

**Secretary of State to make annual report.**

§ 4. The Secretary of State shall annually, on or before the first day of March, report to the Legislature the results of the information obtained in pursuance of this act.

**Duty of Superintendents to procure certain town returns.**

§ 5. The Superintendents of the Poor in counties in which there are no poor-houses, or in which the distinction between town and county poor has been revived, are hereby directed and required to procure from Supervisors, and Overseers of the Poor in the several towns in such counties the statistics necessary to enable them to make the annual report required by this act.

**Secretary of State to furnish forms and blanks.**

§ 6. The Secretary of State shall, from time to time, furnish the officials named in the first and second sections of this act with the necessary forms, blanks and instructions required in making up reports upon the statistics of the poor.

**Compilation of poor laws to be published.— Distribution thereof.**

§ 7. The Secretary of State is hereby authorized and directed to cause this act, together with all the general and special poor laws now in force in this State, to be compiled and published, in pamphlet form, with such notes and explanations, forms and instructions adapted to the several systems of supporting the poor as, in his opinion, may be necessary, and that he cause the same, when published, to be distributed to Superintendents and Overseers of the Poor, and Keepers of Poor-houses in this State, and also to town and city clerks, county clerks, and clerks of Boards of Supervisors of this State.

## CHAPTER 198 OF THE LAWS OF 1883.

An Act to authorize the commitment of infants who are a county charge to the "House of Shelter" and "St. Vincent Female Orphan Asylum" in the city of Albany.

Passed April 6, 1883; three-fifths being present.

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

**Overseer may provide for support of infants in asylum named.**

Section 1. The Overseer of the Poor in the city of Albany is authorized, in his discretion, to provide for the support and care in the House of Shelter and St. Vincent Female Orphan Asylum, in said city, of indigent infants who are a county charge, and until such infants reach the age of three years, in the same manner that he is authorized by law to provide for the support and care in orphan asylums of indigent children between the ages of three and sixteen years.

## CHAPTER 391 OF THE LAWS OF 1885.

An Act to define the duties of the Overseers of the Poor and the Superintendent of the Alms-house in the county of Albany in certain cases.

Passed May 21, 1885; three-fifths being present.

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

**Temporary aid.—Entry to be made.—To be numbered.—To transmit same to Superintendent of Alms-house.**

Section 1. It shall be the duty of each Overseer of the Poor in the county of Albany who shall give aid or relief to any indigent person from any temporary relief fund in his possession or under his control, or shall at the expense of any temporary relief fund commit such person to any hospital or place of shelter, to enter in a suitable book, to be kept by him, the name of such person and such other statements relating to him, his antecedents, his family, his present and former residence and occupation, and the relief afforded, as may be required by the Superintendent of the Alms-house, in the city of Albany, or may be designated on blanks to be furnished by said Superintendent on application by



said Overseers to him therefor. Said statements shall be consecutively numbered by such Overseer, and where a statement shall have been once made as to any such person it shall be sufficient thereafter at any time during one year from January first to January first to refer to him or her by such number, adding thereto a statement of the relief given. It shall be the duty of each such Overseer to transmit to the Superintendent of the Alms-house in the city of Albany, on the first and fifteenth days of each month (or on the following Monday if such dates fall on Sunday), on blanks to be furnished by the Superintendent on application to him therefor, clear and intelligent copies of such statements so made up to such date, and a reference, by the numbers of the previous statement, to all persons who during the previous fifteen days have been a second or further time assisted by such Overseer, adding to such number a statement of the relief given.

**Inquiry to be made when Superintendent has reason to believe person not chargeable to Albany county, and person to be taken to alms-house.**

§ 2. It shall be the duty of the Superintendent of the Alms-house to examine such statements, and whenever he has reason to believe from such examination that any person so aided or assisted is not a proper charge upon Albany county, he may direct the said Overseer to make further inquiry into the matter, which it shall be the duty of such Overseer to do whenever requested by said Superintendent, and also to make further report to him. In any case in which the Superintendent of the Alms-house has reasonable cause to believe that any such person is not lawfully a charge upon Albany county, and is unable to provide for himself or herself, he shall direct such Overseer of the Poor to bring such person, or him or her, together with his or her family, to the alms-house; which said Overseer shall forthwith do, and shall receive the same compensation therefor as is provided in sections three and four of chapter three hundred and fifty-four of the Laws of eighteen hundred and eighty-four, entitled "An act to provide for the care, transportation and commitment, and the payment therefor, of lunatics, idiots, persons of unsound mind, deaf-mutes, orphans and paupers, the expense of whose maintenance and transportation is a charge upon the county of Albany," and to define the duties of the Superintendent of the Alms-house in the city of Albany."

**Action to be taken by Superintendent of Alms-house.**

§ 3. Whenever such indigent person, or his or her family, shall be so brought to the alms-house, and whenever in any way said Superintendent of the Alms-house shall have reason to believe that any person, not a lawful charge upon Albany county, is in said county and unable to provide for his or her care or support, and in danger of becoming a charge upon Albany county, it shall be the duty of the Superintendent of the Alms-house diligently to inquire as to his or her antecedents and present condition, and to take action under section six of chapter three hundred and fifty-four of the Laws of eighteen hundred and eighty-four, to adjudge him or her to be a State pauper, if he or she shall be such, or shall cause him or her to be delivered to the Commissioners of Emigration, if the care or support of such person be properly chargeable to them; or if it shall appear that such person shall not have gained a settlement within the city of Albany in the manner provided by section twenty-nine of title one of chapter twenty of part one of the Revised Statutes of this State, as amended by section eight of chapter three hundred and twenty of the Laws of eighteen hundred and thirty, in regard to gaining a settlement in a town, and has come from some other county in this State, or some town, village or city therein, the said Superintendent of the Alms-house shall, by a notice in writing addressed to any Superintendent of the Poor of such county, or to the Overseer of the Poor of any city, village or town therein from which such person has come, if such city, village or town be known, notify such Superintendent or Overseer that such person will be brought before a Police Magistrate of the city of Albany, or the Recorder of said city, or the County Judge of Albany county, at a place, hour and day in said notice specified; and that an examination will then and there be had as to the place from which such person has come, and an adjudication will be made that such place is properly chargeable with the care and support of such indigent person, and of his or her family. Such notice shall be served upon the officer named therein at least four days prior to the time so specified therein, and the same proof as is prescribed in the case of the service of a summons in an action in the Supreme Court shall be sufficient evidence of the service of such notice. Such examination shall, after proof of the service of such notice, be accordingly had and if it shall appear to such magistrate, Recorder or judge that such indigent person, or such person or his or her family has come

from such county, or of any city, village or town of the county of such Superintendent, or of the village, city or town of the Overseer so notified, as aforesaid, it shall be the duty of such magistrate, Recorder or judge to adjudge and decide, in writing, that such person and his or her family is properly chargeable to such place. If such magistrate, Recorder or judge shall not so decide, it shall be the duty of the Superintendent of the Alms-house to give to any Superintendent or Overseer attending such examination, pursuant to such notice, a certificate showing the number of miles traveled by him for the purpose of attending such hearing, and stating the sum to which he is entitled, at the rate prescribed by sections three and four of said chapter three hundred and fifty-four of the Laws of eighteen hundred and eighty-four, and the County Treasurer shall pay the same in the same manner as is therein prescribed for the payment of certificates issued by said Superintendent.

**Notice to be given after decision as to locality chargeable.—**

**Duty of Superintendent or Overseer to take person, etc., and pay expenses.—Charge for maintenance in case of failure to remove person.—Review of decision by certiorari.**

§ 4. Whenever the said magistrate, Recorder or County Judge shall decide and adjudge that such indigent person, or that such indigent person and his or her family are chargeable to the county, or to any town, or village or city in the county of the Superintendent, or to the town, village or city of the Overseer so notified as aforesaid, the Superintendent of the Alms-house shall so notify such Superintendent or Overseer personally or by a post-paid letter addressed to him at his place of residence, and shall send with such notice a copy of such adjudication and decision, and a statement of all expenses incurred in the transportation, care and support of such indigent person and of his or her family, of the mailing of which the affidavit of the person depositing the same in the post-office shall be prima facie evidence. It shall be the duty of such Superintendent or Overseer so notified as aforesaid, to forthwith take such indigent person and his or her family, if any, to his county, town, village or city, and to pay to the Superintendent of the Alms-house all expenses incurred as aforesaid by Albany county in the transportation, care and support of said indigent person and his or her family, if any. In case he shall fail so to do, the Superintendent of the Alms-

house may cause such person and his or her family, if any, to be transported to the county town, village or city, to which he, she or they are so chargeable, or may continue to keep, maintain and support him, her or them at the Albany Alms-house, and shall be entitled to charge therefor at and after the rate of three dollars per week for each person, and if any children are by law authorized or required to be maintained at any orphan asylum, a like sum for each such child or person so maintained at such asylum; all expenses of the transportation, care and support of such indigent person and of his or her family so adjudged to be properly chargeable to such other county, town, city or village, shall be paid by the chief fiscal officer of such county, town, city or village, out of any money in his hands whenever a statement thereof, approved by a magistrate, Recorder or judge authorized to make such adjudication, shall be presented to him, and if such indigent person, or his or her family, shall remain at the Albany alms-house after such adjudication, that he or she is properly chargeable to such other place, such statements when so approved, and when from time to time presented, and as long as said person shall remain at said alms-house, shall continue to be paid by said fiscal officer of said county, town, village or city so properly chargeable with such person out of any moneys in his hands. The adjudication and decision of the County Judge, Recorder or other magistrate as to the county to which such person is chargeable may be reviewed by any party thereto or public officer interested therein upon both the facts and the law, by a certiorari which shall be made returnable at a Special Term of the Supreme Court held in the judicial district in which said adjudication and decision shall be made.

“**Overseer,**” whom to include.— **Penalty for willful neglect.**

§ 5. The word overseer as used herein shall apply to and include the person, by whatever name designated, who has the charge and supervision of the pauper poor in any locality less than a county, and also in any case in which the boundaries of any city are co-terminal with the boundaries of a county. Any willful neglect on the part of any public officer to comply with the provisions of this law is hereby declared to be a misdemeanor and punishable as such.

**Time passed in alms-house not to be counted in fixing residence.**

§ 6. No period of time passed by any person in any alms-house, penitentiary, hospital or other place of shelter in Albany county, where his or her maintenance or support is a charge upon the public, shall be counted or considered in determining his or her residence or settlement, or the residence or settlement of his or her family, or the obligation or liability of any other place, board, body or commission to receive, take back, provide for, transport, maintain or support such person or his or her family.

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CHAPTER 354 OF THE LAWS OF 1884.

An Act to provide for the care, transportation and commitment, and the payment therefor, of lunatics, idiots, persons of unsound mind, deaf-mutes, orphans and paupers, the expense of whose maintenance and transportation is a charge upon the county of Albany and to define the duties of the Superintendent of the Alms-house in the city of Albany.

Passed May 24, 1884; three-fifths being present.

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

**Overseers to deliver pauper lunatics, etc., to Superintendent of Alms-house.**

Section 1. It shall be the duty of the Overseers of the Poor of the several towns in the county of Albany, of the village of West Troy, and of the city of Cohoes and of the city of Albany, whenever any lunatic, idiot, person of unsound mind, deaf-mute, or pauper within the jurisdiction of such officers respectively shall be or become by law chargeable to the county of Albany and shall be lawfully committed to the alms-house or any asylum or other place provided for the safe keeping of such persons, to transport such persons (subject, in case of their sickness, lameness or other disability, to the provisions of section forty-two of title one of chapter twenty of part one of the Revised Statutes of this State) to the city of Albany, and deliver him or her to the Superintendent of the Alms-house in the said city, as hereinafter provided for. Whenever notified by any such Overseer that any such person has or is about to arrive by any public conveyance at any place in the city of Albany, and when-

ever notified by the Overseer of the Poor of the city of Albany that any such person is within the said city it shall be the duty of the said Superintendent to send for and cause such person to be transported to the alms-house in said city, or to the asylum or other place where he is lawfully committed, in a proper conveyance to be kept at such alms-house for that purpose.

**Duty as to children liable to become a county charge, proceedings, etc.—Overseer to transport child to alms-house, etc.**

§ 2. Whenever any child shall be or become in danger of becoming a charge upon the county of Albany, it shall be the duty of the Overseer of the Poor having jurisdiction in the place of the residence for the time being of such child, to take such child before some magistrate, who shall examine such child and shall cause to appear before him and shall examine such other persons under oath as shall be acquainted with the parentage, condition and circumstances of such child, and shall ascertain among other things the full name, and the residence by town, village or city, and by road, street or street number if possible, of such child, his or her age, nationality, color and sex, the name of its father, his occupation or employment, and whether he be living or not, and if dead, the date of his death; the name of its mother and whether living or not, and if dead, the date of her death, the last residence and nationality of said father and mother, and the length of their residence in this county, and the present residence of such child and the person with whom he or she resides, and whether any person is properly chargeable with the expense of its support, and the reasons, if any, why such child is and should be a charge upon the county of Albany, and shall reduce such examination to writing, and cause the same to be subscribed by the person examined. It shall be the duty of such Overseer in case any person be properly chargeable with the support of such child, and able to support it, to take proceedings to compel such person to provide therefor. In case no such person be so chargeable with the support of such child, the said magistrate shall deliver such examination so had before him and reduced to writing as aforesaid to the said Overseer of the Poor, who shall transmit the same to the Superintendent of the Alms-house. If such Superintendent shall find that the expense of the support of such child is a proper charge against the county of Albany, he shall transmit to said Overseer (except to the Overseer of the Poor of the city of Albany), a commitment in writing,

committing such child to the alms-house or to some incorporated institution specially authorized by law to receive orphan poor, or in any case may temporarily receive such such\* child at the alms-house until a proper disposition can be made of it. The institution so to be selected shall, except under special and peculiar circumstances to be stated in the commitment, be one located in the county of Albany, and whenever practicable shall be one governed or controlled by persons of the same religious faith as the parents of the child who may be committed thereto. If the child be over two years of age it shall not in any case be committed to the alms-house, nor shall any children committed to any asylum or other institution be transferred to any other asylum or institution without a written commitment to such other asylum or institution made by the Superintendent of the Alms-house. It shall be the duty of such Overseer forthwith to transport such child to the alms-house or to such institution, and in the latter case to take from the proper authorities thereof a receipt in writing, stating the full name, sex and age, and date of receipt of such child. On presentation of such child at the alms-house or transmission of such receipt from such institution to the Superintendent of the Alms-house, he shall give or transmit to such Overseer a receipt similar to the receipt mentioned in section three of this act, under which the said Overseer shall be paid by the County Treasurer of Albany county as hereinafter provided. All orders made by the Superintendent of the Alms-house for the commitment of orphan, destitute and dependent children to an orphan asylum, under the provisions of this act, shall lapse and become void on the first day of October next after the date on which they were issued, but the said Superintendent may, within ten days next preceding the first day of October in any year, if on inquiry and investigation by him good and sufficient reasons therefor be found to exist, grant a new order of commitment authorizing the further detention and support of any such child in any orphan asylum for the period of one year from the expiration of his previous order.

**Superintendent to give receipt for child.—Entry to be made.**

§ 3. It shall be the duty of the said Superintendent to give to the Overseer of the Poor for each person so received by him under section one of this act, and for each orphan committed under the provisions of section two of this act, a receipt stating

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\*So in original.

the name of the said Overseer, the name and last place of residence of the person received from such Overseer or delivered by him at any asylum or other place, and the date of such receipt or delivery, and the number of miles properly traveled by any public conveyance, and the number of miles properly traveled by private conveyance by such Overseer in bringing such person to the city of Albany, or to the asylum to which he or she is committed, and the amount to which such Overseer is entitled therefor at the rate of compensation therefor hereinafter stated. The said Superintendent shall also in all cases make an entry of the aforesaid and of such other facts connected with the case as shall enable him to make the reports to the County Treasurer and Supervisors hereinafter mentioned, in a book or books of record to be kept by him for that purpose and which shall be and constitute public records.

**Payments to Overseer.—Amount.—Treasurer to report to Board of Supervisors.**

§ 4. It shall be the duty of the County Treasurer of the county of Albany to pay out of the county moneys in his hands, to the Overseer of the Poor, who shall present and file with him the aforesaid receipt of the Superintendent of the Alms-house, indorsed with a proper receipt subscribed by such Overseer for the amount to be thus paid, and dated at the date of such payment the following sums and no other or different sums, to wit: For each mile traveled upon any public conveyance, the actual disbursements incurred in coming and returning, and for each mile necessarily traveled by any other mode of conveyance (other than the alms-house conveyance), where no mode of public conveyance exists, but not in any other case, the sum of fifty cents for each such mile, counting one way only for the first ten miles, and for each mile in excess of such first ten miles, the sum of twenty-five cents per mile, counting one way only; and in addition, such Overseer shall be paid for his services such per diem or other compensation by his town or city as he now may be by law entitled to therefor. The Overseer of the Poor of the city of Albany shall not receive any compensation for any such services under this act. And any person mentioned in sections one and two of this act, who shall be or reside in the city of Albany, shall be transported and conveyed in accordance with the provisions of this act by the Superintendent of the Alms-house, and not by the Overseer of the Poor in said city. The said County



Treasurer shall report to the Board of Supervisors of Albany county, at the opening of its annual session in each year, a statement in tabular form showing the facts stated in the receipts given by the said Superintendent, and the dates of payment, and the payments thereunder up to November first, prior to such report.

**Duty of Superintendent to receive and keep persons delivered to him, etc.**

§ 5. The Superintendent of the Alms-house to whom any such person mentioned in the first section of this act shall be so delivered, shall receive such person at the alms-house, and there safely keep him or her; and in a proper case where such commitment is authorized by law, may commit such person to any incorporated asylum authorized by law to receive such person, and shall cause such person to be taken to such asylum or other place, provided, however, and the said Superintendent is hereby authorized and directed to exercise such reasonable discretion as to the time of transportation of such persons as shall enable him to collect together such reasonable number of such persons for transportation together, as shall lessen as much as possible the expense thereof. He shall also attend to the removal of lunatics, idiots, persons of unsound mind, and deaf mutes from one asylum to another when such removal shall be authorized or required by law to be made. Hereafter no person being in indigent circumstances or a pauper shall be admitted to any hospital, asylum, institution, home or retreat in which the board, instruction, care, treatment or clothing of such person is a charge upon the county of Albany, except upon the written order or certificate of the Superintendent of the Alms-house, anything contained in any law of this State to the contrary notwithstanding.

**Inquiries as to antecedents of persons.**

§ 6. It shall be the duty of the Superintendent to make diligent inquiry as to the antecedents and previous condition and residence of all persons delivered to him; and whenever it shall appear to said Superintendent that any person sent to or confined in the alms-house in the city of Albany, or confined in any idiot, lunatic or orphan asylum at the expense of the county of Albany, is a State pauper, or is properly chargeable to some county other than Albany county, it shall be the duty of the said Superintendent, and he is hereby authorized and directed

to adjudge such person to be a State pauper, or to take all proper proceedings to make his support chargeable to such other county.

**Amount to be allowed Superintendent.**

§ 7. The said Superintendent shall be allowed the sum of five hundred dollars each six months, beginning January first and July first in each year, for the payment of the services of the proper persons to transport the persons mentioned in sections one and two of this act and to perform the clerical services hereby required, to be paid by the County Treasurer of Albany county, on the requisition of such Superintendent. The County Treasurer shall also pay, on the requisition of said Superintendent, not exceeding two hundred dollars, for the purchase of a proper conveyance for the transportation of the said persons.

**Superintendent to make quarterly reports.— Tabular statement to Supervisors.— Treasurer to examine accounts.**

§ 8. The Superintendent shall report on the first day of each February, May, August and November, in tabular form, to the County Treasurer of Albany county, the name, sex, age, color and nationality of each lunatic, idiot, person of unsound mind, or deaf-mute received, or child committed by him under the provisions of this act, during the previous three months, the nature of the malady, if any, of such person, the Overseer of the Poor from whom such person was received, the place from which such person was brought, the date of such receipt, and the asylum or other place where such person is confined, and the disbursements, if any, attending the transportation of such person; and in the case of children committed to an asylum, the further facts shown by the examination before the magistrate mentioned in section two of this act. In addition to the above mentioned report, the said Superintendent, on the first day of November, in each year, shall make a similar tabular statement to the Board of Supervisors of Albany county, giving the names of all the persons confined at any time during such year, at whatever time they may have been committed, in which the names of the persons shall be placed under the names of the asylum or other places in which they shall be respectively confined; which statement shall contain all the matters and facts set forth in the aforesaid quarterly report; and, further, the date of the original commitment of such persons, the date of their discharge, if they be discharged during the year, and the length of time during the

year that they have been confined, and the amount due to the institution or corporation in which they have been confined; which last mentioned report of November first shall be filed with the Clerk of the Board of Supervisors of Albany county, and be by him presented to said board at the opening of its then next annual session, and be printed in the proceedings thereof. The County Treasurer shall examine, quarterly, an account of the disbursements attending the transportation of the persons mentioned in section one of this act, which shall be made out in detail and verified by the Superintendent of the Alms-house in the form in which claims against the county of Albany, presented to the Board of Supervisors thereof, are required by law to be verified, and shall audit and allow the same at such sum as in his opinion shall be reasonable, and shall pay the amount so allowed by him from the County Treasurer.

**Institutions, etc., to report.**

§ 9. It shall be the duty of all institutions and asylums receiving from Albany county any persons mentioned in sections one and two of this act to make report to the said Superintendent, when required by him so to do, of any matters and facts relating to the confinement or condition of such persons.

**Residence not to be gained.**

§ 10. No person shall by a commitment to or residence in the alms-house, penitentiary or jail in the city of Albany gain a residence in the county of Albany, nor shall the time of his residence therein be considered in any case in determining his residence.

**Overseers of Poor, etc., to notify County Treasurer as to ownership of property by lunatics, etc.—County Treasurer, his duty as to recovery for support of such lunatics, etc.—Applications to Supreme Court in certain cases as to property, etc.—Judge authorized to make order.—Duty of Treasurer thereupon.—Trial of issue by jury authorized.**

§ 11. Whenever it shall be made to appear or become known to any Overseer of the Poor or person charged with the duties of Overseer of the Poor in any town, village or city in the county of Albany, or to the Superintendent of the Alms-house in the city of Albany, that any lunatic, idiot, person of unsound mind, deaf-mute, orphan or pauper, who is or has been supported or

maintained, in whole or in part, by or at the expense of the county of Albany, is the owner or possessor of, or entitled to any property, right of action, claim or demand, or that such indigent person has died possessed thereof or entitled thereto, it shall be the duty of such Superintendent of the Alms-house, Overseer of the Poor, or other person, forthwith to notify in writing the County Treasurer of the county of Albany of such fact.

An in such case such County Treasurer shall take proceedings at law for the recovery of and shall be entitled to recover the amount theretofore expended by the county of Albany for or toward the support or maintenance of such lunatic, idiot, person of unsound mind, deaf-mute, orphan or pauper against the person, body or corporation having or holding, on behalf of such indigent person, such property, right of action, claim or demand, and to charge the same with and make suitable allowance and provision therefrom for the future support and maintenance of such indigent person. If, after inquiry, such County Treasurer cannot find any person, body or corporation legally holding such property, right of action, claim or demand on behalf of such indigent person, it shall be his duty to present to a judge, or at a Special Term of the Supreme Court, a petition setting forth the facts, and thereupon, on notice to each indigent person and to any other person or persons, body or corporation, if any, as the judge or court shall order, to apply for and said court or judge is authorized to make an order directing said County Treasurer to take into his custody and possession and hold any such property, right of action, claim or demand and any rents, income, interest or increase thereof, in trust for such indigent person, and to enforce in his name of office namely: "The County Treasurer of the county of Albany—" his right to such custody and possession, and in like manner the amount due or secured to be paid by any such right of action, claim or demand as the same shall at any time or from time to time, mature and become due or payable. And the said County Treasurer is hereby authorized and directed to take the same into his custody and possession, and his receipt therefor shall be a sufficient discharge from liability to the party holding the same, and the judge or court may in such order or from time to time by any other or further order upon like notice direct that any money theretofore paid out by the county of Albany, for the maintenance or support of such indigent person, be repaid to the county out of his or her said property, and that proper provision for future support be made therefrom.

In case such indigent person shall die and no executor or administrator of his estate shall be appointed, the County Treasurer of Albany county is authorized and directed to apply to the proper Surrogate for letters of administration upon his or her estate, and shall be by said Surrogate appointed; but no bond or obligation for the faithful performance of the duties of his trust shall be required of him. This section shall not apply to or affect the earnings, wages or salary of any such indigent person, earned subsequent to the time that such indigent person ceases to be a charge upon such county.

If in any proceeding taken or had under this act, either or any party in interest shall demand a trial by jury of any issue or question involved, it shall be the duty of the judge or court to make an order directing that such issue or question be tried at the next Circuit Court of the Supreme Court held in his county and the same shall be there tried and disposed of and proper relief be there given.

(As amended by chapter 300, Laws of 1885, and chapter 387, Laws of 1886, sec. 1.)

§ 12. It shall be the duty of the County Treasurer of the county of Albany to include in the county tax budget submitted by him each year to the Board of Supervisors of said county, and the duty of said Board to levy by tax and collect from the taxable property of said county, and, when collected, the said County Treasurer shall pay over to the Overseer of the Poor of each of the towns of Berne, Bethlehem, Coeymans, Guilderland, Knox, New Scotland, Rensselaerville and Westerlo, in the county of Albany, each year the sum of three hundred and ninety dollars to each, which sum shall be by said overseer expended in the relief of all persons whose care is chargeable to said county, under the provisions of section forty-two of title one of chapter twenty of part one of the Revised Statutes of this State, and the balance thereof shall be expended for the temporary relief of the poor of said town and shall be accounted for by the said Overseer of the Poor in like manner, as he is now by law required to account for any temporary relief fund raised in said town.

(As amended by chapter 387, Laws of 1886, sec. 2.)

§§ 13 and 14. [Repealed by chapter 387, Laws of 1886, § 3.]

§ 15. This act shall take effect immediately.

## CHAPTER 392.

An Act to authorize the corporation of the city of Albany to close Cortland street in said city between Lake avenue and Ontario street.

Passed May 15, 1886; three-fifths being present.

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

**Closing of part of Cortland street authorized.**

Section 1. The corporation of the city of Albany, is hereby, authorized, whenever they shall deem the same advisable, to close up that part of Cortland street in the Sixteenth Ward of said city of Albany, situate between Lake avenue and Ontario street. And whenever the Common Council of said city shall, under the authority of this act, by an ordinance passed in the usual manner, declare the portion of said Cortland street above described closed, the same thenceforth shall be closed, and the public shall no longer have a right of way over the same.

**Right of way, how released.**

§ 2. The said corporation may grant or release the right of way over the portion of the street hereby authorized to be closed to the owners of the adjacent lots, in whom shall be the title to the soil of that portion of the street so closed up, at the time the same is closed.

**Conditions upon which street to be closed.—Conveyance of Woodlawn avenue required.—Releases how approved and filed.**

§ 3. No ordinance shall be passed by the Common Council of the city of Albany closing any part of Cortland street as authorized by section one of this act until the owners of the property fronting on the portion of Cortland street so to be closed shall have all executed and filed with the Clerk of the Common Council of the city of Albany a release of all and every claim against the city of Albany on account of or arising out of the closing thereof, and until the owners of that strip of land known as Woodlawn avenue, as laid down on a map filed in the Albany County Clerk's office, June twenty-second, eighteen hundred and seventy-six, by Levi Moore and others, purporting to be a copy of a map made by Lawrence Black, shall execute and deliver to the

Clerk of the Common Council of the city of Albany for the city of Albany a conveyance or conveyances is\* fee-simple absolute of said strip of land known as Woodlawn avenue to the city of Albany. Said strip of land as so conveyed to be at least seventy-five feet in width its entire length and to extend from the New Scotland plank-road to Ontario street on a line parallel to Cortland street. Said release and conveyance shall be first approved by the Corporation Counsel of the city of Albany, and shall not be filed as above provided unless indorsed with his written approval.

§ 4. This act shall take effect immediately.

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CHAPTER 28.

An Act to authorize the corporation of the city of Albany to close Cortland street in said city, between Ontario street and Partridge street.

Became a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891. Passed, three-fifths being present.

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

Section 1. The corporation of the city of Albany is hereby authorized, whenever it shall deem the same advisable, to close up that part of Cortland street in the Sixteenth Ward of said city of Albany, situate between Ontario street and Partridge street. And whenever the Common Council of said city shall, under the authority of this act, by an ordinance passed in the usual manner, declare the portion of said Cortland street above described closed, the same thenceforth shall be closed, and the public shall no longer have a right of way over the same.

§ 2. The said corporation may grant or release the right of way over the portion of the street hereby authorized to be closed, to the owners of the adjacent lots, in whom shall be the title to the soil of that portion of the street so closed up, at the time the same is closed.

§ 3. No ordinance shall be passed by the Common Council of the city of Albany closing any part of Cortland street, as authorized by section one of this act, until the owners of the property fronting on the portion of Cortland street so to be closed, shall

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\*So in the original.

have all executed and filed, with the Clerk of the Common Council of the city of Albany, a release of all and every claim against the city of Albany on account of or arising out of the closing thereof, and until the owners of that strip of land known as Woodlawn avenue, as laid down on a map made by Horace Andrews, City Engineer of the city of Albany in proceedings, entitled "in the matter of acquiring title to lands which are deemed necessary for the opening, continuing and extending of Myrtle avenue, Park avenue, Warren street, Mercer street, Providence street and Woodlawn avenue, from Quail street to Partridge street, in the city of Albany," shall execute and deliver to the Clerk of the Common Council of the city of Albany for the city of Albany a conveyance or conveyances in fee simple absolute of said strip of land known as Woodlawn avenue to the city of Albany. Said strip of land as so conveyed to be at least seventy-five feet in width, its entire length, and to extend from Ontario street to Partridge street, on a line parallel to Cortland street and in continuation of said Woodlawn avenue as conveyed to the city of Albany by John Bridgford and others, by deed dated September thirty, eighteen hundred and eighty-six, and recorded in the Albany County Clerk's office, Book of Deeds number three hundred and eighty-six, on page three hundred and thirty-seven, et cetera. Said release and conveyance shall be first approved by the Corporation Counsel of the city of Albany, and shall not be filed as above provided unless indorsed with his written approval.

§ 4. This act shall take effect immediately.

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#### CHAPTER 224.

An Act to provide for a public market in the city of Albany.

Passed April 27, 1887; three-fifths being present; without the approval of the Governor.\*

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

**Commissioners to select market site.— Decision, when and how filed:**

Section 1. J. Townsend Lansing, Robert H. Weir and William J.

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\*Not returned by the Governor within ten days after it was presented to him, and became a law without his signature. (Art. IV, Sec. 9, Constitution of the State of New York.)



Weaver are hereby appointed commissioners to select a site for a public market in the city of Albany, and to purchase at private sale, or in the manner hereinafter provided, the real estate within the limits of the site selected by them. Said commissioners shall, within sixty days after the passage of this act, decide upon and select a site for such public market, and file their decision, containing a description by metes and bounds, of the site so selected and decided upon by them, with the Mayor of the city of Albany.

**Proceedings to acquire title to lands.—Supreme Court may appoint appraisal commissioners.—To report thereon to court.—Order of court thereupon.**

§ 2. In case said commissioners, or a majority of them, are unable to agree with the owners or occupants of such real estate or any part thereof within twenty days after the filing of their decision with the Mayor, as provided in the first section of this act, they shall proceed to acquire title to the same in the following manner: The Corporation Counsel shall present a petition praying for the appointment of commissioners of appraisal, to the Supreme Court at a Special Term thereof. Such petition shall contain a description of the real estate sought to be acquired, the names and residences, so far as can be ascertained, of all persons who have, or claim to have, any interest in said real estate, and whether any of them are infants or persons of unsound mind. Such petition shall be sworn to by one of said commissioners. A copy of said petition with a notice of the time and place where the same will be presented, must be served on all the parties who have, or claim to have, any interest in said real estate, in the manner now provided by law for the service of a summons in the Supreme Court, at least eight days prior to the presentation of the same to the court. If any or either of the parties so served is an infant or person of unsound mind, the court shall, upon said return day appoint some suitable person, guardian of such person or persons for the purposes of said proceedings. If there are any unknown owners, the court shall appoint some attorney to appear for and represent the interest of such unknown person or persons. Upon the presentation of such petition and notice and due proof of service thereof, the parties interested may show cause against granting the prayer of the petition if no sufficient cause is shown, the court shall appoint three disinterested persons, residents of the

county of Albany, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in said real estate. The commissioners shall take and subscribe to the oath prescribed for referees in civil actions in the Supreme Court. Any one of them may administer oaths and issue subpoenas. They shall forthwith fix a time and place of hearing, and cause not less than five days' notice thereof to be given to the parties upon whom service of the petition was made, and such other parties as may be directed in the order appointing them. They shall view the premises described in the petition, hear the proofs and allegations of the parties, and reduce the testimony taken, if any, to writing. After the testimony is closed, the commissioners, or a majority of them, shall without any unnecessary delay, ascertain and determine the amount of compensation which ought justly to be made to the party or parties interested in or owning said real estate; and in determining the amount of such compensation they shall make no allowance or deduction for or on account of any real or supposed benefit which the parties in interest may derive from the use to which it is proposed to devote said real estate; said commissioners shall make a report of their proceedings to the Supreme Court, at a Special Term thereof. Upon the making of said report, the Corporation Counsel shall give the parties in interest at least five days' notice of motion for the confirmation of such report; and upon proof of such notice, and after hearing the parties in interest who may appear, the court shall make an order containing a recital of the proceedings, a description of the property appraised, a determination of the amount of costs of the proceedings and to whom the same is to be paid, including the compensation of the Commissioners of Appraisal, a direction to whom the compensation for said real estate is to be paid, and the amount payable to each person interested. If there are adverse or conflicting claimants to the money or any part of it, the court may direct the same to be paid into court, and may determine who is entitled to the same, or direct a reference to ascertain the facts upon which to make its order or determination.

**Order, how filed.— City to acquire lands upon payment or making deposit.— Appeals from confirmation.— Proceedings thereupon.**

§ 3. A certified copy of the order so made, as aforesaid, shall be recorded in the Albany County Clerk's office, and thereupon

and on the payment or deposit by the city of the sums of money to be paid as compensation for the land and for the costs and expenses set forth in said order, the city shall be entitled to enter upon and take possession of and use the said land for the purposes of a public market, and shall be vested with full and complete title thereto in fee simple forever, and all persons who have been made parties to the proceedings, and their legal representatives, shall be forever divested and barred of all right, title, estate and interest in said real estate. Within ten days after the confirmation of said report, either party to said proceedings may appeal to the General Term of the Supreme Court, by notice in writing to the other party or parties. On such appeal the court may affirm the report or direct a new appraisal before the same or new commissioners. The court may at any time, before the final order, amend or correct any defect or informality in the proceedings, or cause new parties to be added, or appoint a new commissioner in place of any failing or refusing to act.

**Adaptation of ground for market.—Work to be done by contract.**

§ 4. After the title to the real estate described in the preceding section has been acquired, the Street Commissioner and City Engineer shall, under the direction of the Common Council, proceed to fit and adapt the same for use as a public market; the excavating, grading, and paving necessary to be done shall be done by contract, to be let by the Board of Contract and Apportionment, in the same manner that contracts are made and let for repaving streets in the city of Albany, and the same shall thereafter be devoted to, and used as a public market, under such restrictions and regulations as the Common Council may, by ordinance, prescribe, until such time as the Common Council of said city shall appropriate the same to some other or different public purpose.

**Issue of city bonds for public market, authorized.— Limitation of amount.— Rate of interest, and when payable.— General tax for interest and principal.**

§ 5. For the purpose of purchasing the real estate referred to in the first section, and to pay the expense of draining and paving such real estate, and to meet such other expenses as it may be necessary to incur to establish a market thereon, the bonds of the city of Albany shall be issued at such times and in such

amounts not exceeding in the aggregate, the sum of one hundred and eighty-five thousand dollars as the Board of Finance of said city of Albany may direct. Such bonds shall be signed by the Mayor and Chamberlain, shall be of one thousand dollars each, with interest not exceeding four per centum per annum payable semi-annually on the first day of January and July in each year in the city of Albany. And the times of payment of the respective bonds shall be so arranged that an equal number thereof shall be payable in each year in so far as the same may be practicable. Commencing with the second year after the date of their issue, and so that the whole amount thereof shall be paid at the expiration of twenty years from the date of their issue. And there shall be inserted in the city tax budget each year and raised by tax such sums as shall be necessary to pay the bonds maturing during the succeeding year, as well as the interest upon the bonds authorized to be issued under the provisions of this act.

(As amended by chapter 698, Laws of 1887.)

**Interest on city bonds and cost of lands, how paid.— Extension of time to complete purchase of site.**

§ 6. The Chamberlain of the city of Albany shall pay the first six months' interest on said bonds from any money in his hands not specifically appropriated to other purposes. The interest on the contract price of any property contracted for by the market commissioners shall be paid from the proceeds of the bonds in like manner as the principal sum. The time for the commissioners named in the first section of the act hereby amended to purchase at private sale the real estate within the site selected by them is hereby extended to May first, eighteen hundred and eighty-eight.

(As amended by chapter 184, Laws of 1888.)

## CHAPTER 579.

An Act to authorize the construction of a bridge or viaduct on Hawk street in the city of Albany, from near Spruce street to Clinton avenue, for the improvement of Hawk and Spruce streets and to provide for the expenses thereof and of constructing the approaches thereto.

Approved by the Governor June 9, 1888. Passed, three-fifths being present.

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

**Viaduct commissioners, appointment of.—Vacancies, how filled.—Duties of commissioners as to constructing viaduct or bridge.—Manner of construction.—Approach at south end thereof.—Viaduct or bridge, how constructed.—Stairways.—Foundations.—Surface of streets to be restored.—Sewer, gas and water pipes, not to be impaired.—Commissioners to advertise for plans for work.—Inspection of plans.—Work to be let by contract on notice.—Contractor's bonds.—Employment of engineer, etc.—Commissioners, engineer, etc., not to be interested in contracts, etc.**

Section 1. The Mayor of the city of Albany is hereby authorized to nominate and appoint three reputable persons, who shall be residents and freeholders of said city, commissioners to construct the bridge or viaduct in this act mentioned, to be styled "The Hawk Street Viaduct Commissioners." Said commissioners shall hold their office until the completion of the said bridge or viaduct, and any vacancy occurring in their number by death, resignation, removal from the city or other disability, shall be filled by the Mayor of said city by certificate under the hand of said Mayor filed with the Clerk of the Common Council of said city of Albany. The said commissioners shall serve without any compensation for their services under this act. The said Hawk Street Viaduct Commissioners, as such commissioners, are hereby authorized and required to construct, or cause to be constructed, an iron bridge or viaduct on the line of Hawk street, in the city of Albany, from a point fifteen feet south of the south line of Spruce street to the south line of Clinton avenue in said city. Said bridge shall be so constructed as to leave a clear passageway for teams under it on Spruce street, said teamway to be at least ten feet high in the clear, above the estab-

lished grade and the first span shall not be less than forty feet long in the clear, beginning at a point fifteen feet south of the south line of Spruce street. The said commissioners are also authorized and required to construct and pave, with dimension granite blocks an approach to the south end of said bridge, which shall begin at the level of Elk street and descend at a grade of eight feet in one hundred to the end of the bridge, the said approach shall be built in the center of Hawk street and in no part shall it exceed thirty-two feet in width outside measurement. The said bridge or viaduct shall be solidly and substantially built of iron, of sufficient width and strength, and floored with such suitable material as to afford the safe and easy passage of carriages and teams, with sidewalks on each side of the carriageway for the accommodation of foot passengers. The said bridge is to be supported by iron pillars, piers or other supports, resting upon solid and substantial foundations of stone, or brick and stone, with necessary arches or crossbeams to sustain and support the structure and vehicles and passengers thereon; and there shall be attached thereto, and connected with the same, two iron stairways, at the intersection of Hawk and Orange streets, and one or two iron stairways, as said commissioners shall determine, at the intersection of Hawk and Spruce streets, to enable foot passengers to pass and repass from said intersecting streets to and from said bridge. In order to secure the necessary foundations of said bridge, and to facilitate the erection of the same, and of the piers, pillars and supports thereof, said commissioners may make, or cause to be made, such openings and excavations in the pavements of said Hawk street and its sidewalks, and in the pavements and sidewalks of streets intersecting Hawk street at or near their points of intersection, as may be needful for the convenient construction of said bridge; providing, however, that in all cases, the surface of said streets, pavements and sidewalks shall be restored around said foundations, piers, pillars or supports, to the condition they were in before said foundations were placed, as nearly as may be done, and with as little delay as practicable; and provided, also, that any excavations that may be made in said pavements or sidewalks shall not in any way injuriously interfere with the sewers, gas or water-mains in said streets, which streets and sidewalks shall not be unduly obstructed during the construction of said bridge, and the foundations, piers, pillars or supports of said bridge and stairs and approaches thereto shall

be so placed as to interfere as little as practicable with the use of said streets, and the public travel thereon; and the said bridge shall be arranged and constructed so that it may be properly lighted under the direction of the Common Council of the city of Albany. The said commissioners shall, within thirty days after their appointment, solicit (by public advertisement) plans or plans and specifications for said bridge, and may make such compensation as they shall deem proper to the person or persons furnishing plans or plans and specifications for the construction thereof. Which plans and specifications shall be open for public inspection at such place as the said commissioners may designate at least fifteen days before the letting of any contract for the building of said bridge or viaduct. They shall fix upon a plan for the construction of said bridge, and, when so fixed, the work of building or constructing the same shall be let by contract or contracts; and after said commissioners shall have given reasonable notice in three of the principal newspapers published in the city of Albany, and also three other newspapers published in the city of New York, calling for bids for the construction of said bridge, the said contract or contracts shall be let to the lowest responsible bidder or bidders upon his or their executing to said commissioners a good and sufficient bond, to be approved by the Corporation Counsel of the city of Albany, with sufficient sureties, for the faithful performance of such work, and that said bridge shall be completed according to the terms of said contract and within a period to be specified therein, which shall not be over fifteen months from the time of the execution of such contract, reserving, however, to said commissioners, the power to reject any or all bids which said commissioners shall deem not advantageous for the interests of the city of Albany. Said commissioners shall have power to employ an engineer to superintend the construction of said bridge, with such salary or compensation as said commissioners shall deem reasonable, also, a clerk or secretary, with such duties and at such salary or compensation as said commissioners shall direct. It shall be a misdemeanor, punishable by fine and imprisonment, for either of said commissioners, or any engineer, architect or clerk appointed by them, to be in any way or manner interested, directly or indirectly, in furnishing any materials, supplies or labor for the erection of said bridge or viaduct, or in any contract which said commissioners are empowered by this act to make.

City to borrow money and issue bonds therefor.—Rate of interest and when payable.— Proceeds, how deposited.— Sale of bonds to highest bidder, on notice.— Advances to commissioners.— Annual tax for bonds and interest.— Council, etc., not to be interested in contracts.— Control of bridge.

§ 2. It shall be the duty of the Mayor and Chamberlain of the city of Albany to borrow on the faith and credit of the city of Albany, such sum as shall be required to pay the expenditures, exclusive of the damages hereinafter mentioned, authorized to be made by said commissioners under this act, and to issue the bonds of said city therefor, which bonds shall be signed by the said Mayor and Chamberlain, shall be made payable in the city of New York, the principal thereof in twenty annual payments, following the first issue thereof, as nearly equal in amount as possible; they shall bear interest at the rate of not more than three and one-half per centum per annum, payable semi-annually, and as fast as the money shall be required by said commissioners, they shall be negotiated by said Mayor and Chamberlain, as hereafter provided, and the money received therefrom shall be deposited with the Chamberlain of said city, who shall keep a separate account thereof, and shall pay therefrom, upon the order of said commissioners, or a majority of them, such sums as shall be required for the expenditures authorized by this act. The negotiation of such bonds shall be by selling the same, by the City Chamberlain, to the highest bidder, at public auction, at not less than par, giving at least ten days' previous notice of the time and place of sale, by publication in the city papers designated for the publication of city proceedings. The Chamberlain of the city of Albany is hereby authorized to make advances for the necessary expenditures by the said commissioners, upon their order or draft, from any funds in his possession, prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of subsequent sale of any of said city bonds. It shall be the duty of the Common Council of said city to cause to be raised yearly, by tax upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon said bonds, when and as the same shall become due and payable, and from time to time in like manner, to raise the money necessary to pay the principal of said bonds as they shall fall due. No member of the Common Council of said city, or city or county officer elected by the people shall be in any way interested,



directly or indirectly in furnishing any materials or supplies, or in any contract made for the construction of said bridge or viaduct, or in any contract thereof, or in any part thereof. The said bridge, with the appurtenances shall, when completed, be under the care and control of the Common Council of the city of Albany.

**Sidewalks in Hawk street, narrowing of.— Damages to property, how agreed upon.— Damages how paid.— Proceedings to determine amount of damages, by appraisal, etc.— Limitation of total expenditure.— Record of proceedings, etc.— How deposited, on completion.**

§3. The said commissioners shall have power and authority to narrow the sidewalks in Hawk street, at or near the ends of said bridge, and to appropriate the portion or portions so taken from the existing sidewalks to street use, and the portions so taken from the said sidewalks shall thereafter be deemed parts of said street. The said commissioners shall have power and authority to agree with the owners or parties interested in any lot or parcel of land fronting on or adjoining the line of said Hawk street, or in the vicinity thereof, upon the damages sustained by them, by reason of the building of said bridge or viaduct, or the approaches thereto, and the compensation to be made to them for such damages, or injury to their said property, and thereupon to pay the amount or amounts so agreed upon, by drafts or orders upon the Chamberlain of the city of Albany; and in case of the failure of said commissioners to agree with any of such owners or parties interested, as aforesaid, as to the amount of such damage, or injury to their said property, the damages sustained by said parties, in consequence of the building of said bridge or viaduct, or the approaches thereto, or any part thereof, shall be assessed and fixed by three commissioners, who may be citizens of Albany, to be appointed by the Supreme Court of the Third Judicial District, at any General or Special Term thereof, in the same manner and by the same special proceedings authorized by the act entitled "An act to authorize the formation of railroad corporations," passed April second, eighteen hundred and fifty, and the acts amendatory thereof, except that such commissioners may be appointed upon the application of any person or persons owning or interested in the lands and premises aforesaid, sustaining damages by reason of the erection of said bridge, upon not less than fifteen days' notice.

to the said commissioners and to the Corporation Counsel of the city of Albany, who shall act as counsel for said commissioners in all matters affecting the interests of the city of Albany under this act. And in all cases of appraisal under this act, where the mode or manner of conducting all or any of the proceedings to the appraisal, and the proceedings consequent thereon, are not expressly provided for by the statutes aforesaid, the court before whom such proceedings may be pending, shall have the power to make all the necessary orders, and give the proper directions to carry into effect the object and intent of this act. The whole amount that may be expended by the said commissioners by virtue of this act, for the payment of the cost of the construction of said bridge or viaduct, its approaches and appurtenances, salaries and services of superintending, engineering and all other expenses authorized by this act, exclusive of said damages, shall not exceed the sum of one hundred and twenty-five thousand dollars. Said commissioners shall keep a full record of their proceedings and exact and particular accounts of all their receipts and disbursements under and by virtue of this act, which records and accounts shall at all times be open to the inspection by the Mayor of the city of Albany, and upon completion of their duties, said commissioners shall deposit such record and all other books of account, and vouchers pertaining to the work of said commissioners under this act in the office of the Clerk of the county of Albany, there to be preserved as records of his office.

#### **Repeal.**

§ 4. Chapter four hundred and sixty-nine of the Laws of eighteen hundred and eighty-seven, entitled "An act to authorize the construction of a bridge or viaduct on Hawk street, in the city of Albany, from near Spruce street to Clinton avenue, for the improvement of Hawk and Spruce streets, and to provide for the expenses thereof, and of constructing the approaches thereto," together with all acts or parts of acts inconsistent herewith, are hereby repealed.

§ 5. The Chamberlain of the city of Albany shall pay from any moneys in his hands not otherwise appropriated all sums agreed upon between the Hawk street viaduct commissioners and the owners or parties interested in property injured on which shall be awarded in legal proceedings instituted under section three of this act and in case he shall not have sufficient money in his

hands not otherwise appropriated to pay such sums the same or such part thereof as shall remain unpaid shall be raised by tax in the next city tax budget and be paid over with interest from the time of such agreement or award to the owners or parties interested. Any number of separate legal proceedings begun under section three of this act, to ascertain such damages may on the application of the Corporation Counsel be consolidated into one proceeding and in case of a failure of the Hawk Street Viaduct Commissioners and the owners or parties interested to agree upon the damages sustained, the Corporation Counsel is authorized to institute on behalf of the city the proceedings specified in section three of this act to ascertain such damages. Sufficient notice of such proceedings to and jurisdiction over, all owners and parties in interest and over their property rights, shall be given by a publication twice in each week for three weeks in the official city newspapers of a notice, addressed "to the owners and parties interested in property taken, affected or damaged by the Hawk street viaduct," to appear in such proceedings and to present to the Corporation Counsel at a place to be therein stated, and within a time not less than three weeks from the date of the first publication of such notice, claims for such damages together with the names and residences of the claimants, and all owners and parties in interest failing to so appear and present such claims in such proceedings pursuant to such notice shall be thereafter forever barred and foreclosed from making any such claim and from all right to damages in the premises.

(As amended by chapter 65, Laws of 1890.)

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#### CHAPTER 151.

An Act to provide for the construction of certain public buildings in the city of Albany.

Became a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

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

Section 1. The Mayor of the city of Albany is hereby authorized to appoint four reputable persons who shall be residents and freeholders of said city, who, together with the Mayor of

the city, for the time being, shall be commissioners to construct the buildings hereinafter mentioned, and who shall be styled "the Public Building Commissioners of the city of Albany." The said commissioners so appointed shall hold their office until the completion of the said public buildings, and any vacancy occurring in their number by death, resignation, removal from the city or other disability, shall be filled by the Mayor of said city by certificate under the hand of said Mayor, filed with the Clerk of the Common Council of the city of Albany. The said commissioners shall serve without any compensation for their services under this act. The Mayor shall assign or appoint a clerk to said commissioners who shall receive a compensation at the rate of not exceeding one thousand dollars per year, who shall keep a record of all their transactions and perform such other service, as may be required of him by said commission.

§ 2. The commission herein provided for shall have power and authority to repair the High School building and erect an addition thereto upon the lot next adjoining said High School building upon the east, and to erect not exceeding three public school buildings at such places within the city of Albany as the Board of Public Instruction of the city of Albany may select. The aggregate expense of such repairs and construction of such buildings including the necessary school furniture for the same shall not exceed the sum of two hundred thousand dollars. They shall also have power and authority to erect not exceeding four buildings for the use of the Fire Department of the city of Albany, to be located at such points within the city of Albany as they may select, and at an aggregate expense of not exceeding fifty thousand dollars. Nothing in this act contained, however, shall prevent the said Public Building Commission from increasing the expenditures in this act provided for by the addition of the proceeds of the sale of any building or real estate now used by the said Fire Department, and which the Board of Fire Commissioners of said city of Albany may hereafter in the manner now authorized by law, sell or dispose of, provided that either of said buildings so to be erected for the use of the Fire Department of the said city is intended to be used by said department as a substitute for the building and real estate so sold and disposed of. And said Public Building Commissioners are hereby authorized to use all such proceeds of any such sale as well as the proceeds of the sale of any other building or real estate by this act authorized to be sold for the uses and pur-

poses of erecting and furnishing the several buildings in this act mentioned and described. And if the said Public Building Commissioners of the city of Albany shall in the manner hereinafter provided determine upon that portion of Lexington avenue in the said city of Albany situate between Washington avenue and Western avenue and also the triangular strip of land east of and adjoining said land at the intersection of said Washington avenue and Western avenue, as a suitable site for the erection of one of said buildings to be devoted to the use of the Fire Department of the city of Albany in the manner aforesaid, the corporation of the city of Albany is hereby authorized to close up and vacate said street and land and prohibit its further use as a public highway. And whenever the said Public Building Commissioners shall determine upon said site for the use aforesaid and notify the Common Council of said city thereof in writing, the said Common Council shall under the authority of this act by an ordinance passed in the usual manner, declare the portion of Lexington avenue above described and the said triangular strip east of and adjoining the same closed and the same henceforth shall be closed, and the public shall no longer have a right of way over the same. After the adoption of said ordinance the said Public Building Commissioners shall be authorized to erect thereon and upon such other land in addition thereto as may be acquired by them, the said public building. All damage to any land or to any building or other structure thereon existing at the time of the passage of this act by reason of the closing of such street or avenue or said land adjoining the same, shall be ascertained in the manner and by the proceedings specified in sections twenty-one, twenty-two and twenty-three of title seventeen of chapter two hundred and ninety-eight of the Laws of eighteen hundred and eighty-three, as amended by chapter two hundred and eighty-six of the Laws of eighteen hundred and ninety-one, and shall be paid by said Public Building Commissioners as a portion of the expense of constructing said buildings: Provided, however, that any person or persons owning or having any interest in any such lands, buildings or other structures deeming himself or themselves aggrieved, or any such property injured or damaged by reason of the closing of said street or avenue, shall commence said proceedings to recover said damage within thirty days after the passage of said ordinance, and any such person or persons who fail or neglect to commence said proceedings within said thirty days, shall forever thereafter be barred from

recovering any damages or compensation from the said Public Building Commissioners or from the said city of Albany by reason or on account of the closing of such street or avenue or the erection of such building on such site. They shall also have power to erect one station-house for the use of the Police Department of the city of Albany at such place within the city as they may select, at an expense of not exceeding twelve thousand dollars. And said Public Building Commissioners are authorized to sell and dispose of the building and real estate now owned by said city and used for the purposes of a station-house, which it is intended to replace by the erection of said building to be provided for the use of the Police Department as aforesaid. And for the purpose of erecting any or either of such buildings the said Commissioners may use such land now owned by the city of Albany or any department, board or commission thereof or any building or other structure or any such land as they may deem necessary, provided that in the opinion of such department, board or commission, the said building or structure shall have become unfit or inappropriate for the purposes intended and theretofore used, and in the event of its being necessary for the erection of said buildings, or any or either of them, for the said commissioners to acquire title to any land not now owned by the city of Albany, or any department, board or commission thereof, they may, in the event of their being unable to agree with the owner or owners of said property, direct the Corporation Counsel of the city of Albany to take the proceedings mentioned in title seventeen of chapter two hundred and ninety-eight of the Laws of eighteen hundred and eighty-three, for the purposes of acquiring the land so deemed necessary by them.

(Amended by chapter 135, Laws of 1892.)

§ 3. The said commissioners shall, within thirty days after their appointment, determine upon the sites for the erection of the buildings provided for by this act, excepting the sites for the school buildings which shall be selected as hereinafter provided, and as soon thereafter as title to the land necessary for the erection of said buildings shall be vested in the city, the said commissioners shall solicit, by public advertisement, plans or plans and specifications for the erection and construction of said buildings, or of such of them as the city shall then own the site of, and may make such compensation as they may deem proper to the person or persons furnishing plans or plans and specifica-

tions for the construction thereof, which plans and specifications shall be opened for public inspection at such place as the said commissioners may designate, at least ten days before the letting of any contract for the building of any or either of such buildings. As soon as the said commissioners, or a majority of them, shall agree upon a plan for the construction of any or either of said buildings, the work of building and constructing the same shall be let by contract or contracts, and said commissioners shall give reasonable notice in the official newspapers of the city of Albany, calling for bids for the construction of said building or buildings. Said notice to be by publication, not less than twice each week, for three consecutive weeks. The said contract or contracts shall be let to the lowest responsible bidder or bidders, upon his or their executing to the said commissioners a good and sufficient bond, to be approved by the Corporation Counsel of the city of Albany, with sufficient sureties for the faithful performance of such work, and that said building or buildings provided for in said contract shall be completed according to the terms of said contract, and in the period to be specified therein, which shall not be over fifteen months from the time of the execution of such contract, reserving, however, to said commissioners the power to reject any and all bids which said commissioners shall deem not to be advantageous for the interest of the city of Albany. Said commissioners shall have power to employ an architect or architects to superintend the construction of such buildings, at such compensation as such commissioners shall deem reasonable. No member of the Common Council of the city of Albany or of the commission hereby created, or any person holding office within the city or county of Albany, either by election or appointment, shall be in any way or manner interested, directly or indirectly, in furnishing any materials, supplies or labor, for the construction of said buildings, or any or either of them.

§ 4. The Board of Public Instruction shall select the sites for the location of the three several school buildings to be erected as hereinbefore provided, and shall certify to "the Public Building Commissioners of the city of Albany" the several sites so selected, and "the Public Building Commissioners of the city of Albany" shall immediately take steps to acquire title thereto, as provided by section two of this act. All the plans and specifications proposed for the erection of the school buildings, or for repairs and extension to the High School, must first be approved

by the Board of Public Instruction before the same shall be adopted by "the Public Building Commissioners of the city of Albany," and the school buildings shall be erected in accordance with the plans and specifications so approved by the Board of Public Instruction of the city of Albany. The Superintendent of School Buildings employed by and under the direction of the Board of Public Instruction shall act, under the direction of the Public Building Commissioners, as Superintendent of Construction of the school buildings erected under this act.

§ 5. It shall be the duty of the Board of Finance of the city of Albany to borrow on the faith and credit of the city of Albany, such sum or sums of money as shall be required to pay the expenditures herein authorized to be made by the said commissioners under this act and to issue the bonds of said city therefor, which bonds shall be signed by the said Mayor and Chamberlain, and shall be made, registered and payable in the city of Albany. They shall bear interest at a rate to be fixed by the Board of Finance not, however, to exceed five per centum per annum, payable semi-yearly; and as fast as the money shall be required by said commissioners they shall be negotiated by said Mayor and Board of Finance, as hereinafter provided, and the money received therefrom shall be deposited with the Chamberlain of said city, who shall keep a separate account thereof, and shall pay therefrom under the order of said commissioners, or a majority of them, such sums as shall be required by the expenditures authorized by this act. The negotiation of such bonds shall be by selling the same by the said Chamberlain to the highest bidder at public auction, at not less than par, giving at least ten days' previous notice of the time and place of sale, by publication in the city papers designated for the publication of city proceedings. Such bonds shall be issued in such manner and for such length of time that five thousand dollars thereof shall be payable each year, commencing the second year after the issue of the first one, the last of said bonds to be payable not later than twenty years from the issue of the first bond. It shall be the duty of the Common Council of said city to cause to be raised yearly by tax upon the taxable property in said city, in the same manner as other general taxes are levied, a sum sufficient to pay the interest upon said bonds when and as the same shall become due and payable, and the sum of five thousand dollars to meet the amount of principal coming due each year under the provisions of this act. And the remainder of said



bonds due at the expiration of said twenty years, not provided for by said annual payment of five thousand dollars, shall be payable out of the general debt sinking fund of the said city of Albany. The Chamberlain of the city of Albany is hereby authorized to make advances for the necessary expenditures by the said commissioners, upon their order or draft, from any funds in his possession, prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of the subsequent sale of any of such city bonds.

(As amended by chapter 135, Laws of 1892.)

§ 6. The said commissioners shall keep a full record of their proceedings and an exact and particular account of all their receipts and disbursements under and by virtue of this act, and which records and accounts shall at all times be open to inspection by the Mayor, Chamberlain and members of the Common Council of the city of Albany, and upon the completion of their duties said commissioners shall deposit such records and put their books of account, and vouchers pertaining to the work of said commissioners under this act, in the office of the Chamberlain of the city of Albany, there to be preserved as records of his office.

§ 7. Upon the completion of the construction of any of the buildings hereby authorized to be constructed, the said commissioners shall forthwith turn the same over to the officer, commission or department for whose use or occupation it is designated, and when the last of such buildings is so completed and accepted, the Mayor of the city of Albany, by a certificate in writing to be filed with the Clerk of the Common Council of said city, shall dissolve said commission.

**Repair and restoration of City Building.— Plans for repairs.—**

**Contracts for work.— Money for expenditures.— Issue of certificates of indebtedness.**

§ 8. In case the Common Council of the city of Albany shall not before this act takes effect, otherwise provide for procuring the money required to defray the expense necessary to be incurred for the repair and restoration of the City Building, in said city, "the Public Building Commission of the city of Albany," whose appointment is authorized by the first section of the act hereby amended, shall, in addition to the powers conferred in and by the said act, have power and authority to

repair and restore said City Building, and make such alteration in the present plan thereof and such additions to said building and improvements therein as shall in their judgment be desirable for the purpose of making said City Building suitable and convenient for the needs of the various boards, commissions, departments and officers of the city government, provided that the aggregate expense of making such repairs and additions shall not exceed the sum of twenty-five thousand dollars. The work shall be let and performed in the manner required in and by said act hereby amended, except that the said commissioners shall solicit, by public advertisement for five successive days in three newspapers published in the city of Albany, plans or plans and specifications for the repairs and improvements of said City Building, and said plans or plans and specifications, when adopted by said commissioners, shall be opened for public inspection at such place as the said commissioners may designate, at least one week before the letting of any contract for said repairs and improvements. As soon as the said commissioners, or a majority of them, shall agree upon a plan for the repairing and improvement of said City Building, the work of repairing and improving the same shall be let by contract or contracts and said commissioners shall give reasonable notice in three newspapers published in the city of Albany, calling for bids for the repairing and improvement of said City Building. Said notice to be by publication for five successive days. The money required to pay the expenditure authorized by this section shall be taken from any unexpended balance now remaining in the custody of the Chamberlain of the city of Albany to the credit of said commissioners so far as such balance will pay the same, and such other moneys as shall be necessary for such purpose shall be paid out of any fund in the custody of said Chamberlain not appropriated to any specific use or purpose; and if there shall be no such fund, the remainder of the moneys shall be obtained by the issuance of a certificate of indebtedness to be subscribed by the Board of Finance of said city, or a majority of the members of such board, which certificate of indebtedness shall bear interest at a rate not exceeding five per centum per annum, to be fixed by said Board of Finance, be made payable on the first day of February, eighteen hundred and ninety-five, and be negotiated by the Board of Finance after five days' notice published in the official newspapers of said city for bids therefor. The amount thereof with interest shall be included in the next

city tax budget and be raised by tax in the same manner as other money necessary for the current expenses of the city government.

(Added by chapter 87, Laws of 1894.)

**Clerk to commission.**

§ 9. The Mayor of the city of Albany shall assign or appoint as clerk to said commission one of the Mayor's Clerks, who shall keep a record of all their transactions and perform such other services as may be required of him by said commissioners, and who shall serve without additional compensation.

(Added by chapter 87, Laws of 1894.)

**Clerkship abolished.**

§ 10. The clerkship established by section one of chapter one hundred and fifty-one of the Laws of eighteen hundred and ninety-one is hereby abolished.

(Added by chapter 87, Laws of 1894.)

§ 11. "The Public Buildings Commissioners of the city of Albany," whose appointment is authorized by the first section of the act hereby amended, shall, in addition to the powers conferred in and by the said act, have power and authority to complete the work necessary to be done in the repair, alteration, restoration and complete finishing of the City Building, in the said city of Albany, in accordance with the plans, estimates and proposals, made to and by the said Public Buildings Commissioners of the city of Albany, as reported by the said commissioners, to the Common Council of said city, which work shall include the placing in service of a passenger elevator in said building, together with the doing of all work necessary to final completion of said work, in accordance with said plans, provided that the aggregate expense of the doing of such work complete, shall not exceed the sum of thirteen thousand eight hundred and fifty dollars in addition to the sum already appropriated and now in the hands of the Chamberlain. The money required to meet the expenditure authorized by this section shall be taken from any unexpended balance now remaining in the custody of the Chamberlain of the city of Albany, to the credit of said commissioners, so far as such balance will pay the same, and such other moneys as shall be necessary for such purpose shall be paid out of any fund in the custody of said Chamberlain not appropriated to any specific use or purpose; and if there shall be

no such fund, the remainder of the moneys shall be obtained by the issuance of a certificate of indebtedness to be subscribed by the Board of Finance of said city, or a majority of the members of such board, which certificate of indebtedness shall bear interest at a rate not exceeding five per centum per annum to be fixed by the said Board of Finance and which certificate of indebtedness shall be made payable on the first day of February, eighteen hundred and ninety-six, and be negotiated by the Board of Finance after five days' notice, published in the official newspapers of said city for bids therefor. The amount thereof, with interest, shall be included in the next city tax budget, and be raised by tax in the same manner as other money necessary for the current expenses of the city government.

(Added by chapter 213, Laws of 1895.)

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#### CHAPTER 248.

An Act to establish a public driveway on that portion of Washington avenue, in the city of Albany, lying between Quail street on the east, and the east line of the Manning Boulevard, intersecting said Washington avenue, on the west.

Accepted by the city.

Became a law April 5, 1895, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. That portion of Washington avenue, in the city of Albany, lying between Quail street on the east, and the east line of Manning Boulevard, intersecting said Washington avenue on the west; a majority of the owners of the property fronting thereon having consented and said consent having been filed with the Clerk of the Common Council of the city of Albany, is hereby placed under the control and charge of the Board of Commissioners of Washington Park of the city of Albany, for the purpose of laying out the same and establishing therein a public driveway, which control and management shall continue until said portion of said Washington avenue shall cease to be used for such public driveway as hereinafter provided.

§ 2. The said Board of Commissioners of Washington Park of the city of Albany are hereby authorized to receive from time to time such sums of money as may be voluntarily donated by any

person or association for the purpose of grading, constructing and maintaining said driveway, and said commissioners shall, as soon as practicable, lay out and expend the money so received in constructing, grading, improving and maintaining said portion of Washington avenue so as to make and keep it suitable and proper for such driveway, but said commissioners shall not lay out or expend for such purpose any money raised by assessment or taxation.

§ 3. The said Board of Commissioners of Washington Park of the city of Albany may make such rules and regulations as it may deem advisable for the use of said driveway and as to the speed of riders and drivers on said driveway, and for the exclusion therefrom of any kind of vehicle, the use of which may injure said driveway or render same unfit or inconvenient for the purpose thereof. No street or other railway shall be laid down on said driveway or any portion thereof. All trucks, carts and vehicles of all kinds for the transportation of merchandise or freight of any description shall be excluded therefrom, except when and while transporting and delivering such merchandise or freight to and for persons dwelling on said avenue, in case of such transportation and delivery it shall be the duty of the driver or drivers to enter and leave said driveway, with said vehicle, at the intersecting street, which is nearest to the point or place of delivery, and to leave said driveway immediately after the delivery of such merchandise or freight. A violation of this section, or of the rules and regulations made by the Board of Commissioners of Washington Park of the city of Albany, relative to the use of said driveway, shall be a misdemeanor.

§ 4. At any time after said driveway shall be used as such for five years, or in case the same shall not be constructed, used and maintained as such driveway: at any time prior to the expiration of said five years, the owners of a majority of the property abutting on same may petition the Board of Aldermen of the city of Albany to pave said driveway, or to have the same abandoned as such driveway, and if said board shall act favorably upon said petition, and it shall be determined according to law to pave or abandon the same as such driveway, then and from thenceforth the same shall cease to be such driveway, and the management, control and charge thereof shall pass from said Board of Commissioners of Washington Park of the city of Albany to said city of Albany, to be owned, controlled and managed by it the same as before the passage of this act.

## CHAPTER 1.

An act to provide for public notice and opportunity for a public hearing before the Mayor and legislative body of any city of the second or third class concerning all special city laws relating to such city.

Became a law January 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Whenever a certified copy of any bill for a special city law shall be transmitted to the Mayor of any city of the second or third class, pursuant to the provisions of section two of article twelve of the Constitution, the said Mayor shall forthwith upon receipt thereof fix a day for a public hearing in such city concerning such bill before the Mayor and legislative body thereof and shall give public notice of the time and place of such hearing by publishing said notice for three successive days in a daily newspaper published in said city and designated by him. The Mayor shall also cause a copy of said notice to be served upon each member of the legislative body either personally or by mail at least two days before the day fixed therein for such public hearing. Said notice shall also contain the title of the bill and any explanatory statement concerning the same which the Mayor shall deem advisable.

§ 2. The Mayor and the legislative body shall attend at the time and place appointed for such hearing, and shall afford an opportunity for a public hearing concerning such bill.

§ 3. After such hearing, and within fifteen days after the transmission to him of a certified copy of such bill, the said Mayor shall return the same to the house from which it was sent, or if the session of the Legislature at which such bill was passed has terminated, to the Governor, with the certificate thereon of the Mayor and the presiding officer of the legislative body stating whether the city has or has not accepted the same, and such bill shall not be deemed to have been accepted by such city, unless the Mayor and a majority of the legislative body shall concur in such acceptance. The Mayor shall also append to said certified copy of such bill a further certificate stating that the public notice herein provided for has been given, that a meeting of the legislative body has been held pursuant thereto, and

that an opportunity for a public hearing concerning such bill has been afforded, pursuant to the provisions of this act, and such certificate shall be conclusive evidence thereof.

§ 4. The clerk of the house in which such bill originated shall indorse upon the original bill to be presented to the Governor, and upon the certified copy thereof to be transmitted to the Mayor, the date of such transmission. The said clerk, if the certified copy of said bill is returned to the house in which the bill originated, or the Governor, if said certified copy is returned to him, shall indorse the date of such return upon the said original bill and also upon said certified copy thereof. In every case in which a bill for a special city law has been accepted by the city or cities to which it relates, the certified copy or copies thereof transmitted to the Mayor or Mayors of said city or cities and returned by him or them, with the certificates indorsed thereon or appended thereto, shall be attached to the original bill and presented therewith to the Governor.

§ 5. The amount necessary to be expended in any such city in complying with the requirements of this act shall be a public charge and shall be paid out of any fund or appropriation applicable thereto, and if, in any such city, there is no fund or appropriation applicable to such payment in the year eighteen hundred and ninety-five, then and in that case the board or body in such city charged with the duty of estimating the amounts required to pay the expenses of conducting the public business of said city shall, within thirty days after the passage of this act, meet and estimate the amount necessary to be expended by the Mayor of said city under the provisions of this act during the year eighteen hundred and ninety-five, and the amount so estimated shall be added to and become a part of the final estimate of the amounts required to pay the expense of conducting the public business of said city during said year, and shall be collected by tax upon the estates, real and personal, subject to taxation in said city.

§ 6. This act shall take effect immediately.

## CHAPTER 776.

An Act to reduce, confirm and levy certain assessments for paying, et cetera, Woodlawn avenue, in the city of Albany, to provide for the payment thereof, and in relation to certain sales thereunder.

Became a law May 27, 1895, with the approval of the Governor. Passed by a two-thirds vote.

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

Section 1. (The sales heretofore made by the city of Albany of lots, pieces or parcels of land for the non-payment of the assessments for the "excavation, filling, forming and paving, with Trinidad sheet asphalt, Woodlawn avenue; also for flagging, graveling and sodding the sidewalks and for laying sewers under the sidewalks on Woodlawn avenue, in the city of Albany, New York, from the west curb line of Lake avenue to the east curb line of Partridge street," which assessments were confirmed by the Board of Contract and Apportionment of said city on the fifteenth day of August, eighteen hundred and ninety-two, are hereby confirmed, and the time for the redemption from such sale is hereby extended in such wise that the said assessments as originally assessed and apportioned may be paid in the manner following, anything in the charter or laws relating to the city of Albany to the contrary notwithstanding, viz.: One-twelfth part of such assessments, with interest on the same from the date of the confirmation of said assessment by the Board of Contract and Apportionment, at and after the rate of four per centum per annum upon the whole assessment shall be paid on the first day of September, eighteen hundred and ninety-five, and one-twelfth part thereof with like interest on the whole amount of the assessment remaining unpaid from the date at which the last previous payment of interest is provided to be paid, may be paid on each succeeding first day of September, until the whole of such assessment shall be paid; provided, that the proceedings brought and now pending in the Supreme Court to vacate and set aside said assessment and to restrain the city from collecting the same shall be discontinued by the entry of an order to that effect within ninety days after the passage of this act), and when the whole amount of such assessment and the interest thereon shall be paid in the manner above stated, then



and thereupon the said assessment and the sale or sales of any lot or lots shall by virtue of such payment be and become of no effect. The owner of any piece of property so assessed may, at any time, pay to the Chamberlain of the city of Albany the entire assessment upon his property with interest, at the rate aforesaid from the date of the confirmation of said assessment by the Board of Contract and Apportionment to the time of such payment, and thereupon said property so redeemed shall be discharged from the lien of such assessment and from all sales thereunder. In case said assessment, or any payment in this section provided for, shall not be made as above provided for, any and each sale heretofore made, or hereafter to be made, of any land in regard to which such payments herein provided for, or any of them, shall not be made, shall be in all respects subject to the same right of redemption and become absolute in the same manner as if this act had not been passed.

§ 2. This act shall take effect immediately.

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#### CHAPTER 1029.

An Act to provide for the distribution of the unexpended balance of money now in the hands of the Mayor of the city of Albany raised by public subscription for the benefit of the sufferers from the flood in the Conemaugh valley.

Became a law June 15, 1895, with the approval of the Governor. Passed by a two-thirds vote.

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

Section 1. The trustees of the Albany Free Library, of Albany, New York, are hereby constituted the trustees of the unexpended balance of the fund raised by public subscription for the benefit of the sufferers from the flood in the Conemaugh valley, commonly termed the "Johnstown flood," which occurred about June one, eighteen hundred and eighty-nine, now in the hands of the Mayor of the city of Albany or any other custodian thereof. And the said Mayor or other custodian of said fund is hereby directed to turn over all moneys in his hands belonging to said fund to the trustees herein mentioned upon the filing with said Mayor such consent or transfer as has been executed by subscribers to said fund. Said Mayor or custodian of said fund is authorized and empowered to return to any subscriber to said

fund any subscription which was not forwarded at or after the time the same was subscribed.

§ 2. The said trustees shall receive and receipt for all such moneys, and shall invest the same as in their judgment shall be proper, and shall, from time to time, pay over to the Albany Free Library the income of such fund and, in their discretion, the principal of such fund in such manner and amounts as shall, in their judgment, be for its best interests.

§ 3. But no part of said principal fund shall be expended by said trustees of the Albany Free Library until they shall execute and deliver to the people of the State of New York a bond, under their hand and seal, in the sum of one thousand dollars, conditioned that they will refund to any subscriber to said fund such amounts as a court of competent jurisdiction shall adjudge to be his or their proportionate share and interest in said fund; but said library shall in no event be liable or accountable for costs in any suit or proceeding or beyond the amount of the principal fund received by said trustees.

§ 4. This act shall take effect immediately.

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PART III.



City Laws and Ordinances

OF THE

CITY OF ALBANY.



# ORDINANCES.

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## OF CITY BOARDS AND DEPARTMENTS

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### CHAPTER 1.

#### *Of the Board of Audit.*

Section 1. Officers of board.

2. Meetings.
3. Books.
4. Further powers.
5. City Marshal to serve notices.

#### **Officers of board.**

Section 1. The Mayor shall be the president of said board, and the Clerk of the Common Council the secretary thereof and the custodian of the books, papers and vouchers of said board.

#### **Meetings.**

§ 2. Said board shall meet at the Mayor's office on the second Tuesday of each month, at ten o'clock in the forenoon, except in the months of July and August, for the audit of bills and the transaction of such other business as may be presented for consideration.

#### **Books.**

§ 3. The said board shall keep a book showing the number of each bill presented, the name of the claimant, and briefly showing the nature of the work done or the materials furnished, the amount of the claim, whether allowed or disallowed, and, if allowed, the amount allowed thereon.

#### **Further powers.**

§ 4. Said board shall have such further powers and perform such other duties as are prescribed by law, and shall make such rules and regulations governing its proceedings.

**City Marshal to serve notices.**

§ 5. It is hereby made the duty of the City Marshal to subpoena claimants and such other persons to attend the meetings of said board, as a majority of said board may direct.

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## CHAPTER 2.

### *Of the Trustees of the Sinking Fund*

Section 1. Officers of board.

2. To have charge of sinking fund.

**Officers of board.**

Section 1. The Mayor shall be the president of said trustees. The Chamberlain shall have the custody of the books and papers of the board, and the bonds or other securities held as investments shall be placed in the deposit bank for safe keeping.

**To have charge of sinking fund.**

§ 2. Said trustees shall have the care, direction and application of the sinking funds of the city as prescribed by law. Said trustees may make rules and regulations for the government of their proceedings, and shall meet, at such times as are designated by a majority of the board, at the Chamberlain's office.

## CHAPTER 3.

### *Of the Board of Finance.*

Section 1. Date of organization.

**Date of organization.—Officers.**

Section 1. The Mayor shall be president of said board, and the clerk of the Common Council shall be the clerk, and the Chamberlain shall have the care and custody of the books, papers and property of said board, and shall keep a book or books showing the bonded indebtedness of the city, the date of the issue of all bonds, the purpose for which issued, the rate of interest payable thereon and when payable, and the payments made thereon. Said board shall have the powers and perform the duties prescribed by law. It shall make rules and regulations governing its proceedings. Said board shall meet at the Mayor's office, in the City Hall.

## CHAPTER 4.

*Of the Board of Contract and Apportionment.*

## Section 1. Officers of board.

2. Office.
3. Before contracts awarded, notice to be published.
4. Opening of bids.
5. Power to disregard proposals.
6. Clerk to keep record.
7. Filing of proposals.
8. Power to determine quality of materials.

**Members constituting board.—President of.**

Section 1. The Mayor shall be the president of said board, and it shall have power and authority to make rules and regulations for the government of its members, clerks and employes and the transaction of its business.

**Office.**

§ 2. Said board shall have its office in the City Hall of said city, which shall be kept open from nine in the morning to five in the afternoon of each day, except Sundays and legal holidays.

**Before contracts awarded notice to be published.**

§ 3. Before any contract shall be awarded by said board for the paving, repaving, flagging, curbing, planking, grading, excavating, filling, constructing, repairing and opening streets, alleys, sewers, drains, docks, basins, cess-pools, culverts, fencing and filling lots, laying new cross-walks, lighting, or for removing the street dirt or garbage in said city, or for any other purpose hereinbefore specified, a notice shall be published in the official papers as provided for by law, in which shall be specified generally a description of the work to be done or improvements contemplated, and materials to be furnished and the quality thereof, and inviting persons to send sealed proposals or bids therefor, specifying for what price the same shall be done or furnished, on a day and hour to be therein mentioned; the said sealed bids to be addressed to the Board of Contract and Apportionment of the city of Albany, and delivered at its office at the time of such meeting, indorsed as provided for by law.

**Opening of bids.**

§ 4. All proposals or bids so addressed and delivered shall be opened by some member of the board or by its clerk, even though a majority of the members of such board should not then be present. But no bid shall be considered which does not comply with the rules of said board or which has not indorsed thereon the title of the work to which it relates, the name of the bidder and his residence, and said board shall, if a majority of the members of such board is present, award to, and direct the Mayor to enter into a contract with the person or persons whose proposal or bid shall be for the interest of the city for doing the work, making improvements contemplated, or furnishing the materials required, unless it appears that by reason of some act or thing to be done in behalf or on the part of the city the doing of such work, or the making of the improvement, cannot be proceeded with.

**Power to disregard proposals.**

§ 5. Said board shall have the power, and it shall be its duty, to disregard all proposals and bids not complying with the terms of the advertisement inviting the same, or when, in their opinion, a proper and sufficient undertaking does not accompany such proposal or bid; nor shall any bid be accepted from, or contract awarded to, any person who is in arrears to the city upon debt or contract, or who is a defaulter as surety or otherwise, upon any obligation to the city.

**Clerk to keep record.**

§ 6. The clerk of said board shall keep a record in books to be provided for that purpose by the Clerk of the Common Council, containing copies of all advertisements for proposals, the names of parties proposing and the time of receiving same, the names of the sureties to their undertaking, the amount or price for which the work was proposed to be done, by each person, and the proposals or bids rejected, and for what cause, and the names of the person or persons to whom the contract was awarded. He shall also keep, in a book to be used for that purpose, all the expenses, including printing and advertising, in any matter or proceeding where an assessment or apportionment is to be made, in order that the expenses may be added and assessed and apportioned.



**Filing of proposals, etc.**

§ 7. All proposals accepted, and bonds received therewith, and contracts entered thereon, shall be filed in the office of the Board of Contract and Apportionment.

**Power to determine quality of materials.**

§ 8. The Board of Contract and Apportionment shall have the power to determine the quality of the materials to be used and the manner in which all work is to be done, referable to this department; and shall also fix the price for all repairs for streets, sidewalks, cross-walks, docks and drains properly ordered by the Street Commissioner or by said board.

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**CHAPTER 5.***Of the Law Department*

Section 1. Members of.

2. Time of meeting.

3. To report to Common Council.

**Members of Law Department.**

Section 1. The Law Department shall consist of the Corporation Counsel, the Recorder of the city of Albany, and the Law Committee of the Common Council. It shall have an office in the City Hall, in one of the committee rooms of the Common Council.

**Time of meeting.**

§ 2. The Law Department shall meet at least once a month, except during the months of July and August.

**To report to Common Council.**

§ 3. The Law Department shall examine and report to the Common Council upon any matter submitted to it.

## OF CITY OFFICERS.

## CHAPTER 6.

*Of the Chamberlain.***Section 1. Bond.**

2. Grants, leases, etc., filed in office.
3. Account books to be kept.
4. To report exhausted funds.
5. Moneys to be deposited.
6. To attend meetings of Common Council.

**Bond.**

Section 1. The Chamberlain of the city shall annually, on the first Tuesday in October, make and execute a bond with sufficient sureties in the sum of fifty (\$50,000) thousand dollars, to be approved by the Mayor and filed in the Mayor's office, conditioned for the faithful performance of his duties as Chamberlain, and the due accounting for and paying over of all moneys and property paid to him or coming into his hands or within his care, custody or control, belonging to the city; the Deputy Chamberlain shall at the same time execute a bond, with sufficient sureties, in the sum of five thousand dollars, conditioned as aforesaid.

**Grants, leases, etc., filed in office.**

§ 2. There shall be kept in said Chamberlain's office all grants, leases and connected parts of leases or deeds, mortgages or other assurances or evidence of title, and all evidences of debt, contracts, bonds of indemnity, belonging to or given to the city of Albany.

**Account books to be kept.**

§ 3. There shall at all times be kept in said Chamberlain's office just and true accounts, and books of all the affairs thereof; and the Chamberlain shall furnish statements of its affairs whenever required by the Mayor, Board of Finance or Common Council.

**To report to Board of Finance exhausted funds.**

§ 4. The Chamberlain shall report to the Board of Finance every case in which an appropriation or fund is exhausted, the object of which is not completed, and accompany such report with a statement of the moneys which have been drawn on such appropriation, the particular purpose for which they were drawn, the cause of the deficiency, and an estimate of the amount that will be necessary to complete the object of the appropriation or fund.

**Money to be deposited, checks to be countersigned by Receiver of Taxes.**

§ 5. All moneys that shall come into the hands of the Chamberlain shall be daily deposited in the banks of the city of Albany, to be designated by the Board of Finance, and all interest or other moneys received thereon or therefor, shall be credited to and paid over to the account of the city. All moneys shall be paid by the check of the said Chamberlain, countersigned by the Receiver of Taxes, on any bank in which the moneys of the city shall be deposited; and no moneys shall be drawn except for the purposes and use of the Common Council, by check countersigned as aforesaid. No money shall be drawn by the Chamberlain from any of the funds raised by tax or otherwise for specific purposes, to make up deficiencies which may occur in the general or any other fund.

**To attend meetings of Common Council.**

§ 6. It shall be the duty of the Chamberlain to attend the meetings of the Common Council and to give such information as may be required, concerning the financial affairs of the city.

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**CHAPTER 7.**
*Of the Receiver of Taxes.***Section 1. Bond.****2. Duties.****Bond.**

Section 1. The Receiver of Taxes shall annually, on the first Tuesday in October, make and execute a bond, with sufficient sureties, in the sum of twenty-five thousand (\$25,000) dollars, to be approved by the Mayor and filed in the Mayor's office, condi-

tioned for the faithful performance of the duties of his office, and faithful accounting for and paying over of all moneys and property paid to him, or coming into his hands or within his care, custody or control, belonging to the city. The Deputy Receiver of Taxes shall execute a bond, with sufficient sureties, conditioned as aforesaid, in the sum of five thousand dollars.

**Duties of said officers.**

§ 2. It shall be the duty of said officers to perform the duties required by the laws of the State and the ordinances of the Common Council.

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CHAPTER 8.

*Of the Corporation Counsel and Assistant.*

Section 1. Custodian of books and papers.

2. To report suits.

3. Assistant corporation counsel.

**Legal adviser of city officers.—To conduct proceedings widening streets, etc.—To keep register.—Deliver to successor books, deeds, etc.**

Section 1. The corporation counsel shall keep in proper books, a register of all actions prosecuted or defended by him, and all proceedings had therein, and shall be the custodian of all books and papers belonging to the Law Department. He shall, upon the expiration of his term of office, resignation thereof, or removal therefrom, forthwith deliver to his successor in office all books, deeds, leases, contracts and other papers in his hands, belonging to the city; and the papers in all suits pending and determined; and such registers, books and papers, as may have been transmitted to him by his predecessor in office, and a written consent of substitution of his successor in office, in all actions then pending and undetermined.

**To report suits, etc.**

§ 2. The Corporation Counsel shall submit at the last meeting of the Common Council in December of each year, and oftener if required, a statement of the number of suits commenced or defended in the previous year and the number then pending, with a brief statement of their nature, and such other matters as relates to his office.

**Assistant Corporation Counsel.**

§ 3. The Assistant Corporation Counsel, under the direction of the Corporation Counsel, shall act for, represent or perform the duties enjoined in any law or ordinance upon the Corporation Counsel.

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## CHAPTER 9.

*Of the Clerk of the Common Council.*

- Section 1. When appointed and duties.
2. Office hours.
  3. To prepare proceedings, etc.
  4. Further duties.
  5. Stationery.
  6. Requisitions required.
  7. To certify to bills.

**When appointed.**

Section 1. There shall be appointed, biennially, a clerk of the Common Council, who shall also be the City Clerk, who, before entering upon the duties of such office, shall take an oath well and faithfully to perform the same, and whose duties shall be as follows:

**Duties.**

1. To attend every meeting of the Common Council, and to enter, in a plain and fair hand, at full length, in a book to be by him provided, at the expense of the Common Council, for that purpose, all the proceedings and resolutions of said Common Council, had or passed at each meeting, and to certify the required proceedings to the Mayor. The said book shall be of the same size, width, and bound and lettered like the book heretofore used for that purpose.

2. To preserve and safely keep, methodically arranged, all such books, vouchers, memorandums, reports and papers, the property of the said city of Albany, or relating to its affairs, as now are in, or hereafter shall come to his hands and possession, as Clerk of the Common Council or City Clerk.

3. To provide and keep an index of all laws and resolutions of the Common Council, approved by the Mayor, in a book or books to be by him provided for that purpose.

4. To give notice in writing of their appointment to all persons who may be appointed to any office or duty by virtue of any law or resolution of the Common Council.

5. To furnish the chairman of any committee to whom any subject may be referred, with the names of the persons composing such committee, and to attend the meetings of all committees and keep the minutes thereof, and have all laws, resolutions or papers at any meeting that may have been referred to any such committee; and at every meeting of the Common Council to furnish the presiding officer with the names of the chairmen of committees who have had subjects referred to them, on which they have not reported, and with the subjects so referred.

**Office hours.**

§ 2. The Clerk shall attend at and keep his office open from nine o'clock in the forenoon to five o'clock in the afternoon.

**To prepare proceedings, etc.**

§ 3. It shall also be the duty of the Clerk, immediately after any meeting of the Common Council, to prepare the proceedings of said meeting, and to cause the same, certified to by him, to be printed for the use of the members, officers and departments of the city, and to cause an abstract of the same to be published in the official newspapers of the city.

**Further duties of.**

§ 4. He shall also perform such other duties as may be imposed upon him by the Common Council.

**To furnish stationery.**

§ 5. The Clerk of the Common Council is hereby authorized to purchase, from time to time, a reasonable quantity of stationery for the use of the departments and officers of the city, and to have the necessary printing done for the heads of departments and city officers.

**Requisition required.**

§ 6. No stationery shall be furnished to or printing done for any department or officer of the city of Albany, except upon a requisition directed to the Clerk of the Common Council, containing a list of the articles required, and signed by the head of the department, or officers requiring such stationery or printing; and when such stationery or printing is received, the officer or

department making such requisition shall give a receipt therefor, specifying the articles and quantity received.

**To certify to bills for stationery, etc.**

§ 7. The Clerk of the Common Council shall certify as to the correctness of all bills for stationery or printing, before the bills therefor are audited, as well as the officer or head of the department to whom the same may have been furnished.

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CHAPTER 10.

*Of the Department of Engineering.*

**Section 1. Chief officer.**

2. In the absence of City Engineer.
3. Duties.
4. City Engineer to attend meetings of Common Council.

**Chief officer.**

Section 1. The chief officer of the Department of Engineering and Surveying shall be the City Engineer, whose office shall be in the City Hall, and who shall have the general charge and direction of all matters intrusted to the said department.

**In the absence of City Engineer.**

§ 2. The Deputy City Engineer shall possess all the powers and discharge all the duties of the City Engineer, in case of the absence of that officer.

**Duty.**

§ 3. It shall be the duty of the City Engineer, aided by his Deputy and assistants:

1. To lay out and regulate the lines of all streets, roads, avenues, wharves, slips and docks, as may be directed by the Common Council.

2. To survey and designate the range of all streets for the erection of buildings, and to locate the buildings in reference to streets, when any question shall arise as to the location and range of any street, or location of buildings in reference to the street.

3. To survey and make maps of all grounds required for the opening, widening and straightening of any street, road, avenue,

public square, park or dock; and to survey and lay out all buildings and lots owned by the city.

4. To take and report the levels of all streets, lanes and avenues, and make profiles thereof, when required by the Common Council or the Committee on Levels; and to mark thereon the elevations above mean low-water mark in the Hudson river, and the established grade for such street, lane or avenue, and all bench marks relating thereto.

5. To survey, take levels, make maps and profiles of all streets, lanes, roads, avenues, docks, drains, sewers and lots directed by the Common Council to be filled, excavated, paved, curbed, flagged or constructed, and to make accurate estimates and measurements of such filling, excavating, paving, curbing, flagging, or constructions, and to make maps showing all lots benefited by any such work or improvement, when done for the city by contract or otherwise; and to make estimates, statements and reports to the Board of Contract and Apportionment, or to such person or persons as shall by law be required to make the apportionment of the expense of improvements ordered by the Common Council.

6. To take levels, give grades, stake out and give plans and specifications and directions for street and other work done under contract for the city; and to give grade stakes to the owner of any lot desiring to do his own work upon any street under contract, where notice had been properly given by such owner.

7. To make any other surveys, profiles, plans or maps, and furnish any information relating to the duties and business of his office, which may from time to time be required by the Common Council or any committee thereof, or Street Department, city officer, board or commission.

8. He shall also make measurements and approximate estimates for all work to be done and materials to be furnished under contract with the city, and of all work performed and materials furnished, whenever such measurements and estimates shall be required by any city officer, the Board of Contract and Apportionment, the Common Council or any committee thereof, and shall make to such officer, board or committee a detailed statement of such measurements and estimates, and accompany the same with a certificate to the effect that such statement is in all respects true and correct.



9. All surveys, measurements, maps, profiles, diagrams and plans made or prepared by the City Engineer in the execution of the duties of his office shall be and are hereby declared to be the property of the city of Albany, and it shall be the duty of the City Engineer to number the same and enter such numbers together with a brief statement of the subject or contents of such survey, measurement, map, profile or plan in a book to be kept for that purpose.

**To attend meetings of Common Council, etc.**

§ 3. It shall be the duty of the City Engineer to attend all meetings of the Common Council, and the meetings of all committees requiring his services, on receiving the usual notice.

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CHAPTER 11.

*Of Street Improvements.*

**Section 1. Street Commissioner chief officer.**

2. Duties of.
3. Street Superintendents to aid, etc.
4. Duty of Clerk of Board of Contract and Apportionment.
5. Street Commissioner to direct employes.
6. To furnish information to Corporation Counsel
7. Duty when contract is suspended.
8. Bond.

**Street Commissioner chief officer.**

Section 1. The chief officer of street improvements shall be the Street Commissioner, whose office shall be in the City Hall, and who shall have the general charge and direction of all matters intrusted to the said commissioner, under the direction of the Board of Contract and Apportionment.

**Duties of.**

§ 2. It shall be the duty of the Street Commissioner:

**To take charge of tools, etc.**

1. To collect and take charge of all tools and implements, the property of the city, and used in erecting public lamps, paving, repairing or repaving streets; making, repairing and cleaning wells, pumps, reservoirs, cisterns and drains, or otherwise,

required by such Street Commissioner in the performance of his duties; and to make a list of such tools and implements, acknowledging the possession thereof, and file the said list with the Mayor.

**To take charge of materials.**

2. To collect and take charge of all paving stones, curb-stones and other materials belonging to the city, and required by the said Street Commissioner in the performance of his duty; and to report to the Board of Contract and Apportionment, without delay, what he has so taken charge of; and also to report to the board every three months, what stone, or other materials aforesaid, have been disposed of by said Street Commissioner since his last report, and how, to whom, at what prices and for what purposes the same were disposed of.

**To examine public wells, etc.**

3. To examine, upon the first Monday in every month (and oftener, if the Mayor or Common Council or Board of Contract and Apportionment shall request it), every public well, pump and cistern in the city; and when and as often as he shall receive information that any such well, pump or any such cistern, or any of the conduits leading thereto, is out of repair, he shall, in like manner, examine such well, pump, cistern or conduit, and shall cause the same, if necessary, to be repaired without delay, provided the expense of making such repairs at any one time shall not exceed ten dollars; but if the expense of such repairs shall exceed the sum of ten dollars, the Street Commissioner shall, previous to making the same, make and deliver an estimate of the repairs he supposes necessary to be made, to the Board of Contract and Apportionment, and have their direction given thereon.

**Times when to cleanse wells, etc.**

4. To cause, during the months of June, July and August, if he shall deem it necessary, every such well and cistern to be properly cleansed; and, during the winter season, whenever the ice near any such well, pump or cistern shall be so increased as to render it of difficult access, to cause the ice to be cut and removed therefrom; and, at all times, under the direction of the Board of Contract and Apportionment, to superintend and direct the digging, making, constructing and fixing all wells, pumps, cisterns and reservoirs; and said Commissioner shall also deter-

mine the position of all oil or gas lamps or electric lights in said city.

**To superintend the digging, etc., of all conduits.**

5. To superintend and direct the digging, making, constructing, repairing and completing all the conduits through which any water now is or may hereafter be conducted to any such well, cistern or reservoir, and the laying of new conduits if required, in such manner as the Common Council or Board of Contract and Apportionment shall from time to time direct.

**Additional duties.**

6. To perform such duties as are required of and imposed upon him by chapter two hundred and ninety-eight of the Laws of eighteen hundred and eighty-three, and the laws amendatory thereof, and the ordinances of the city, together with the resolutions of the Common Council.

7. To obey the directions of the Mayor and Board of Contract and Apportionment, in respect to such duties.

**To have charge of all contract work.**

8. To have charge of and control of all work done under contract or otherwise, for grading, paving and flagging of streets, and building sewers and drains, and repairing and relaying the same.

**Street Superintendent to aid, etc.**

§ 3. The Street Commissioner shall be aided and assisted in the discharge of the duties of this department by the two Superintendents of Streets, and they shall severally perform such acts relating to said department as said Street Commissioner shall prescribe and require.

**Duty of Clerk of Board of Contract and Apportionment.**

§ 4. The Clerk of the Board of Contract and Apportionment, under the direction of the Street Commissioner, shall furnish proper blanks to all persons applying for licenses for connecting any house, lot or other premises, by suitable drain or sewer, with any of the public drains or sewers of the city; when any such license shall be granted, he shall cause to be made a record containing the name of the person, a description of the premises and location of the public drain or sewer, with the names

of the sureties to the bond given by the person licensed; the bond shall be filed in the Street Commissioner's office.

**Street Commissioner to direct employes.**

§ 5. The Street Commissioner shall have the immediate direction of all the employes of his department, who shall perform such work and labor as they may be directed to do by him, and in case any of such employes disobey or disregard any direction of said Street Commissioner, he may summarily dismiss the employe so offending.

**To furnish information to Corporation Counsel.**

§ 6. The Street Commissioner shall furnish to the Corporation Counsel such information as such Corporation Counsel may desire in reference to proposals, bids, undertakings or contracts in the Street Department; and furnish any information in writing, and make investigation and report in reference to streets, drains and other matters, the subject of litigation or examination by or before the Law Department.

**Duty when contract suspended.**

§ 7. Whenever a contract relating to streets, alleys, docks or drains, or any other work, is suspended by the Mayor or rescinded by the Board of Contract and Apportionment, the Street Commissioner shall report in writing, for record in the Law Department, to the Corporation Counsel, such fact, giving a detailed statement of the condition of the work, the amount, if any, paid to the contractor, the value of work done, the probable expense of completing it, and the reasons why the contract was suspended or rescinded.

**Bond.**

§ 8. The Street Commissioner shall execute a bond in the penal sum of five thousand dollars, with two sufficient sureties (to be approved by the Mayor and filed in his office), for the full and faithful performance of his duties as such Street Commissioner, the due and proper accounting for all moneys or property belonging to the city coming to his hands, and compliance with the ordinances of the city and the resolutions of the Common Council.

## CHAPTER 12.

*Of the City Marshal.*

## Section 1. Duties of.

**Duties of.**

## Section 1.

1. To attend every meeting of the Common Council and act as sergeant-at-arms thereof, and to give due notice of such meeting to the members thereof; and, also, at the request of the chairman, or a majority of any committee, to give notice to the members of such committee of the time and place of meeting of such committee.

2. He may remove any person or persons from, in or about the City Hall, for noisy or disorderly or improper conduct, and for the purpose of performing the duties thereof, he shall have authority to arrest any such person or persons, and detain, or cause to be detained, him or them in custody until discharged by due course of law.

3. To discharge and perform such other duties as may be prescribed by law, or required by the Mayor or Common Council.

## CHAPTER 13.

*Of the Overseer of the Poor.*

## Section 1. Office and office hours.

## 2. Bond.

## 3. Subject to rules and ordinances.

## 4. Reports.

**Office.—Office hours.**

Section 1. The Overseer of the Poor shall have his office in the City Building in such apartments as the Committee on Public Buildings may designate; and his office shall be open daily (Sundays excepted), from nine to five in the afternoon.

**Bond.**

§ 2. He shall, on the first Tuesday of June of each year, make and execute a bond to the city of Albany (with sufficient sureties), to be approved by the Mayor, and filed in his office, in the penal sum of five thousand dollars, conditioned for the faithful dis-

charge of his duties as Overseer of the Poor, and that he will pay and deliver, according to law and his duty, all such sums of money and property as shall come to his hands for the use of the poor.

**Subject to rules and ordinances.**

§ 3. The office of said Overseer and its management shall be under his charge, subject to the rules, regulations and ordinances of the Common Council.

**Reports.**

§ 4. The said Overseer shall monthly, and oftener, if required by the Mayor or Common Council, make and file a just, full and true report and account of all moneys and property coming into his hands, and how expended, together with such other matters as is provided by law, and such other matters as he may deem important or necessary.

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CHAPTER 14.

*Of the Assistant Overseer of the Poor.*

Section 1. Duties.

2. Bond.

**Duties of.**

Section 1. It shall be the duty of the Assistant Overseer of the Poor to assist the Overseer of the Poor in the discharge of his duties, and perform such other duties and labor as may be required of him by the Common Council.

**Bond.**

§ 2. The Assistant Overseer of the Poor shall, on or before the first Tuesday in June of each year, execute a bond, with sufficient sureties, to be approved by the Mayor and filed in his office, in the sum of one thousand dollars, for the faithful performance of his duty, the proper accounting for all moneys coming into his hands, and the proper disbursement thereof.

## CHAPTER 15.

*\* Of the Inspector of Weights and Measures.*

Section 1. Duty of inspector.

2. Salary of and reports.
3. Weights, etc., to be stamped.
4. Inspector to prosecute.

**Duty of Inspector of Weights and Measures.—Fees.**

Section 1. The public beam scales, weights, measures and utensils provided for that purpose, shall remain in the custody and care of the Inspector of Weights and Measures, whose duty it shall be, once in every six months, and not oftener, except by the direction of the Mayor or Common Council, to visit the markets, stalls, shops, vessels, sloops, boats and other places where weights, scales and steelyards or measures are kept and used, and examine and inspect the same, and also all measures delineated or marked upon any counter, desk, seat, or upon any fixture; and in case any scale, scale-beam, weight, steelyard or measure be found not agreeable to law, or not of the established standard, he shall forthwith cause the same to be corrected, and the person offending by having or using the same, to be prosecuted; and the said Inspector may ask and receive for the use and benefit of the city for every inspection as aforesaid, from the person for whom the same is performed, fifteen cents. For every instrument, according to its capacity for weighing single draughts, when not exceeding thirty pounds capacity, avoirdupois, twenty cents; exceeding thirty pounds and not exceeding two thousand pounds, twenty-five cents; exceeding two thousand pounds and not exceeding five thousand pounds, thirty cents; exceeding five thousand pounds, one dollar and fifty cents; and for every steelyard, three cents over and above the said compensation; and for the inspection of measures, he shall be entitled for the use and benefit of the city to the following fees, and no other: For every set of liquid measures comprising one gill measure, one-half pint measure, one pint measure, one quart measure, one-half gallon measure, and one gallon measure, or a part thereof, twenty cents; and for every yard measure, or separate measure of less than one yard, five cents; and said several sums shall be a lien on the said weights, measures and steelyards, until the same are paid; and the said Inspector may sue to recover said respective

amount for the services performed under this law, in an action brought in the name of the city of Albany.

§ 2. Said Inspector of Weights and Measures shall receive an annual salary of \$300, payable monthly, and shall make, under oath, at least quarterly, a report of all fees and moneys by him collected, with the date, person from whom and the amount received, and pay over the same to the Chamberlain of the city of Albany.

**Weights, scales and measures must be stamped or marked.**

§ 3. No weights, scales or measures (apothecaries' weights excepted), shall be used or kept by any person for the purpose of buying or selling, unless the same are conformable to law, and duly stamped or marked (on the Inspector's certificate a correct list of prices shall be printed), and shall have been duly inspected and corrected, if necessary; and in case any person shall use any weights, scales or measures not conformable to law, or defraud any person in the quantity to which said person is entitled, or shall neglect or refuse to exhibit his scales, weights or measures to the Inspector, when required, or shall use any weights, scales or measures not duly inspected, or knowingly use any weights, scales or measures not of the established standard of quantity or weight, shall incur a penalty of the sum of five dollars for each offense, and the further sum of five dollars for each day's continuance of the use of any scales, weights or measures not conformable to law.

**Inspector to prosecute.**

§ 4. It is hereby made the duty of the Inspector of Weights and Measures to prosecute any violation of any of the provisions of this ordinance, whether the same came under his personal observation or are reported to him.

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CHAPTER 16.

*Of the City Physician.*

Section 1. Major surgical operation.

2. To keep book of purchases.
3. To act with Board of Health.

**Major surgical operation.**

Section 1. Whenever a major surgical operation is to be performed in the alms-house or hospital, it shall be the duty of



the City Physician to call one or more surgeons to his assistance, and no fee shall be allowed or paid therefor.

**To keep book of purchases.**

§ 2. He shall keep a book of all articles received or purchased by him, and shall duly account to the Mayor whenever required for the same; and shall report in writing, on the first day of every month, to the Mayor, a complete list of all articles purchased for the alms-house, together with the price and the person from whom purchased.

**To act with Board of Health.**

§ 3. It shall be the duty of the said City Physician to act with the Board of Health of said city, whenever required, without extra additional compensation.

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CHAPTER 17.

*Of the District Physicians*

Section 1. Number and term of office.

2. Salary.
3. Duties.

**Number and term of office.—Districts.**

Section 1. There shall be appointed by the Mayor, biennially, six physicians residents of the city of Albany, who shall be the District Physicians thereof, and such physicians so appointed shall, in a conspicuous place on the main door of his office, have a sign with the words "District Physician" thereon. The districts shall be divided as follows:

The first district shall comprise the First, Second and so much of the Fifth ward as is comprised within the First police precinct.

The second district shall comprise the Third, and so much of the Fourth ward as is comprised within the First police precinct.

The third district shall comprise the Second Police Precinct.

The fourth district shall comprise the Third Police Precinct.

The fifth district shall comprise the Fourth Police Precinct.

The sixth district shall comprise the Fifth Police Precinct.

**Salary.**

§ 2. The said District Physicians shall receive a salary of four hundred dollars per annum, to be paid monthly by the Chamber-

lain, and no allowance or money shall be paid or allowed any of said physicians for money expended or medicines furnished by them in the performance of their duties.

**Duties of.**

§ 3. The duties of said District Physicians shall be as follows, together with such others as may from time to time be imposed upon or required from them by the Common Council or Board of Health of said city:

1. To visit, prescribe for and administer medicine to all such indigent persons in their respective districts as may at any time request their professional aid, and keep a record of the visits made, and report the same monthly to the Board of Health: Provided, that if any of the said District Physicians shall be satisfied that any person claiming his services has sufficient ability to procure such medical aid at his or her own expense, such physician may, after the first visit, with the consent of the Mayor or the Overseer of the Poor, be relieved from attendance upon such person.

2. To report all offenses against those parts of the laws of the Common Council or Board of Health, which are intended to guard against the introduction of the small-pox, and all offenses against any or either of the sanitary ordinances of the city; and, as far as possible, by their practice and advice, to recommend the vaccine and kine-pox inoculation.

3. To give the earliest information in their power to the Board of Health of said city as to the prevalence or breaking out of any malignant disease in the city, or in any city, town or place connected herewith, by commerce or otherwise, and to recommend such measures as they may deem expedient in the premises.

4. To note the name of every magistrate by whose direction any sick person in this city shall be placed under their care, and whether such persons are citizens or aliens, and their place of residence, and whether they are legally chargeable to the city, and how long they have remained therein, and the places from whence they last came.

5. To report to the Mayor and the Board of Health quarterly the number of poor persons they have attended during the last preceding quarter, their diseases and the termination thereof.

6. To attend the meetings of the Common Council and Board of Health, when requested, and give such information as may be required from them, connected with the duties of their office.

7. To report to the Overseer of the Poor such information relative to the poor as they may deem important.

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CHAPTER 18.

*Of the Junitor of the City Building.*

Section 1. Removal of city property.

2. Inventory.

**Not to remove any city property.**

Section 1. He shall not remove from said building anything which may have been purchased by or belongs to said city, and at the termination of his term of office shall transmit everything in and about said building belonging to said city to his successor.

**Inventory.**

§ 2. He shall also, annually, on the first day of June, make an inventory of all the furniture and other property in and about said building belonging to said city, and file the same in the Mayor's office.

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CHAPTER 19.

*Of the Commissioner of Deeds.*

Section 1. Expiration of term.

2. Term.

3. Eligibility.

4. Application.

5. Clerk Common Council to notify.

6. Clerk to keep record of appointments, etc.

**Expiration of term.**

Section 1. The terms of office of all Commissioners of Deeds, heretofore appointed, shall expire on the tenth day of January, eighteen hundred and ninety-seven.

**Term.**

§ 2. All persons appointed Commissioners of Deeds shall hold office until the tenth day of January biennially thereafter.

**Eligibility.**

§ 3. No person shall be appointed Commissioner of Deeds who is not twenty-one years of age and an actual resident of the city.

**Application.**

§ 4. No person shall be appointed a Commissioner of Deeds unless he files in the office of the Mayor an application stating:

1. His full name.
2. His residence.
3. The character of and his place of business.
4. That he resides in the city of Albany.
5. That he is over twenty-one years of age.
6. That he possesses the necessary qualifications to discharge

the duties of the office, to be shown by the certificate of some competent person having knowledge of the duties to be performed by such commissioner.

The Clerk of the Common Council, under the direction of the Corporation Counsel, shall prepare and shall at all times during his office hours furnish printed applications under this section.

**Clerk Common Council to notify, etc.**

§ 5. The Clerk of the Common Council shall notify all persons appointed pursuant hereto of their appointment; and a failure to qualify, as prescribed by law, within ten days after such notice is given, shall be deemed a refusal to accept the office, and the same shall be deemed vacant.

**To keep record of appointments.**

§ 6. The Clerk of the Common Council shall keep a record of all persons appointed, with date of appointment, time of qualification and place of residence.

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**CHAPTER 20.**
*Of the Bonds of City Officers.*

Section 1. Every officer of the city of Albany, who shall be intrusted with the receipt or expenditure of money, or any other property of the city of Albany, except in such cases where specific provision is now made by ordinance or otherwise, shall, before entering upon the discharge of the duties of his office, and biennially thereafter, on or before the first Monday in January execute a bond in the penal sum of one thousand dollars, with sufficient sureties, to be approved by the Mayor, conditioned for the faithful discharge of the duties of said office, and the accounting of all moneys or property which come into his possession or control by virtue of such office. Such bond shall, after its approval, be filed in the Mayor's office.

## OF CITY PROPERTY.

## CHAPTER 21.

*Of the Alms-house.*

- Section 1. Definition of word "alms-house."  
2. Superintendent to have charge  
3. Bond.  
4. To report to Common Council.  
5. Monthly pass-book.  
6. Purchase of drugs, etc.  
7. Hospital for contagious diseases.  
8. Distribution of paupers.  
9. Discipline.  
10. Employment of paupers.  
11. To remain within grounds.  
12. Children.  
13. Nurses and schools.  
14. Indentures.  
15. Care of indentured children.  
16. Clothing.  
17. Duty of Superintendent.  
18. Garden.  
19. Gardeners.  
20. Injuries by paupers.  
21. Attendants, duty of.  
22. Liquors.  
23. Penalty.  
24. Visitors.  
25. Fires and lights.  
26. Cooking.  
27. Religious worship.  
28. No one to purchase from paupers.  
29. Rules, etc., to be read.  
30. Hospital.  
31. City Physician to control Medical Department.

## Section 32. Trespassers.

33. Booths
34. Arrest.
35. Penalty.
36. No goods to be removed.
37. Products of farm.
38. Dead bodies.
39. Inventory.

**Definition of word " alms-house."**

Section 1. The word " alms-house " in any law, ordinance or other action of the Common Council shall be construed so as to include the hospital for infectious diseases, and all other permanent or temporary buildings which may be erected for the sick or indigent on the premises known as the alms-house farm.

**Superintendent to have charge.—Power to make rules.**

§ 2. The Superintendent of the Alms-house shall have the charge, supervision and direction of the alms-house and of the farm and appurtenances thereto belonging and appertaining and of the officers and employes thereof. He shall have the power, with the approval of the Common Council, to make rules and regulations for the government of the alms-house, its officers, employes and inmates not inconsistent with the ordinances and resolutions of the Common Council.

**Bond.**

§ 3. Before entering upon the discharge of his duties, the said Superintendent shall execute a good and sufficient bond, in the sum of five thousand dollars, with sufficient sureties, to be approved by the Mayor and filed in his office, for the faithful discharge of his duties, and the due accounting for all moneys, articles and property coming into his hands or control.

**To report to Common Council.**

§ 4. It shall be the duty of the Superintendent of the Alms-house to make a quarterly statement to the Common Council, showing, in tabulated form, the age, sex, nationality and number of paupers, insane and sick, in the alms-house each day of the month, the total number of weeks' board and lodging furnished in the alms-house, alms-house asylum and alms-house hospital respectively, and the cost per day of maintaining each pauper,

patient and insane person in the alms-house. The quantity and quality of each kind of food and provisions used in the alms-house, and the price therefor, and the persons or firms from whom the several articles were purchased. The kind and amount of repairs made, and by whom the same were made, and the cost thereof. The amount raised on and received from the poor-house farm, and the disposition thereof. The number of persons employed, their occupation and the salary, wages or compensation paid to each, together with such other matters, as may be deemed proper or may be required by the Mayor or Common Council.

#### **Monthly pass-book.**

§ 5. The Superintendent and the City Physician shall procure a monthly pass-book, in which he shall cause to be entered at the time of purchase, by the person of whom he purchases or procures any article or thing, for the use or on account of the alms-house, the name of the person or firm from whom purchased or procured, together with the article, quantity and price; which pass-book shall, at the end of every month, be returned to and filed in the Mayor's office.

#### **Purchase of drugs, etc.**

§ 6. Whenever the City Physician shall require any stores, drugs, medicines or articles, he shall have power to purchase them under direction of the Superintendent of the Alms-house.

### *General Regulations.*

#### **Hospital for contagious diseases.**

§ 7. All persons having any infectious or contagious diseases, shall be admitted into, and kept in the hospital for such diseases; and if any person who shall have been admitted to any other part of said alms-house shall be found to be infected with any such disease, the Superintendent shall, under the direction of the City Physician, immediately cause the removal of such infected person to the hospital.

#### **Distribution of paupers.**

§ 8. The paupers shall be distributed into different rooms: except when female nurses shall be necessary for the care of the sick, persons of different sexes shall be kept in separate

rooms; married persons shall, as far as practicable, reside by themselves; and children shall be kept, as far as possible, from intercourse with the paupers; whenever a child shall have attained the age of two years it shall be placed in the children's department.

#### **Discipline.**

§ 9. No profane or indecent conversation, quarreling or drunkenness, no disorderly conduct at meals, and no conduct of a criminal or immoral character of any kind shall be allowed in or about the alms-house; and if any person shall offend in the premises, the offender, if an attendant, may be dismissed from his employment in the alms-house; and if a pauper, he shall be publicly admonished before his fellows; and he may also be separately confined in a room to be set apart for that purpose, and there kept on bread and water, and at hard labor, for a length of time not exceeding three days.

#### **Employment of paupers.**

§ 10. All paupers in the alms-house who are able to work shall be kept employed without compensation at such work as they may severally be capable of performing; and the Superintendent may encourage the industrious by small gratuities in clothing, or other articles conducive to comfort, and of the profits of their work.

#### **To remain within grounds.**

§ 11. No pauper shall be allowed to go beyond the yard of the alms-house without leave, in writing, from the Superintendent, specifying how long such leave is to endure.

#### **Children.**

§ 12. The children of the alms-house shall be allowed such sports and pastimes as may contribute to their health, but always in presence of some sober and discreet person, to be designated by the Superintendent.

#### **Nurses and schools.**

§ 13. Healthful and careful nurses shall be provided for such children in the alms-house as may require them; and such children belonging to the alms-house, as are of suitable age, shall regularly attend the school to be established for their instruc-



tion, and shall be instructed in reading, writing and arithmetic; and the girls shall, in addition thereto, be taught plain needle-work and knitting.

#### **Indentures.**

§ 14. When any of the children arrive at a proper age they shall be bound out to suitable trades or occupations, and provision shall be made in their indentures for their due maintenance and instruction.

#### **Care of indentured children.**

§ 15. If any of the children, who shall be so bound out, shall be injured or ill treated by their master, it shall be the duty of the Superintendent, by all lawful means in his power, to endeavor to procure them redress; and whenever any children are bound to persons out of the city of Albany, it shall be the duty of said Superintendent, once in six months, to request, by letter, of the Supervisor or Town Clerk of the town in which such person shall reside, information respecting such child and its treatment by its master or mistress.

#### **Clothing.**

§ 16. Each pauper shall be provided with decent and suitable clothing, to be made as nearly uniform as may be, and shall have a change of linen at least twice every week during the year; and the linen of the paupers shall be numbered and distributed among them, and carefully kept whole and clean.

#### **Duty of Superintendent.**

§ 17. It shall be the duty of the Superintendent to see that the alms-house, and everything appertaining thereto, be kept clean and in order; that careful attention be paid to the ventilation and airing of the rooms, beds, clothing, etc.; to distribute throughout the alms-house such fuel as may be required; and to have the meals served at stated hours, in a clean and decent manner, and the diet wholesome, suitable and nutritious; and it shall be the special duty of the Superintendent to see that the provisions of this section are fully and carefully observed.

#### **Garden.**

§ 18. Such a portion of the farm as the Superintendent shall direct shall be set apart and cultivated as a garden for raising vegetables for the supply of the alms-house, and also for market,

**Gardener.**

§ 19. A suitable and proper person may from time to time be hired, under the direction of the Superintendent, to take the charge and management of said garden; he shall see that the paupers labor in it at all proper times, according to their ability; prepare for market such of the vegetables as shall not be required for the use of the house, and shall sell the same, and render a daily account of such sales to the said Superintendent.

**Injuries by paupers.**

§ 20. If any pauper in the alms-house shall do any injury to the buildings or appurtenances, or shall commit any willful waste or destruction of fuel, provisions, clothing, or other articles intrusted to him, or belonging to the alms-house, he shall be liable therefor to the punishment for paupers mentioned in section nine of this ordinance.

**Attendants, duty of.**

§ 21. The attendants in the alms-house shall not commit, or suffer any other person to commit, any waste or destruction of the buildings, or of any article or thing committed to their care; and they shall without delay report the name of every offender in the premises, and the nature of his offense, to the said Superintendent.

**Liquors.**

§ 22. No kind of spirituous liquors shall be introduced or admitted into the alms-house, unless pursuant to the prescription of the attending physician; and if any pauper shall offend in this particular, or shall be intoxicated, he shall for every such offense be punished in any of the ways above prescribed for the punishment of paupers.

**Penalty.**

§ 23. Any person who shall convey or receive any spirituous liquors into the alms-house, or its yard, contrary to the provisions of the last section, or shall knowingly furnish any pauper with the same, shall incur a penalty of five dollars for each offense.

**Visitors.**

§ 24. All decent and well-behaved persons may, except on Sundays, visit the alms-house at such seasonable hours and

under such regulations as the Alms-house Superintendent shall prescribe.

#### **Fires and lights.**

§ 25. At the hour of nine in the evening, throughout the year, the fires and lights within the alms-house shall be extinguished, except in the hospital, and where the Superintendent or City Physician shall, for proper cause, direct otherwise.

#### **Cooking.**

§ 26. No cooking shall be allowed in any of the pauper's rooms, except in case of sickness, when it may be allowed in the discretion of the Superintendent or City Physician.

#### **Religious worship.**

§ 27. The inmates of the alms-house shall, under the direction of the Superintendent, assemble for religious worship in the chapel every Sabbath, at the hours of ten A. M. and two P. M., at the ringing of the bell; and some person or persons, appointed by the Alms-house Superintendent, shall read suitable forms of prayer, approved sermons, and portions of Scripture at such meetings.

#### **No one to purchase from paupers.**

§ 28. No person shall, by purchase, gift or otherwise, receive of or from any pauper, any article of clothing or other property furnished to or received by a pauper from the said alms-house, under the penalty of five dollars for each offense.

#### **Rules, etc., to be read.**

§ 29. The foregoing rules and regulations, and such as may hereafter be added, shall be publicly read to the attendants and paupers in the alms-house on the first Monday in each month, at the hour of nine o'clock A. M.

#### **Hospital.**

§ 30. The hospital for infectious diseases shall be under the direction, charge and management of said Superintendent in all respects, except as to the medical treatment of the patients therein, and such matters as are therewith connected.

#### **City Physician to control Medical Department.**

§ 31. The City Physician, and such other medical officers as may be appointed by the city, shall have the control and manage-

ment of the medical department of said hospital, under such rules and regulations as may be prescribed.

**Trespassers.**

§ 32. All persons are hereby prohibited from trespassing or in any way intruding upon the farm known as the alms-house farm, unless with the permission of the Superintendent of the Alms-house.

**Booths.**

§ 33. It shall be unlawful for any person to erect any booth or any stand upon said alms-house farm, or vend, or sell or dispose of any merchandise or spirituous liquors, fruits or other commodities, within the precincts of such farm; and the said Superintendent is hereby authorized to remove any such booth or stand put up in violation of this ordinance.

**Arrest.**

§ 34. It is hereby made the duty of the police to apprehend and take into custody any person or persons offending against the provisions of the two last sections.

**Penalty.**

§ 35. Any person violating the said sections of this ordinance shall incur a penalty of not less than five nor more than twenty-five dollars for each offense.

**No goods to be removed.**

§ 36. It shall not be lawful at any time for any officer or employe of said alms-house, or any person, to remove from said alms-house any article of goods, merchandise, furniture, medicines, apparatus, or any other thing which is the property of or may have been purchased by said city, or its officers or employes, or with its money, except under the direction of the Superintendent.

**Products of farm.**

§ 37. It shall not be lawful for the Superintendent or agent, or any person connected with the alms-house, to sell or give away any of the products of the farm or garden attached to the said alms-house.

**Dead bodies.**

§ 38. No officer, employe, or person employed in or about said alms-house, shall sell any unclaimed dead body, other than provided by statute, to any person or persons residing outside of the city of Albany.

**Inventory.**

§ 39. The Superintendent shall annually, on the first Tuesday in June, file in the office of the Mayor a complete and accurate inventory of all articles, goods, merchandise and property on hand belonging or pertaining to said alms-house.

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**CHAPTER 22.**
*Of the City Building.*

Section 1. Name of.

2. Loungers not permitted.
3. Unnecessary noises, etc.
4. Penalty for violation.

**Name of.**

Section 1. The building erected upon the site of the center market shall be known as "the City Building."

**Loungers not permitted.**

§ 2. It shall not be lawful for any person to idly sit, lounge, or stand upon any stoop connected with said building, nor in or upon any entrance, hallway or stairway in said building.

**Unnecessary noise, etc.**

§ 3. It shall not be lawful for any person to create, cause or make any unnecessary noise or disturbance in any entrance, hallway or stairway connected with said building, nor write upon, daub, cut, break, deface or in any manner injure any part of said building.

**Penalty for violation.**

§ 4. Any person offending against any of the provisions of sections two and three of this chapter, shall incur a penalty of not less than five dollars nor more than twenty-five dollars for each and every offense.

## CHAPTER 23.

*Of the City Hall.*

- Section 1. Name of.
2. Loungers not permitted.
  3. Unnecessary noises, etc.
  4. Penalty for violation.

**Name of.**

Section 1. The building erected upon the east side of Eagle street, between Maiden lane and Pine street, shall be known as the "City Hall."

**Loungers not permitted.**

§ 2. It shall not be lawful for any person to idly lounge or stand upon any stoop connected with said building, nor in or upon any entrance, hallway or stairway in said building.

**Unnecessary noise, etc.**

§ 3. It shall not be lawful for any person to create, cause or make any unnecessary noise or disturbance in any entrance, hallway or stairway connected with said building, nor write upon, daub, cut, break, deface or in any manner injure any part of said building, or fences, grounds or fixtures connected therewith.

**Penalty for violation.**

§ 4. Any person offending against any of the provisions of sections two and three of this chapter shall incur a penalty of not less than five dollars nor more than twenty-five dollars for each and every offense.

## CHAPTER 24.

*Of Public Grounds and Parks.*

- Section 1. Description and names of public parks.
2. Mutilating gates, fences, etc.
  3. Cattle not permitted in parks.
  4. Bleaching linen.
  5. Penalty.

**Description and names of public parks.**

Section 1. The public ground and inclosure in front of the Academy on Park place, Elk and Eagle streets, and Washington avenue, shall be known and designated as "Academy Park;"

the public ground west of North Pearl street and south of Clinton avenue, shall be known and designated as "Clinton Park;" the public ground between Eagle, State, Swan streets and Washington avenue, shall be known and designated as "Capitol Park;" and the public ground and inclosure below the junction of Central avenue and Western avenue, shall be known and designated as "Townsend Park;" the public ground on the south side of Hudson avenue, at the intersection of Liberty and Union streets, shall be known and distinguished as "Hudson Avenue Park;" the public ground in Madison avenue, east of Eagle street, shall be known and designated as "Bleecker Park;" and the public ground between Washington avenue, Ontario, State and Partridge streets, shall be known as the "Beaverwyck Park;" and the public ground west of Ten Broeck street, north of Second street, shall be known as "Van Rensselaer Park;" and the public ground west of Ten Broeck street, and north of First street, shall be known as "St. Joseph's Park."

#### **Mutilating gates, etc.**

§ 2. No person shall cut down, destroy or willfully break, mutilate or injure, or aid and assist in breaking, mutilating or injuring any gate, fence or fences, or deface or injure any of the grounds, or injure any of the trees, shrubbery or fixtures now or hereafter erected, made, planted, set out, or being in or upon any of the streets, places, parks or public squares or inclosures of this city, or do any willful damage thereto, under the penalty of ten dollars for every such offense; and the offender shall besides be prosecuted for damages for every such misconduct.

#### **Cattle not permitted in parks.**

§ 3. No person shall permit any horse, cow, hog or cattle to enter any public park or public inclosure, nor shall drive or permit, or in any manner assist in driving any horse, cow, hog or cattle into the said parks, places or public inclosures; nor shall the owner of any horse, cow, hog or cattle knowingly suffer or permit the same to remain in the said parks, places or public inclosures, under a penalty of not less than one nor more than ten dollars; and it is hereby lawful for any person to drive such animals so found within such parks, places or public inclosures to the public pound; and it is hereby made the duty of the keeper of said pound to detain the same until all charges and expenses incurred shall have been duly paid.

**Not to be used for bleaching grounds, etc.**

§ 4. No person shall use any of the said parks, places or squares as a bleaching ground, nor spread thereupon any article of wearing apparel, cloth or cloths, or any goods whatever, nor hang any clothing or other article upon any of the fences surrounding the same, nor shake, beat or cleanse any carpets, floor cloths or mats, in any of the said parks, places or public inclosures; nor shall any person tie or fasten any horse or horses to the fences surrounding the same, under the penalty of two dollars for each offense, against any provision of this section.

**Penalty for injuring grass.**

§ 5. No person shall cut, tread down, pull up, trample upon or injure the grass growing in either of the public parks, places, inclosures or squares within this city, or that portion of the sidewalk sodded under authority of law on any of the streets; nor stand, walk or lie upon any part of such parks or sodded portions of sidewalks aforesaid, which is laid out and appropriated for grass or shrubbery, under the penalty of five dollars for each offense.



## OF LICENSES.

## CHAPTER 25.

*As to Bill Posters.*

Section 1. Must obtain license.

2. Mayor may grant licenses.
3. Applicant to file bond.
4. License not transferable.
5. Merchants may post bills.
6. Where permission to post bills is necessary.
7. Penalty for violation.
8. Sale of newspapers not prevented.
9. Laws repealed.

**Business to be licensed.**

Section 1. No person, copartnership or corporation shall post bills, affix or distribute advertising matter in the city of Albany, without previously having obtained a license so to do pursuant to the provisions of this chapter.

**Mayor to grant license.**

§ 2. The Mayor of said city may grant to any person, copartnership or corporation, who shall apply to him therefor in writing, a license to post bills, affix and distribute advertising matter by themselves, their or its agents and servants in the city of Albany, which said license shall expire on the first Tuesday of May of each and every year.

**Application for license.**

§ 3. Every applicant for a license under the provisions of this chapter shall file with the Mayor, at the time of making the application, a bond to be approved by the Mayor, executed to the city of Albany in the penal sum of two thousand dollars, conditioned for the faithful observance of section six of this chapter and of the Laws and Ordinances of the City of Albany, and that he, they or it will pay all penalties and damages for which he, they or it may become liable while carrying on said business. Said bonds shall be executed by the applicant together with two sureties, who must be residents and freeholders of the county of Albany. Every person, copartnership or corporation to whom a license may be granted under the provisions of this chapter shall

pay to the Mayor, for the use of the city, upon delivery of the same, the sum of fifty dollars.

**License not transferable.**

§ 4. A license granted pursuant to the provisions of this chapter shall not be transferred, and if transferred, shall at once become null and void as if it had expired by its own limitation.

**Provision as to Albany merchants.**

§ 5. Merchants and others, residents of or having their principal place of business at the city of Albany, may post bills, affix and distribute advertising matter relating solely to their own business, according to the provisions of this chapter, with the consent of the Mayor without paying a license fee. But said merchants and others shall not post bills, affix or distribute advertising matter relating to goods, merchandise or things not manufactured, produced or sold by themselves, and which said goods, merchandise or things are sold or disposed of or intended to be sold or disposed of by merchants, dealers or storekeepers generally throughout the said city, and which said advertising matter is furnished for posting, affixing or distributing by the manufacturers or producers, without first having obtained a license so to do according to the provisions of this chapter.

**Restrictions as to places for posting bills.**

§ 6. No person, copartnership or corporation shall attach, place, paint or paste or cause to be attached, placed, painted or pasted any sign, advertisement or other matter upon any public lamp-post, electric-light pole, electric railway pole, telegraph pole, telephone pole, shade tree or fire hydrant now erected or that may hereafter be erected in the city of Albany; nor on any curbstone, flagstone or any other portion or part of any sidewalk or cross-walk in said city; nor shall any person, copartnership or corporation attach, place, paint or paste or cause to be attached, placed, painted or pasted any sign, advertisement or other matter upon any house or part thereof, wall, fence, gate, post or tree-box, without first obtaining permission, in writing, of the owner, agent or occupant of the premises so to do.

**Penalty for violations.**

§ 7. Any person, copartnership or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to

exceed the sum of twenty-five dollars for each and every offense and in default of the payment of such fine, the person so convicted shall be imprisoned in the county jail of Albany county not exceeding one day for each dollar of the fine so imposed.

#### **Newspapers.**

§ 8. The sale of any newspaper, periodical or other publication having or seeking a regular circulation in said city shall not be affected by anything in this chapter.

§ 9. All laws and ordinances of the city of Albany heretofore in force, respecting the licensing of bill posters and the posting, affixing and distribution of advertising matter are hereby repealed.

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### CHAPTER 26.

#### *Of Carts and Cartmen.*

##### Section 1. Cartmen to be licensed.

2. Fees.
3. Bond.
4. Certain qualifications required.
5. Expiration of license.
6. No cart or truck to be used without license.
7. Carts to be numbered.
8. Licenses unassignable.
9. Failure to renew license.
10. To report to Mayor change of residence.
11. Duplicate numbers.
12. Carts incumbering streets may be removed.
13. Persons driving cart or truck to give name.
14. Accident or injury.
15. Unlawful to back cart on sidewalk.
16. Fast driving.
17. Ash carts.
18. List of prices.
19. Distances.
20. Legal rates.
21. Penalty for extortion.
22. Special contracts.
23. License for selling fish, etc.

##### **Cartmen to be licensed.**

Section 1. The Mayor may license as a cartman any person being a resident of this city, of the age of twenty-one years, and

either a citizen of the United States, or else having declared his intention to become a citizen in conformity with the naturalization laws of the United States. And the Mayor may examine under oath all persons applying for or holding any such license, or the renewal thereof, touching their qualifications.

**Fees.**

§ 2. The Mayor shall require and receive for the use of the city, from every person to whom he may grant a license, for every one-horse truck or cart, one dollar; for every two-horse truck or cart, two dollars.

**Bond to be given.**

§ 3. Every person to whom a cartman's license is granted, shall, on receiving the same, execute a bond to the city of Albany, with one or more sureties, to be approved by the Mayor, in the penalty of two hundred dollars, and conditioned that such person will pay all penalties and damages for which he may become liable while acting as a cartman, and conform to the laws and ordinances of said city.

**When certain qualifications not required.**

§ 4. The Mayor may license persons as sand cartmen without their possessing the qualifications or complying with the conditions required by the first and third sections of this article; and such license shall entitle them to act as cartmen for carrying sand, earth, clay, dirt or gravel, for hire or wages; but no person licensed as a sand cartman, shall transport any other articles than those above enumerated; and if he do, he shall incur a penalty of five dollars for every such offense.

**Licenses, when to expire.**

§ 5. All licenses to cartmen shall expire on the first Tuesday of May in every year.

**No cart or truck to be used, except licensed.**

§ 6. No cart or truck shall be used within said city except it be duly licensed, and the person to whom license is granted to keep and use a cart or truck, shall, for all the purposes of this chapter, be considered the owner thereof and responsible for all articles intrusted to and for the conduct of the driver thereof, and liable to all forfeitures, penalties and punishments herein contained or provided.

**Carts to be numbered.—Name.—Sand carts.**

§ 7. Each cartman, as soon as he is licensed, shall cause his name and number of his license to be legibly painted with black paint on a white ground, and so as easily to be seen, upon each side of his cart, on the square of the after part of the shaft; and shall keep the same so painted thereon, under the penalty of one dollar for every day he shall drive his cart without such name and number so painted on the same. Sand carts shall have the letters S. C. painted thereon, in addition to the name and number above required.

**License unassignable.**

§ 8. No cartman shall assign his license; and if he do, the same shall be forfeited.

**Failure to renew license.**

§ 9. Every person licensed as aforesaid to keep a cart or truck, upon failing to renew the license for, or disposing of or parting with the same, shall deface, remove and obliterate his name, or the license number therefrom, and failing or neglecting to do so shall be deemed to be a violation of this ordinance.

**To report residence and change of residence to Mayor.**

§ 10. Every person upon receiving a license to keep a cart or to be a cartman, shall report his residence to the Mayor, and upon changing his residence shall, in like manner, report his new residence, and the failing or neglecting to do so shall be deemed a violation of this ordinance.

**Unlawful to use duplicate numbers.**

§ 11. It shall not be lawful for any person to keep, use, drive or employ any cart or truck with numbers or figures thereon similar to or resembling the numbers on carts or trucks, or for any person licensed to keep carts or trucks, to place or have any number for which he may have received license on more than one cart or truck, or to use more carts or trucks than he may have license for.

**Carts incumbering streets may be removed.**

§ 12. The Mayor and the several officers and members of the Police Department and magistrates shall have power and authority to order the driver or other person having charge of any cart or truck, to remove such cart or truck away from any place in any of the streets or on any of the wharves or docks of

said city, improperly incumbering such street or wharf, or obstructing or impeding the public travel, and any and every person neglecting or refusing to comply with or obey any such order shall be deemed guilty of a violation of this ordinance.

**Persons driving cart or truck to give name, etc.**

§ 13. It shall be the duty of every person driving or having charge of a cart or truck to give to any person requesting it, his name and place of residence, the number of the cart or truck he is driving, or in charge of, and the name and place of residence of the owner thereof; and the refusal to do so shall be deemed a violation of this ordinance.

**In case of accident or injury.**

§ 14. If any accident or injury shall happen to any person, or any carriage, vehicle or any other thing, by reason of coming in contact with any other carriage, vehicle or any other thing, or the horse or horses attached thereto, or anything loaded thereon, while the same is moving, it shall be the duty of the person driving or having charge of the same to immediately stop, and, if necessary, render his assistance, and to give his name and residence, and the name and residence of the owner thereof, under penalty of fifty dollars, to be recovered from the driver or owner of any such carriage, vehicle or any other thing.

**Unlawful to back cart or truck on sidewalk, etc.**

§ 15. It shall not be lawful for any cartman, or for any person driving or having charge of any cart or truck, to drive or back any such cart or truck on to the sidewalk of any of the streets of said city, or to stop any such cart or truck on any of the cross-walks or intersections of streets, so as to obstruct or hinder the travel along such cross-walks or intersections of streets, or to place any such carts or trucks crosswise of any street or wharf of said city, except to load thereon or unload therefrom; but in no case shall it be lawful for any person to permit such cart or truck to remain so crosswise of any street for a longer period than may be actually necessary for such purpose, and not to exceed five minutes.

**Unlawful to drive faster than six miles an hour.**

§ 16. It shall not be lawful for any cart or truck to be driven through any of the streets of the city of Albany at a greater speed than six miles an hour; nor shall it be lawful for any such

vehicle to be driven around the corner of any of the streets of said city, with the horse or horses thereto, traveling at a faster gait than three miles per hour; and all and every such cart and truck when passing through or along any of the streets of said city shall, when meeting any other vehicle, be driven to the right hand side of the way, so that such vehicles shall pass clear of each other; and it shall be unlawful for any such cart or truck, or the horse or horses attached thereto, to be driven foul of or against any person, vehicle or other thing, whatever, in any of the streets, or on any of the docks and wharves of said city.

**Carts conveying ashes, etc., to have tight boxes.—Size.—  
Wagons to be covered on top.—Penalty.**

§ 17. No cart, wagon or other vehicle shall be used to convey ashes, rubbish, mortar, lime, plaster, grain, swill, sand, earth, clay, manure or dirt, without having thereon a tight, close and sufficient box, to prevent the escape of its contents into the street; said box to be at least sixteen inches in height, two feet four inches wide in front, two feet eight inches wide in rear, and five feet six inches long in clear. And no cart, wagon, vehicle or other receptacle shall be used to convey rubbish, ashes or swill, without being securely covered on the top with a tight and close fitting cover, to prevent the escape of its contents, and such box shall be securely covered at all times when in use, except when receiving or discharging its contents. Every person so using any cart, wagon or other vehicle not conforming to the requirements of this section, shall incur therefor a penalty of five dollars for every day on which the offense is committed.

**List of prices.**

§ 18. The prices or rates which may be charged by cartmen for the carriage of articles in this city, including in such carriage loading, carrying and unloading, shall be the following:

1. When the distance does not exceed one-half mile.

For every hogshead of molasses, rum or other spirituous liquors, exceeding ninety gallons, fifty cents.

For every pipe of wine or spirituous liquors, fifty cents.

For every cask of molasses or spirituous liquor, exceeding thirty and less than sixty gallons, when carried singly, thirty-seven cents.

For every hogshead of sugar, fifty cents.

For every tierce of sugar, thirty-seven cents.

For removing every load of dirt or filth out of the street, fifty cents.

For every load of household furniture, and housing the same, one dollar.

For every load of lumber, fifty cents.

For every load of flour, consisting of six barrels or more, fifty cents.

For every single barrel of flour, thirty cents.

For every one hundred sides of sole leather, fifty cents.

For every one hundred green hides, seventy-five cents.

For every single stove, thirty-seven cents, and every additional stove, ten cents.

For every ton of iron, fifty cents.

For every three barrels of oil, thirty-seven cents.

For every barrel over three in the same load, twelve cents.

For every single trunk or valise or carpet-bag, thirty-seven cents.

For every additional trunk, valise or carpet-bag, twelve cents.

For every load not specified, thirty-seven cents.

For every load collected at two places, fifty cents.

#### **Distances.**

2. When the distance between the places of receiving and delivering exceeds half a mile, and is less than a mile, one-half more than the above rates.

§ 19. When the distance exceeds a mile, double the above rates.

#### **Entitled to legal rates.**

§ 20. Every cartman shall be entitled to be paid the legal rate of compensation allowed and provided in this ordinance immediately upon the carting or transportation of any article or thing. And it may be lawful for any such cartman to retain any article or thing so carted or transported by him for which he is not so paid his cartage, and to convey the same, without delay, to the office of the Chief of Police, and he shall be entitled to the lawful rate of pay or compensation for the so conveying. All disputes or disagreements as to distance or rates of compensation between cartmen and persons employing them, or owing for cartage or transportation, shall be determined by the Mayor, or such other person as he may designate.



**Penalty for extortion.**

§ 21. If any cartman shall ask, demand, take, extort or receive any greater rate or rates, price or prices, for carting any goods, wares, merchandise or other things than hereinbefore mentioned and limited, or shall be guilty of embezzlement or deceit in the execution of his duty, he shall incur a penalty of twenty dollars for every offense.

**Special contract may be made.**

§ 22. But none of the provisions of this ordinance shall prevent the making of a contract at rates different from those herein described.

**License for selling fish, etc.**

§ 23. No person shall drive any cart, wagon or other carriage about the streets of this city, for selling fish, oysters, clams or fruit, unless specially licensed as a cartman for that purpose, under the penalty of five dollars for each offense.

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**CHAPTER 27.**
*Of Hackney Coaches.*

- Section 1. License, badges, etc.
2. Stands for hackmen.
  3. List of prices.
  4. Disputes settled by Mayor.
  5. Drivers' badges.
  6. Mayor may transfer owners' licenses.
  7. License fees.
  8. Transfer of drivers' license.
  9. Drivers' license fee.
  10. Drivers may drive any hack of owner.
  11. May demand fare on entering coach.
  12. Passengers not to be solicited.
  13. Owners personally liable.
  14. Construction of word.
  15. Runners.

**License qualifications of owners.—Duration.**

Section 1. 1. The Mayor may issue licenses to such persons as are twenty-one years of age, citizens of United States, and who have resided in the city for the last six months, to keep hackney

coaches, cabs, or other carriages for hire; and such license, stating the number of the coach, cab, or other carriage, and the name of the person to whom it is granted, shall continue in force until the second Tuesday in May after the date thereof; and no person or persons shall keep or use any hackney coach, cab, or other carriage, for hire in the said city, without being licensed as aforesaid, under the penalty of ten dollars for every such offense.

**License qualifications of drivers.—Duration.**

2. The Mayor may issue licenses to such persons as are twenty-one years of age, citizens of the United States, and who have resided in the city for the last six months, to drive hackney coaches, cabs, or other carriages; and such license, stating its number and the name of the person to whom it is granted, shall continue in force until the second Tuesday in May after the date thereof; and no person except the owner or keeper, shall drive or demand, or receive any money for conveying any person or persons, without being licensed as driver as aforesaid.

**Drivers to be vouched for by owners, etc.**

3. No license shall be granted under subdivision two of this section unless the person applying for such license shall be vouched for by the owner of the coach, cab or carriage for which he applies for a license and by two other reputable citizens who have known said applicant for the space of one year to be of good moral character.

**Mayor to administer oath.**

4. The Mayor of said city shall administer to any person applying for a license as provided for in this section, an oath or affirmation in relation to the matters embraced in subdivisions one and two of this section, and may examine such applicants relative to all necessary qualifications to receive such license.

**Drivers' badges.**

5. Every person licensed under the second subdivision of this section shall, at all times, when driving, or when with his coach, cab, carriage or omnibus, or when demanding or receiving money for the conveying of any passengers, wear on the breast of his coat, in a conspicuous place, a badge, to be furnished him by the Clerk of the Common Council, at the expense of said licensed hackman, which shall not exceed in cost two dollars,

and shall contain in legible, large-sized letters and figures the words "Licensed Hackman," and the number of license.

**List of hackmen to be kept in Mayor's office.**

6. A correct list of such licensed hackmen, with the number of their license, and the residence of such licensed hackmen, and also a list of the licensed hacks, cabs, coaches and omnibuses, with the residence of the owners, shall be kept in the office of the Mayor, a copy of which shall be by him furnished to each of the station-houses in said city, as soon after the second Tuesday of May of each year as possible.

**License Fees.**

7. Every person who may be licensed as aforesaid to keep hackney coaches, cabs or other carriages for hire, shall pay to the Mayor the sum of five dollars per annum for every hackney coach, cab or carriage drawn by two horses, and three dollars per annum for every hackney coach, cab or carriage drawn by one horse, which shall be kept for hire.

**Mayor may revoke licenses.**

8. The Mayor may, at any time, and for any cause or reason, suspend or revoke any license issued pursuant to the provisions hereof; and any person who shall continue to act as driver or owner of hackney coaches after such suspension or revocation, shall incur a penalty of twenty-five dollars for each day he shall so act.

**Stands for hackmen.**

§ 2. The following are declared to be the places where hackmen, with their horses and vehicles, may stand waiting for employment: On the west side of Broadway, between State street and Maiden lane, and on the east side of Broadway, between State street and a point one hundred and twenty-five feet south of Maiden lane, provided that no cross-walk, or railway, or track be obstructed thereby; any person offending against the provisions hereof shall incur a penalty of ten dollars for each offense.

**List of prices.**

§ 3. The prices which may be charged by the owner or drivers of hackney coaches, cabs, or other carriages for conveying passengers therein, are as follows:

For each passenger for any distance within the paved streets, not exceeding one mile, fifty cents.

But no omnibus shall charge or receive more than twenty-five cents for the conveyance of each passenger within the paved streets, not exceeding one mile.

For each passenger, for any distance within the paved streets over one mile, and not exceeding two miles, seventy-five cents.

For each passenger, for any distance over two miles, not exceeding three miles, one dollar.

For each passenger, from any part of the paved streets to the alms-house and back, with the privilege of detaining the carriage one hour at said alms-house, two dollars.

For each passenger, from any part of the paved streets to the penitentiary and back, with the privilege of detaining the carriage at said penitentiary thirty minutes, seventy-five cents.

For attending a funeral from any part of the city east of Robin street, to any part of the public burial grounds of the city, for each carriage, two dollars.

The owner or driver of every hackney coach, cab or other carriage, shall be allowed for every hour the same may be detained, excepting as aforesaid, for each carriage, one dollar for the first hour, and for every additional hour seventy-five cents, or the passenger or passengers may have the privilege of keeping the carriage all day, between the hours of eight in the morning and six in the evening, for eight dollars; such owner or driver shall also be allowed to charge for one hundred and twenty-eight pounds of baggage at the same rate as for a passenger.

§ 4. All disputes as to prices or distance shall be settled by the Mayor or such other person as he may designate.

#### **Penalty for certain omissions or refusals.**

§ 5. A penalty of ten dollars shall be imposed upon the owner or driver of any hackney coach, cab or other carriage who shall

1. Refuse or neglect to convey any person or persons to any place within the north and south bounds of the city, and extending from the river three miles west, upon being applied to for that purpose; or,

2. Charge any additional sum for going from the stand to take up a passenger, excepting that the distance from the stand shall be considered as a part of the distance for which he shall be entitled to the regular fare; or,

3. Demand or receive any greater prices or rates than those herein established; or,

4. Neglect or refuse to place, permanently, in a conspicuous place inside his vehicle, a printed card, as follows:

Licensed Hack, Number ——. ———, Proprietor.

Which blank shall be filled by inserting the number of the license and the name of the proprietor of the vehicle, after which, in said card, shall follow the license, or a copy thereof, and also a list of the prices authorized to be charged by section three of this ordinance;

5. Neglect or refuse to keep such card in a clean and legible condition, or to replace it with a new one, whenever any part of it shall have become defaced or illegible; or,

6. Neglect or refuse to place the number of license conspicuously on the outside of his vehicle, in colors strongly contrasting with the color of the part of such vehicle on which they may be placed; or,

7. Willfully misrepresent the distance from place to place, or the time of arrival or departure of any steamboat or other public mode of conveyance, or drive by any other than the shortest practicable route to the place where his passenger may desire to go; or,

8. Put or keep upon his vehicle any descriptive sign, inscription or device, or the name of any hotel, tavern, or public house, or of any steamboat or railroad line, unless the said vehicle shall actually belong to and is licensed in the name of the proprietor of such hotel, tavern, or public house, steamboat or railroad company, as the case may be, the name of which may be used thereon; or,

9. Suffer to persuade or influence any person or passenger to go to any house, boat or place, or to deceive or mislead any passenger, or to take him to any boat, house or place than that to which he may desire to go; or,

10. Suffer or permit any person under the age of twenty-one years to drive such hackney coach, cab or other licensed carriage or vehicle, within the corporate bounds of the city.

11. Snap or flourish his whip, or be guilty of any disorderly act while waiting for employment at any of the public stands or any stand that may be hereafter made, or at any steamboat landing, railroad depot, or at any other public place in the city.

**Mayor may transfer owner's license.**

§ 6. If the owner of any hackney coach, carriage or cab, who may have received a license as aforesaid, shall sell or dispose of such coach, carriage or cab, before the expiration of such license, such licensed owner shall, within five days of the date of such sale or disposal, report the same to the Mayor, and the Mayor may transfer such license on the payment of one dollar, provided the said purchaser is qualified under section one of this chapter; and every such owner of a hackney coach or cab who shall neglect to report such sale or disposal as aforesaid, shall be liable to a fine of five dollars.

**License fees.**

§ 7. Every person who may be licensed as aforesaid to keep hackney coaches, cabs or other carriages for hire, shall pay to the Mayor the sum of five dollars per annum for every hackney coach, cab or carriage drawn by two horses, and three dollars per annum for every hackney coach, cab or carriage drawn by one horse, which shall be kept for hire.

**Transfer of driver's license.**

§ 8. Any driver who may be licensed under subdivision two of section one of this ordinance may have his license transferred with the consent of the Mayor, upon written application of the owner of the coach or cab to which he applies for transfer.

**Driver's license fee.**

§ 9. Every driver of a hackney coach or cab shall pay to the Mayor the sum of one dollar.

**Driver may drive any hack of owner.**

§ 10. Any driver who may be licensed under subdivision two of section one of this chapter may drive and use any coach or cab belonging to his employer; and no owner of any hackney coach or cab shall allow any person to drive such coach or cab who is not licensed as aforesaid, under penalty of five dollars.

**May demand fare on entering coach.**

§ 11. Every licensed owner or driver of any hackney coach or cab shall have the right to demand his fare of the person or persons employing him on their entering his coach or cab, and may refuse conveying any such person as does not comply with said demand.

**Passengers not to be solicited.**

§ 12. No person, except the licensed owner or driver of a hackney coach, cab, carriage or other vehicle, and then only when remaining in or upon his vehicle, or within fifteen feet therefrom, shall, upon any street, lane or alley, or upon any dock, pier, wharf or public highway, or in any other place, within the corporate bounds of the city, solicit passengers or others, or their baggage, for any hackney coach, cab, carriage or other vehicle; and no person whomsoever shall, in any event, for the purpose, or in the exercise of soliciting, procuring or receiving passengers or baggage for any such hackney coach, cab, carriage or other vehicle, enter, be, or remain in or upon any railroad car, stage coach, omnibus or steamboat, or enter, be or remain in or upon any steamboat, gang-plank or railroad depot, or railroad yard, or approach, be or remain within a radius of fifteen feet of the place of egress from any railroad car or steamboat; and any person offending against any of the provisions of this section shall incur a penalty of ten dollars for every offense.

**Owner personally liable.**

§ 13. The keeper of any hackney coach, cab or other licensed carriage, and for hire or reward in said city, shall be personally liable for the penalty imposed for the violation of any provision of this ordinance by any person employed by such owner or keeper to drive such coach, cab or other carriage.

**Construction of word.**

§ 14. For the purpose of this law, the words cab, coach, omnibus and vehicle shall be construed to mean any conveyance drawn by a horse or horses, and used for the carrying and transportation of passengers.

**Runners.**

§ 15. No person shall hereafter, within the corporate bounds of the city, or upon the waters under its jurisdiction, act as a runner, or solicit or engage any person or persons to take passage in or upon any railroad, steamboat, stage or public conveyance whatever by which persons are carried from said city to any point. Every word spoken by any person which may tend to induce another person to take passage in or upon any railroad, steamboat, stage or public conveyance, shall be deemed a violation of this section. Every person violating any of the provisions

of this section shall, for the first offense, incur a penalty of five dollars, and for every subsequent violation thereof, a penalty of ten dollars.

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CHAPTER 28.

*Of Junk Dealers.*

**Business defined.— License fees.**

Section 1. The Mayor of the city of Albany is hereby authorized to issue licenses to persons desiring to carry on the business of buying, selling and dealing in junk, rags, old rope, old iron, brass, copper, tin, lead or other old metals, old bottles, old glass, old bones, old tin-ware or any second-hand articles, excepting second-hand books and furniture, upon payment, annually, to the city of Albany, of the sum of twenty-five dollars as a license fee for each and every license so issued.

**Qualification.**

§ 2. No person shall be licensed as provided in the foregoing section unless he shall be a citizen of the United States.

**Bond.**

§ 3. Every person to whom a license shall be granted authorizing such person to purchase, sell or deal in any of the articles mentioned or described in the first section of the ordinance, shall enter into a bond to the city of Albany in the penal sum of two hundred and fifty dollars, and with good and sufficient sureties to be approved by the Mayor of said city, conditioned for the due observance of all such ordinances of the city of Albany, as may be enacted respecting persons buying, selling or dealing in any such articles during the continuance of such license.

**Designating place of business.— Carts, wagons.**

§ 4. Every license which shall be granted in pursuance of section one of this chapter shall designate the house or place in which the person receiving such license shall be authorized to carry on such business, and it shall be lawful for any such person so licensed as aforesaid, to keep, use and drive a cart or wagon in the city of Albany, for the purchase and sale of any or all the articles mentioned and described in said section one; each person so licensed shall pay a license fee of three dollars for each cart



or wagon so kept, used and driven in excess of one cart or wagon provided that each cart or wagon so kept, used or driven by him shall be marked with his name at length, the street and number of his place of business, and the number of his license in plain letters and figures at least two inches in length.

#### **All dealers to be licensed.**

§ 5. It shall be unlawful for any person or persons to carry on the business of buying, selling or dealing in any of the articles or things mentioned and described in section one of this chapter, or procure to be used or driven any cart, wagon or other vehicle for the purchase or sale of either of said articles, without being first licensed so to do as provided in and by section one aforesaid.

#### **Articles not to be taken in pawn.— Hours of business.**

§ 6. No person licensed as aforesaid shall receive, in the line of his business, any article or thing by way of pledge or pawn, nor shall he loan or advance any sum of money on the security of any such article or thing; nor shall any such person receive or purchase any goods, article or thing whatever from any person under the age of eighteen years, or from any person or persons whomsoever, between the setting of the sun and the hour of seven o'clock in the morning.

#### **Reports.**

§ 7. Every person licensed under the provisions of this chapter is hereby required to make a report in writing, to the Chief of Police of the city of Albany, in such form as such chief may prescribe, all articles purchased or received by him during a period of time specified in such request together with the name and residence of the person or persons from whom such purchases were made, and to whom such articles were sold.

#### **Not to act as pawnbroker.**

§ 8. No person or persons licensed to carry on business under the provisions of this chapter shall (during the continuance of such license) use, exercise or carry on the business or trade of a pawnbroker, nor shall any pawnbroker receive a license under the provisions of this chapter.

#### **Revoking license.**

§ 9. No person licensed pursuant to this ordinance shall carry on any such business at any other house or place than the one

designated in such license, nor shall continue to carry on such business after such license may have been revoked.

**Signs.— Removal of Place of Business.**

§ 10. Every person licensed under the provisions of this chapter shall have and keep a sign on the outside and in front of his shop or other place used for carrying on such business, on which shall be plainly set forth in conspicuous letters and figures his name, his licensed business and the number of his said license; and in case any person so licensed, as aforesaid, shall remove his shop or place of business from the place designated in said license, he or she shall immediately thereupon give notice to the Mayor, and have the same indorsed upon such license, and the number of his shop or place of business shall thereupon be changed upon the sides of the cart or wagon used by such licensed person, and made to correspond with such change of shop or place of business.

**Badge to be worn.**

§ 11. Every person licensed under the provisions of this chapter shall, when engaged in the business described in section one hereof, or in soliciting, purchasing or receiving any of the articles mentioned herein, wear on the breast of his coat in a conspicuous place, a metallic badge, which shall contain in legible, large-sized letters and figures, the words "Licensed Junk Dealer," and the number of his license.

**Former ordinances.**

§ 12. All ordinances or parts of ordinances of the city of Albany relating to junk dealers, or inconsistent with the provisions of this ordinance, are hereby repealed.

**Penalty for violation of ordinance.**

§ 13. Every person who shall violate any of the provisions of this chapter shall be guilty of misdemeanor, and, upon conviction, shall be punished by a fine not exceeding fifty dollars or imprisonment in the Albany county penitentiary for a term not exceeding six months, or both such fine and imprisonment, and in addition thereto shall be liable to a penalty of fifty dollars for each and every day any such provision shall be violated.

## CHAPTER 29.

*Of Licenses for Places of Amusement.***Definition of business.— License Fees.**

Section 1. No person, persons or combination of persons, having charge or control of any building or vacant lot in the city of Albany, or any part thereof, either as owner, lessee, agent or otherwise, shall use or allow any other person or persons to use such building or any part thereof, or any such vacant lot as a place of public amusement or theater, or for the giving of any concert, theatrical or musical entertainment, or any interlude, tragedy, comedy, opera, ballet, play, farce, negro minstrelsy, negro or other dancing or other entertainment of the stage, or any part or parts therein, or any equestrian circus or dramatic performance, or any performance of jugglers or rope dancing, acrobats, or any menagerie, panorama or exhibition of any kind, whether an admission fee is charged or not; nor shall any person or persons keep any public hall or other place for rent or use for dances or balls, except a hall or place used exclusively as a school or academy for instruction in dancing, unless license therefor is first duly obtained in the manner hereinbefore specified, under a penalty of one hundred dollars for each and every performance or entertainment had, and for each and every day the same is so rented or used without such license, to be recovered in the name of "The City of Albany" from the proprietor, lessee or managing agent of such theater, public hall, building, or part thereof, or vacant lot, so used as aforesaid, for the maintenance of a place of amusement as aforesaid, but nothing herein contained shall apply to the armories or meeting rooms of any uniformed military company, furnished with approved arms, pursuant to an act of the Legislature, by the Chief of Ordnance, under the direction of the Commander-in-Chief of the military forces of the State.

**Mayor to issue license.**

§ 2. Licenses for the keeping, having and performing of any of the entertainments above enumerated, whether in a building or otherwise, may be granted by the Mayor in his discretion, upon the payment to him of the license fees hereinafter specified, and upon complying with the rules and regulations prescribed by this ordinance. The license fee to be charged upon the granting of such license shall be as follows:

**Fees.— Local theatre.**

1. For each local theatre or place of public amusement not to exceed one hundred dollars for a theatrical season, or fifty dollars per quarter of a year, or twenty dollars per week as the Mayor may determine.

**Transient performers.**

2. For every transient performance, not given in a regularly licensed theater, public hall or place of public amusement, except where given for charitable objects, and for each concert, theatrical or musical entertainment, minstrels, panorama or exhibition of any kind except as hereinafter provided, ten dollars for each day, twenty dollars for each week or twenty-five dollars for each month.

**Circus, caravan, menagerie.**

3. For every circus, caravan, menagerie or out-door show or exhibition, three hundred dollars for each and every day open to the public, provided, however, that the Mayor in his discretion may reduce the license fee required of such circus, show or out-door exhibition.

**Collection of fees.**

§ 3. All moneys collected for fees, as above provided, shall be immediately, after their receipt as aforesaid, paid to the Chamberlain.

**Revoking license.**

§ 4. The Mayor may, in his discretion, after notice to the owner or lessee, suspend or revoke the license of any theater or place of public amusement where any show, play or exhibition is given or is advertised to be given, which, in his opinion, is of a lewd or immoral nature. He may also refuse to license any transient show, exhibition or entertainment, or may suspend or revoke the license of the same, whenever, in his judgment, such show, exhibition or entertainment is of a lewd or immoral nature. The Mayor may upon like notice revoke such license when such place so licensed is, in his opinion, and after a report to the Chief of the Fire Department to that effect, unsafe for the public gathering therein.

**Exits in case of fire.**

§ 5. All exits of every place of public amusement shall be marked with the word "Exit" in large letters over the same, and shall be so constructed as to be easily opened by the audience in case of fire.

**Control of lights.**

§ 6. Every theater shall be so piped that the gas can be shut off separately from the stage, auditorium and lobbies, without interfering one with the other.

**Automatic sprinklers.**

§ 7. There shall be such automatic sprinklers, or other equivalent devices, in every theater as in the opinion of the Chief of the Fire Department may be needed.

**Fire extinguishers.**

§ 8. There shall be in every place of public amusement such amount of stand-pipes and hose, and number of water pails, axes and chemical extinguishers, as the Chief of the Fire Department from time to time may determine to be necessary.

**No seats in aisles.**

§ 9. No portable seats shall be placed in the aisles or passageways of any place of public amusement.

**Employes to act as firemen.**

§ 10. No person or persons shall be employed in places of public amusement to act as a fireman or firemen, or have charge of apparatus for extinguishing fires, except men specially approved for that purpose by the Board of Fire Commissioners of the city of Albany.

**Police.**

§ 11. There shall be a member of the regular police force detailed, for the purpose, by the Police Board, stationed in every place of amusement during any or all the performances whenever the Mayor may so require; the amount to be paid for his services to be fixed and collected by the Police Board from the owner or lessee of such place of public amusement.

**Special officer to keep order.**

§ 12. No other persons shall be employed for the preservation of order in any theater, except members of the regular police force or special police officers appointed therefor by the Police Board.

**Penalty for violating ordinance.**

§ 13. Any violation of any of the provisions of this ordinance shall be considered and deemed a misdemeanor, and the person guilty thereof shall upon conviction be subject to a fine of not exceeding one hundred dollars or imprisonment in the Albany county penitentiary for a term not exceeding thirty days, for each offense, in addition to the penalties hereinbefore prescribed.

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**CHAPTER 30.***Of Pawnbrokers.***Mayor to license.—Fee to be paid to Chamberlain.**

Section 1. The Mayor of the city of Albany is hereby authorized to grant, from time to time, under his hand and the official seal of his office, to such citizens as he may deem proper, and who shall produce to him satisfactory evidence of their good character, a license authorizing such citizen or citizens to carry on the business of pawnbroker, which license shall designate the house in which such person shall carry on said business, and the length of time for which such license is issued, provided such person desiring said license shall make application to said Mayor, in writing, for said license, and shall pay, upon the issuance of such license, to the city of Albany the sum of fifty dollars annually.

All money collected for such license shall be paid to the Chamberlain of the city of Albany.

**Penalty.**

§ 2. It shall be unlawful for any person to conduct or carry on the business of pawnbroker unless a license therefor has been duly issued, as herein provided. Any person violating the provisions of this section shall incur a penalty of twenty-five dollars.

**Reports.**

§ 3. Every person carrying on or conducting the business of a pawnbroker, under a license duly issued as hereinbefore speci-

fied, is hereby required to report in writing daily to the Chief of Police, in such form as said Chief of Police may prescribe, all articles upon which he has made loans received by him during the twenty-four hours immediately preceding the delivery of such report; the contents of said report shall not be communicated to any person for the purpose of publication, but shall be used by said Chief of Police and others in authority for the purpose of protecting the public interests and the detection of criminals.

**Penalty for refusal to report.**

§ 4. When a person licensed as a pawnbroker shall refuse or neglect to make the reports hereby required, or who shall make any false entry in such reports, or in any manner report falsely, or shall omit to make a full and complete report, he shall incur a penalty of not less than twenty-five dollars nor more than one hundred dollars, for each and every such offense.

**Bond.**

§ 5. Every person so licensed as hereinbefore provided shall, at the time of receiving such license, file with the Mayor granting the same, a bond to the city of Albany, to be executed by the person so licensed and by two responsible sureties, in the penal sum of two thousand five hundred dollars, to be approved by said Mayor, and which bond shall be conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed, and the observance of all laws and ordinances relating thereto, and the Mayor shall have full power and authority to revoke such license.

**Record of loans, description of goods and memorandum.**

§ 6. Every pawnbroker so licensed as hereinbefore provided, shall keep a book, in which shall be fairly written, at the time of such loan, an account and description of the goods, articles or things pawned, or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, the name and residence of the person pawning or pledging the said goods, articles or things; and every such pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by him, containing the substance of the entry required to be made in his book, as in this section pro-

vided, and no charge shall be made or received by any pawnbroker for any such entry, memorandum or note. The said book shall, at all reasonable times be open to the inspection of the Mayor, all the judges of the criminal courts, the Chief of Police Captains of Police and Police Magistrates of the city of Albany, or any or either of them.

**Rate of interest.**

§ 7. No pawnbroker, licensed as hereinbefore provided, shall ask, demand or receive any greater rate of interest than three (3) per cent per month or any fraction of a month, for the first six (6) months, and two (2) per cent per month for each succeeding month, upon any loan not exceeding the sum of one hundred dollars (\$100), or more than two (2) per cent per month for the first six (6) months and one (1) per cent per month for each succeeding month on any loan exceeding the sum of one hundred dollars (\$100); no such pawnbroker shall make any charge for packing, storing, keeping, or caring for any article, goods or thing pledged and upon which a loan has been made, and no such pawnbroker shall sell any pawned or pledged article until the same shall have remained one year in his possession and all such sales shall be at public auction and not otherwise, and shall be conducted by licensed auctioneers doing business in the city of Albany.

**Notice of date of sale.**

§ 8. Notice of every such sale shall be published for at least six days previous thereto in at least two of the daily newspapers printed in the city of Albany, and to be designated by said Mayor, and such notice shall specify the time and place at which such sale shall take place, the name of the auctioneer by whom the same is to be conducted, and a description of the articles to be sold. The surplus money, if any, arising from such sale after deducting the amount loaned, the interest due on the same, and the expenses of the advertisement and sale, shall be paid over by the pawnbroker to the person who would have been entitled to redeem the pledge in case no such sale had taken place.

**Revocation of license.**

§ 9. A violation of the provisions of either of the foregoing sections, by any person licensed as hereinbefore provided, shall be sufficient cause for a revocation of said license by the Mayor as provided in section five.



## CHAPTER 31.

*Of Venders, Hawkers, Peddlers, and Licenses for Same.***Business defined.— License fees.— Revocation of license.—  
Penalty.**

Section 1. The Mayor of the city of Albany may, subject to the restrictions hereinafter mentioned, grant licenses to any peddler, hawker or vender of any kind of merchandise. Every such peddler, hawker or vender using a horse and wagon, hand-cart or other vehicle, boat or vessel, shall, at the time of the granting of such license, pay to the Mayor, for the use of the city, the sum of twenty-five dollars for every vehicle, boat or vessel used by him or her as such vender, and every other description of peddler, hawker or vender shall pay for such license a sum of not exceeding twenty-five dollars, which shall not include the price of the badge as herein provided for. Before such license shall be granted every applicant therefor shall report his or her residence to the Mayor, and upon changing his or her residence, shall in like manner report his or her new residence. The Mayor shall have full power to revoke any of such licenses. Such license shall be in force for one year from the time the same is granted, and may be renewed at the expiration of each year, provided that the applicant therefor continues in all things qualified to hold such license; and upon each renewal thereof such peddler, hawker or vender of the first class, as aforesaid, using any vehicle, boat or vessel shall pay the sum of twenty-five dollars in the manner and for the purpose aforesaid; and any such peddler, hawker, vender or huckster of any other description of the second class shall pay a sum of not to exceed twenty-five dollars in manner and purpose aforesaid. No peddler, hawker or vender of any kind of merchandise shall conduct or carry on any business as such peddler, hawker or vender in the city of Albany, until he or she shall have first obtained a license in compliance with the provisions of this section. Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than five dollars or more than twenty-five dollars, and in default of payment of such fine, by imprisonment in the Albany county jail of not less than five or more than twenty-five days.

**Transfer of license.**

§ 2. No such license shall be transferred by any person without the permission of the Mayor indorsed thereon; no person shall violate the provisions of this section under a penalty of ten dollars for each offense.

**Badge to be worn.**

§ 3. Every person licensed according to the provisions of this chapter shall wear conspicuously upon his or her left breast a badge, of size sufficient to admit the number of his or her license engraved thereon, together with the word "Vender." Such badge shall be in form such as shall be approved by the Mayor, and every such peddler, hawker or vender as shall be authorized by any such license to drive or use, or who shall drive or use a wagon, cart or other vehicle in his or her business shall, in addition to wearing such badge as aforesaid, have the number of his or her license, together with the words "Licensed Vender" painted upon each side of such vehicle in a conspicuous place, and the figures and letters composing such number and words shall not be less than two and one-half inches in length, and shall at all times be kept legible. Any violation of this section shall be punished, upon conviction, by a fine of not less than five or more than twenty dollars, or, in default in the payment of such fine, by imprisonment of one day for each dollar of said fine.

**Not to obstruct streets, blow horns or ring bells.**

§ 4. No peddler, vender or hawker of any kind of merchandise shall permit any wagon, cart or vehicle owned or controlled by him or her, to stop, rest or remain upon, or in anywise incumber any street, alley, avenue or highway, in the city of Albany, for a longer period than five minutes, while engaged in selling or offering to sell goods and receiving pay therefor, and no peddler, vender, hawker or other person or corporation shall sell or authorize the sale of any fish, meat, vegetables or other article of food or merchandise from any car standing upon any of its tracks within the city of Albany or shall erect any booth or establishment, or fix any stand upon or along any street, sidewalk or crosswalk, or at the intersection of any such street or walk, or upon any public grounds in the city of Albany, for the purpose of selling, vending or exposing or offering for sale any goods, wares or merchandise whatsoever; nor shall any person be permitted to

obstruct the street, sidewalk or any public thoroughfare in said city, with barrels, baskets, boxes, crates or any other vessel or appliance of their business for the purpose of selling or exposing for sale any goods, wares or merchandise. No peddler, hawker or vender shall cry out in loud voice, blow upon or use, or suffer to be blown upon or used, any horn or any other instrument, or ring any bell or gong, for the purpose of giving notice of the approach of any cart, wagon or other vehicle for the purpose of selling thereout any article of merchandise. Any person violating any of the provisions of this section shall, upon conviction, be punished by a fine of not more than ten dollars, or in default of payment of such fine by imprisonment of one day for each dollar of such fine.

**To have correct weights and measures.**

§ 5. No peddler, hawker, or vender whose wares are sold by weight or measure shall be permitted to sell any goods, wares or merchandise, fruit, vegetables or produce under or by virtue of any license granted in pursuance of this article without first having his or her scales, measures or other appliances for weighing and measuring, inspected by the Inspector of Weights and Measures, and a certificate that the same is correct shall at all times be carried by such vender, peddler or hawker, and it shall be his duty to exhibit the same on demand.

**Selling diseased and unwholesome food.**

§ 6. No peddler, vender or hawker, or other person, shall offer for sale any diseased or unwholesome meats, fish, poultry or game, or any vegetable or fruits, or other articles of any kind intended for food, that are decayed so as to render them unfit for use, or endanger the health of the consumer. Any person violating this or the last section of this article shall be deprived of his or her license and shall, upon conviction, be punished by a fine of not less than ten dollars or by imprisonment of not less than ten days, or by both such fine and imprisonment.

**All peddlers to be licensed.**

§ 7. No person shall peddle goods or produce from house to house without taking out a license as a peddler, hawker or vender, as provided in section one of this ordinance.

**Use of vehicles permitted.—Marketmen and farmers defined.**

§ 8. Nothing in this ordinance contained shall be construed so as to prevent any peddler, hawker or vender owning or using a vehicle or vehicles from procuring a license for each vehicle owned or controlled by him or her, and employing a person to drive or propel the same, subject, nevertheless to the provisions herein contained; nor shall anything herein contained be construed to prevent farmers and market gardeners from driving their teams and wagons, or other vehicles, upon the public markets and there selling country produce, raised upon farms or lands owned or occupied by them, nor to the delivery of the articles so sold to the purchasers at their respective places of residence or business, and for such sales in the public market and delivery to the purchasers no license shall be required; nor shall anything herein be construed so as to prevent any person or persons, corporation or corporations, having a stated place for the transaction of business in the city of Albany, from soliciting orders for or from selling their goods, wares or merchandise from their delivery wagons. The words farmers and market gardeners, when used in this ordinance shall be taken and construed to mean only such persons as shall obtain a living by agricultural pursuits and not by butchering and selling meats. Nothing herein contained, except section six, shall apply to milkmen.

**Repeal of certain provisions.**

§ 9. All ordinances or parts of ordinances inconsistent or in any manner conflicting with the provisions of this ordinance are hereby repealed.

**Fees collected to be paid to Chamberlain.**

§ 10. All moneys collected by or paid to the Mayor of the city of Albany by virtue or in pursuance of section one of this chapter shall immediately thereafter be paid by said Mayor to the Chamberlain of said city, and shall be applied by said Chamberlain to the credit and use of the fund known as "street contingents."

## OF HEALTH AND PROPERTY.

## CHAPTER 32.

*Of Protection to Health and Property.*

- Section 1. No fire in yard or out-house.
2. Depositing of hay, etc.
  3. Lights, candles, etc.
  4. Carpenters, etc., to remove shavings.
  5. Shavings, etc., not to be scattered in streets.
  6. Unslaked lime.
  7. Explosive substances.
  8. Discharging of fire-works.
  9. No fires to be kindled in streets, etc.
  10. False alarms.
  11. Fire limits.
  12. Fences.
  13. Duty of Chief of Police.
  14. Burning out chimneys.
  15. Chief Engineer may enter buildings, etc.
  16. Wearing of fire badges.
  17. Penalty.
  18. Police to take badges.
  19. Driving over hose at fires.
  20. Fire apparatus to have right of way.
  21. Storing of explosive substances.
  22. No dwelling to contain more than one barrel.
  23. License to sell.
  24. Storing of explosive substances.
  25. Inspector of fluids.
  26. Removal of barrels from streets.
  27. Penalties.
  28. Storing of hay, straw, etc.

**No fire in yard, or out-house, etc.**

Section 1. No person shall make or keep a fire in any yard, wood-house or other out-house or building in this city, unless in

some proper receptacle for fire, communicating with a chimney, under the penalty of ten dollars for every offense.

**Where hay, etc., shall not be put.**

§ 2. No hay, straw or other combustible substance or material shall be deposited within fifteen feet of any place where fire or ashes are kept, unless such place be a close and secure building, under the penalty of five dollars for every offense and the like sum for every twenty-four hours that any such matter so deposited shall remain there; and if any such deposit shall not be immediately removed upon notice from the Chief Engineer or any magistrate in this city to remove the same, any captain or sergeant of police or fireman shall remove it at the expense of the offender, to be recovered from him with costs, as a penalty; and shall incur a further penalty of not less than five dollars nor more than twenty-five dollars.

**Lighted candles, etc.**

§ 3. No lighted candle or uninclosed lamp shall be used in any stable, or other place or building where hay, straw or other combustible material shall be kept, under the penalty of five dollars for every offense.

**Carpenters, etc., to remove shavings, etc.**

§ 4. Every carpenter, joiner or other mechanic, or person keeping a shop or other building wherein chips, shavings or other combustible matter may be contained, shall, under the penalty of five dollars for every neglect so to do, at least once each day, clean and remove the same from such shop or building and from any yard belonging thereto, and cause the same to be securely stowed in some safe place remote from danger by fire; and no lighted candle or lamp shall be used in any such shop or building as aforesaid, except it be safely inclosed, under the penalty of two dollars for every offense.

**Shavings, etc., not to be scattered in streets.**

§ 5. If any carpenter, joiner, cartman or other person, in removing any chips, shavings or other combustible matter from any shop, building or yard, shall scatter or throw them in any street or lane, or shall at any time direct, permit or suffer any of them to be taken to, or thrown or scattered on any street or lane, he shall, for every such offense, incur a penalty of the sum of five dollars.

**Unslaked lime.**

§ 6. No unslaked lime shall be deposited in any part of the city, without permission in writing from the Chief Engineer of the Fire Department, under the penalty of ten dollars and a further penalty of five dollars for every twenty-four hours it shall remain within the limits aforesaid. And it shall be lawful for the Chief Engineer or any magistrate to cause the same to be removed to a place of safety, at the expense of the offender, recoverable against him by action of debt with costs of suit as a penalty.

**Explosive substances.**

§ 7. It shall be the duty of the Mayor, or Board of Fire Commissioners of the Fire Department, subject to the decision of the Mayor:

**Notice to remove.—Compulsory removal.**

1. Whenever any article, material or substance, stored, placed or kept within the city limits, shall be deemed, by the Mayor or Board of Fire Commissioners, to be dangerous to persons or property on account of its liability to fire or explosion or otherwise, within the city, to notify in writing the person or persons, or any one of them having the possession or control thereof, forthwith to remove the same to some place without the city, or to such safe place or places within the city as the Mayor shall designate. If such person or persons shall be unknown, or cannot be found upon the premises where the same is kept or stored, or shall fail forthwith to remove the same after receiving such notice, it shall be lawful for either said Mayor or Board of Fire Commissioners, or any person authorized by him or them, to enter, in the daytime, into any dwelling-house, store, stable or other building or inclosure, or sloop, vessel or other place or places whatsoever within the city limits, where the same may be, and remove the same to such place or places as the Mayor may designate.

**Vessels containing inflammable and explosive substances.—****Removal of.**

2. He or they shall give such orders and directions touching the lying, fastening and berths of any vessel whatever, having on board any gunpowder or other combustibile materials, dangerous in causing or promoting fires, as he or they think con-

ductive to safety; or direct such vessel to lie in the stream, at such distance from any wharf as he or they shall think proper; or direct such gunpowder, hay or other combustible material to be removed to a place of safety, and if any such order is not forthwith complied with, he or they may, with the aid of any policeman or member of the Fire Department or other person, remove the same to such place as the Mayor may designate.

#### **Storage of gunpowder.**

3. He or they shall see that all gunpowder, kept or stored in the city (except in the powder house), shall be secured in iron, glass or other secure vessel, or canister; but no gunpowder, exceeding thirty pounds, shall be in any one place in said city (except the powder house) and any gunpowder, in excess of thirty pounds, may be removed to such place as the Mayor may designate.

#### **Penalties.**

4. Any person or persons failing to remove the material or substance, as provided in subdivision one of this section, shall severally incur a penalty of the sum of twenty-five dollars for every twenty-four hours' neglect so to do; or shall resist or prevent, or attempt to resist or prevent any removal of such explosive substance or substances, shall incur a penalty of the sum of twenty-five dollars; and any person or persons who shall neglect or refuse to obey the directions or orders given as provided in subdivision two of this section, shall severally incur a penalty of the sum of fifty dollars. Any person or persons violating the provisions of subdivision three of this section, shall severally incur a penalty of the sum of twenty-five dollars for each day's violation thereof. Any expense incurred seizing, removing, watching or storing any article or property mentioned in this section, may be recovered as a penalty from the owner or possessor of such article or property.

#### **Discharging of fireworks, etc.—Firing cannon, etc.**

§ 8. It shall not be lawful for any person to fire or set off any gunpowder, squib, rocket or firework, or to fire any cannon, gun or pistol in any part of the city; and any person offending in the premises by firing any cannon, shall incur a penalty of not less than five nor more than twenty-five dollars; and for firing any gun or pistol, gunpowder, squib, rocket or any firework, as



aforesaid, the sum of two dollars; provided, that no penalty shall be incurred for firing of any caannon or gun on board of any vessel in the stream of the Hudson river, if the same be fired in a direction from the said city, or at such a distance therefrom as to be free from danger. This section shall not be operative or in force upon the day set apart for the celebration of the anniversary of the Declaration of the Independence of the United States.

**No fires to be kindled in streets, etc.**

§ 9. No person shall kindle any fire or furnish materials for any fire, nor in any way authorize or allow any fire to be made, or in any manner aid or assist in making any fire in any street, square, lane or alley, or on any wharf or dock, or on any vacant lot in this city, under the penalty of not exceeding ten dollars for every offense.

**Barrels, etc., having contained petroleum, etc., not to be kept on streets.—Nor near buildings.**

1. No barrels, casks or packages exceeding fifty in number, which may have contained earth or rock oil, petroleum, kerosene, benzine, benzole, or naphtha, or any other articles, the products of the articles above enumerated, shall be kept or stand in or upon any of the streets or lanes, or on the sidewalks in the city of Albany, by any dealer in the oils above mentioned or by any other person; nor shall any such casks or packages, in excess of the number above stated, be kept by any dealer or any other person, or stand in or upon any yard or lot, or within any building, structure or inclosure, within one hundred feet of any building or structure in said city.

**May be removed by Mayor or Board of Fire Commissioners.**

2. Any barrel, cask or package kept, placed or stored, in violation of the foregoing provision, shall be removed upon the order or direction of the Mayor or Board of Fire Commissioners; and the person having placed or caused to be placed, or owning or having control of said barrels, packages and casks, who shall neglect or refuse to remove said barrels, packages or casks, upon such notice, shall forfeit a penalty of one dollar per day for every barrel so kept or placed and not removed.

**False alarms.**

§ 10. Any person who shall make, aid, countenance or assist in making any false alarm of fire, or who shall operate or use any call of the Police signal apparatus without occasion therefor, shall forfeit for every offense, a sum not less than five nor more than twenty-five dollars, in addition to any other penalty imposed by law.

**Erection of wooden buildings.—Fire limits.**

§ 11. No wooden building or buildings covered wholly or partially with wood (except as otherwise provided by the laws of the State in relation to the erection of wooden buildings in the city of Albany) shall hereafter be erected in any part of the city of Albany, included in the following limits, namely: Commencing at the east range of the dock in the center of Cherry street, and running thence west along the center of Cherry street to the center of Broadway; thence northerly along the center of Broadway to the center of Schuyler street, and running thence westerly along the center of Schuyler street to the center of Clinton street; thence along the center of Clinton street to the center of Delaware street; thence westerly along the center of Delaware street to the center of Elizabeth street; thence along the center of Elizabeth street, northerly, to the center of Warren street; thence through the center of Warren street to the center of Philip street; thence through the center of Philip street to the center of Park avenue; thence through the center of Park avenue to the center of High street; thence through the center of High street to the center of Myrtle avenue; thence westerly along the center of Myrtle avenue to the center of Hawk street; thence through the center of Hawk street to a point two hundred feet south of the center of Elm street; thence westerly and parallel with the center of Elm street to the center of Dove street; thence northerly through the center of Dove street to the center of Elm street; thence westerly through the center of Elm street to the center of Delaware avenue; thence northerly along the center of Delaware avenue to a point one hundred feet south of Madison avenue; thence westerly and parallel with Madison avenue and one hundred feet southerly therefrom to a point one hundred feet east of the east line of Knox street; thence southerly and parallel with the east line of Knox street and one hundred feet easterly to a point one hundred feet south of the south line of Morris street; thence

westerly and parallel with Morris street, and one hundred feet southerly therefrom, to a point one hundred feet west of the west line of Knox street; thence northerly and parallel with the west line of Knox street to a point one hundred feet south of the south line of Madison avenue; thence westerly and parallel with Madison avenue and one hundred feet southerly therefrom to the center of Quail street; thence northerly along the center of Quail street to a point one hundred feet north of Madison avenue; thence easterly and parallel with the north line of Madison avenue and one hundred feet northerly therefrom to a point one hundred and sixty-five feet west of Lake avenue; thence northerly and parallel with Lake avenue to a line north of and parallel with Western avenue and distant one hundred feet therefrom; thence easterly and parallel with Western avenue to a point four hundred and twenty-five feet west of Englewood place; thence north to and through the center of Robin street to a point one hundred feet north of Central avenue; thence easterly along the line parallel with Central avenue and one hundred feet northerly therefrom to the center of Lark street; thence northerly along the center of Lark street to the center of Elk street; thence along the center of Elk street to the center of Swan street; thence along the center of Swan street to the center of Orange street; thence westerly along the center of Orange street to the center of Dove street; thence along the center of Dove street to a point sixty-five feet south of Clinton avenue; thence westerly on a line parallel with Clinton avenue to a point opposite the center of Judson street; thence northerly to a point one hundred and thirty-two feet north of Clinton avenue; thence easterly and parallel with Clinton avenue to a point one hundred feet west of Swan street; thence north and parallel with Swan street to a point one hundred feet north of Livingston avenue; thence east and parallel with Livingston avenue to the center of Ten Broeck street; thence northerly along the center of Ten Broeck street to the center of Colonie street; thence northerly and parallel with North Pearl street to the north bounds of the Eighth Ward and center of Patroon's creek; thence easterly and along the said north bounds of the Eighth Ward and the center of Patroon's creek to the Hudson river; thence southerly outside of the pier and dock to the place of beginning.

**Fences.**

§ 12. No board or wood fence over eight feet high shall be erected in the above limits.

**Duty of Chief of Police.**

§ 13. It shall be the duty of the Chief or Superintendent of Police to require the captains of each police district to report to him every instance of the commencement of the construction of a new building, or the alteration or repair of an old building or buildings; and when such report shall be received, the said Chief or Superintendent of Police shall immediately transmit the same to the Chief Engineer of said Fire Department.

**Burning out chimneys.**

§ 14. No person shall be allowed to burn out any chimney within the fire limits, except on rainy days, and then only by permission of the Chief Engineer or one of the Assistant Engineers of the Fire Department, under the penalty of five dollars for each offense.

**Chief Engineer may enter buildings.**

§ 15. The Chief Engineer of the Fire Department shall have the right, under the direction of the Mayor, to enter, between the hours of nine A. M. and five P. M., any dwelling, store, lumber yard, stable, manufacturing establishment or building, for the purpose of examining its condition with respect to liability to accidents from fire.

**Wearing of Fire Department badges, buttons or insignia.**

§ 16. It is hereby made unlawful for any person to wear the badge, buttons, insignia of the Fire Department, as designated and adopted by the Board of Fire Commissioners, except by permission of said board of commissioners.

**Penalty.**

§ 17. Any person violating the provisions of the foregoing section shall be liable to a penalty of not less than two dollars, nor more than ten dollars.

**Police to take badges, etc.**

§ 18. It is hereby made the duty of the police of the city of Albany to take from any person holding the same the badge of

the department as heretofore in use, and return the same to headquarters.

**Driving over hose at fires.**

§ 19. No person shall drive any vehicle over any hose stretched or laid, or being stretched or laid, at any fire or alarm of fire in the city of Albany, under a penalty of ten dollars for every offense.

**Fire apparatus to have right of way to a fire.**

§ 20. The apparatus of the Fire Department shall have the right of way in and upon the streets, lanes, alleys, squares, railroad crossings and wharves of the city in going to any fire or being upon such streets, lanes, alleys, squares or wharves in pursuance of an alarm of fire.

**Penalty for obstructing.**

No person shall obstruct, or neglect or refuse to make way for any of such apparatus being thus in or upon any of the said streets, lanes, alleys, squares or wharves under a penalty of twenty-five dollars for every offense.

**Storing of explosive substances.—Storing within corporation limits.**

§ 21. No crude or refined petroleum, kerosene, gasoline, naphtha or benzine, benzole, camphene, or burning fluid, or products, or compounds containing any such substances, shall be kept or stored in any building within the corporate limits of the city of Albany, exceeding fifty barrels; nor shall such oils or fluids be kept in any tank or reservoir, either above or below ground; nor shall any of the oils named above be allowed to remain in cars, or tanks on cars, within the corporate limits of the city, excepting said oils be consigned to persons doing business in said city; nor shall oils so consigned be allowed to remain in said car or cars, car-tank or tanks, within the corporate limits of said city for a greater length of time than forty-eight hours, excepting that manufacturers, using said fluids or oils in the production of their goods, and not for sale, may keep fifty barrels in an isolated building, constructed especially with a view to safety, to be approved by the "Board of Fire Commissioners." And, further, be it provided that no oils hereinbefore enumerated, below the standard of one hundred degrees Fahrenheit, or one hundred and ten degrees fire test, shall be kept or stored

within the corporate limits of the city, by any dealer or any other person, in any building, storehouse, manufactory, or other structure or inclosure, or on any lot, yard, street, lane or alley, excepting for manufacturing purposes, as hereinbefore provided, in any greater quantity than one barrel.

**No dwelling to contain more than one barrel.**

§ 22. No fluids or oils of the character, nature and description recited in the twenty-sixth section hereof shall be stored or kept in a greater quantity than one barrel in any building occupied in any part thereof as a dwelling; and no fluid or oils, as above described, shall be drawn from any barrel, package, cask or other receptacle in which they may be contained, after or during candle light.

**License to sell to be obtained.**

§ 23. No person shall sell at retail any kerosene, or other product of petroleum, or any of the fluids or oils enumerated in the twenty-sixth section hereof, to be used for heating, illuminating or other purposes, without first obtaining a license therefor from the said Board of Fire Commissioners, under the rules and regulations herein and hereby prescribed, which license shall be for one year, and shall not be transferable. Said license shall be posted in a conspicuous place in the store or place of business of the person or persons to whom the same is issued, and may be revoked for cause by said commissioners.

**Storing of explosive substances.**

§ 24. No crude or refined petroleum, kerosene, gasoline, naphtha or benzine, benzole, camphene or burning fluids, or products or compounds containing any such substances which shall emit an inflammable vapor at a temperature below one hundred and fifty degrees Fahrenheit, or one hundred and ten degrees fire test, shall be kept or stored within the corporate limits of said city of Albany, excepting as provided in section twenty-seven hereof.

**Mayor to nominate an inspector of fluids.**

§ 25. The Mayor shall nominate (as he does other city officers) an inspector of the fluids and oils recapitulated in the foregoing sections whose duty it shall be to inspect each and every barrel and package of said fluids or oils sold by dealers therein for the purpose of resale within the corporate limits of said city, before

the same shall be offered for sale by said dealer; and he shall brand every barrel or package with his inspection and test marks, and furnish the person or persons owning said barrels or packages, or the person or persons to whom they may be consigned, a certificate of such inspection. The inspection fees, which shall be fixed by the Board of Fire Commissioners, shall in all cases be paid by the person or persons owning said barrels or packages, or the person or persons to whom they may be consigned, and in no case shall the city be held responsible for any fees accruing to said inspector.

**Mayor empowered to cause removal of barrels from streets.**

§ 26. In case any casks or packages, exceeding fifty in number, which may have contained earth or rock oil, petroleum, benzine, benzole or naphtha, or any other article the products of the articles above mentioned, shall be kept or stand in any of the streets or lanes, or on the sidewalks in this city, or in case any such casks or packages be kept in or upon any yard or lot, or within any building, structure or inclosure within one hundred feet of any building or structure in said city, and the owner thereof shall neglect or refuse to remove the same after reasonable notice to do so, such notice to be given as the Mayor may direct, the Mayor may order the same to be removed to some suitable or safe place or places, and at the expense of the owner thereof.

**Penalties.**

§ 27. Any person or persons violating any of the preceding twenty-sixth, twenty-seventh, thirtieth or thirty-first sections shall be deemed guilty of a misdemeanor, and be liable to a penalty of fifty dollars for each and every offense.

**Hay and straw in greater quantities than ten tons not to be kept within certain limits.**

§ 28. It shall not be lawful for any person to have, store, keep or to permit the having, storing or keeping of hay or straw in quantities greater than ten tons of either at any one time, at any place or in or upon any premises in the city of Albany, within the territory bounded by the Hudson river on the east, Lark street on the west, Livingston avenue on the north and Madison avenue on the south. The owner or occupant of any premises within the boundaries aforesaid, upon which hay or straw in

greater quantities than ten tons of either, shall at any one time be, or be had, stored or kept, shall be subject to, and shall incur a penalty of one hundred dollars for every day on which the same shall occur.

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CHAPTER 33.

*Of Sanitary Ordinances.*

- Section 1. Exposure of dead bodies.
2. Burials in cases of contagious diseases.
  3. Corpses, how interred.
  4. No burials east of Ontario street.
  5. Privies.
  6. Emptying of straw beds, etc., in streets.
  7. Vessels for oysters.
  8. Hides not to be hung from windows.
  9. Potteries, slaughter-houses, etc.
  10. Washing sheepskins, etc.
  11. Dogs to be muzzled.
  12. Limits for keeping swine, etc.
  13. Cleaning of fresh fish.
  14. Sturgeon to be skinned before sold.
  15. Offal to be destroyed.
  16. Removal of dead carcasses.
  17. Putrid meat, fish, etc.
  18. Contents of privies.
  19. Unclean yards.
  20. Buildings in alleys.
  21. Limits for slaughtering cattie.
  22. Cotton-wood trees.
  23. Urinals and water-closets.
  24. Penalty.
  25. Diseased cattle.
  26. Casting of dead animals in streets.
  27. Depositing of dead animals.
  28. Expense of removing dead animals.
  29. Offal not to be thrown in privies.
  30. Contents of privies not to be buried in yards.
  31. Connecting of privy drains with street drains.
  32. Privies to be water tight.
  33. Permits for dead bodies.
  34. Ice used on bodies not to be thrown in street.
  35. Stench traps.
  36. Penalty.



**Dead body or coffin not to be exposed.**

Section 1. No person, while making a grave or interring a dead body, shall remove, disturb or expose any dead body or coffin, under the penalty of twenty-five dollars for each offense.

**Burials in cases of death from contagious diseases.**

§ 2. Every person who shall die within the city of Albany, of small-pox or other contagious disease, shall be buried within twenty-four hours after such death; and the funeral and burial of every such person shall be so conducted by those taking charge thereof, and having to do therewith, that no person shall be unnecessarily exposed to the disease with which such person shall have died.

**Penalty.**

1. Any person who shall have the custody of, charge, care or control of the body, or funeral, or burial of any person having died of any contagious disease, and who shall neglect or refuse to comply with, or violate the provisions of this section, shall incur a penalty of twenty-five dollars for each offense.

**Corpses, how interred.**

§ 3. No person shall inter any corpse in any cemetery or burying-ground in the city, without the consent of the owners or the person having charge of the same, previously obtained; nor shall any person inter any corpse in any cemetery or other place in the city, unless in vaults, or graves at least six feet deep; and any person violating either of the provisions of this section shall be liable to a penalty of five dollars.

**No one to be buried east of Ontario street.**

§ 4. Any person who shall deposit any corpse in any public or private vault in the city of Albany, east of Ontario street, or shall suffer the same to remain in such vault, shall incur a penalty for each offense, the sum of twenty-five dollars, and twenty-five dollars for every day such corpse is allowed to remain in such vault.

**Privies.**

§ 5. No privy vault or privy shall be erected or maintained at a distance less than thirty inches from any partition fence, adjoining lot or dwelling, unless otherwise specially permitted

by the Board of Health; and any person violating any of the provisions of this section, or who, having authority to remove it, shall suffer and allow it to remain after having been notified by the Board of Health, Health Inspector, Street Commissioner, or Street Superintendent to remove the same, shall incur a penalty of the sum of ten dollars for each and every day the violation or refusal is continued.

**Straw bed, or ashes, etc., not to be thrown on streets, etc.—  
Carpets not to be shaken in streets.**

§ 6. No person shall hereafter empty any straw bed or throw any ashes, refuse of coal or vegetables, or any substance, upon any vacant lot, street, lane, square or park or into any drain, pond or stream of water in the city of Albany; and no person shall shake, dust or beat any carpet in or upon any vacant lot, street, lane, alley, square or park in the city east of Robin street, north of Schuyler street, or south of North Ferry street, under a penalty of not less than two nor more than ten dollars for each offense.

**Vessels for oysters, etc.**

§ 7. Every vessel used for the transportation of oysters, clams, or other shell fish, intended for sale in this city or elsewhere, shall, while discharging its cargo, be stationed at the dock or wharf south of the south line of Maiden lane and north of Herkimer street; and for every violation of the law the offender shall incur a penalty of five dollars.

**Hides, etc., not to hang from windows, etc.**

§ 8. No person shall cast any hide or skin, tanned or untanned, out of any door or window of any building, or cause the same to be hung, suspended or laid on any post or elsewhere, in any street, or lay or pile any hide or hides, skin or skins, in or upon any street, under a penalty of one dollar for each offense; except that hides and skins may be laid in piles in the market, not later, however, than eleven o'clock in the forenoon; at which hour they must be removed.

**Potteries, soap factories, slaughter-houses, etc., may be removed.**

§ 9. Any pottery, brick-kiln, smoke-house, soap or candle manufactory, slaughter-house, bone-boiling or bone-black establishment, or any manufactory which shall be noxious, injurious or

unwholesome, in the opinion of the Board of Health, shall be considered a nuisance, and shall be removed or abated, upon reasonable notice given by the Inspector of the Board of Health; and if the nuisance shall continue after the time specified in the notice, the person or persons so continuing the same shall incur a penalty of twenty-five dollars for each day's continuance after such notice to remove or abate.

**Washing sheepskins, etc.—Slaughter-houses.**

§ 10. No person shall wash any sheepskins or other skins in the basin south of Lawrence street, nor at any place in the Hudson river between Hamilton and South Ferry streets, nor cast or throw into the basin or river, within the limits above mentioned, any offal from any slaughter-house, nor any dead carcass, nor any putrid or unwholesome matter or substance, under the penalty of twenty-five dollars.

**Dogs to be muzzled.**

§ 11. No dog shall be suffered to go at large in the city of Albany between the first day of July and the first day of September, in any year, unless properly and securely muzzled, under the penalty of five dollars, to be paid by the owner or possessor of said dog; which penalty, when recovered, shall be paid to the person on whose information the conviction is obtained; and any person may kill any dog or dogs so running at large, between the days aforesaid, not being muzzled as aforesaid.

(As amended April 20, 1885.)

**Swine, goats and cows not to be kept within certain limits.—**

**Police and Inspector of Board of Health may enter premises.**

§ 12. No person or persons shall hereafter keep any swine, goats, or more than one cow, except by the permission of the Board of Health, whether the same shall be confined in pens or otherwise, at any place or places in the city of Albany, within the territory contained in the following boundaries: Commencing at a point on Warren street where the same is intersected by Partridge street, and running thence on a line down Warren street to the Delaware turnpike; thence along the Delaware turnpike to Morton street; thence along Morton street to Hawk street; thence to Second avenue; thence to South Pearl street; thence to and down Gansevoort street to the east bounds of the city; thence along the east bounds of the city to a point where

the same is intersected by North Ferry street; thence westerly along North Ferry street to Broadway, and thence southerly to Van Woert street; thence westerly along Van Woert street to Lexington avenue; thence along Lexington avenue to Clinton avenue; thence westerly along Clinton avenue to its intersection with Partridge street; thence southerly along the line of Partridge street to its intersection with Warren street, the place of beginning. Any person who shall be guilty of a violation of this section shall, upon conviction, incur a penalty of the sum of five dollars for each day's violation, to be recovered in the name of the city of Albany; and, in addition thereto, the officers and members of the police and inspectors of the Board of Health may, at any time, enter upon and into any premises and remove therefrom all animals kept contrary to the provisions of this ordinance, and convey them, or cause them to be conveyed, to the public pound, there to be kept or disposed of in the same manner as animals found running at large.

#### **Cleaning, etc., of fresh fish.**

§ 13. It shall not be lawful to open, clean, cut up, skin or dress any kind of fresh fish (shell fish excepted) within any of the slips, or within the basin, or in or upon any of the docks or wharves of this city, or within forty feet from the outer edge of the said docks or wharves, or in or upon any street, lane or alley, or in or upon any public square, or avenue or vacant lot in said city, under the penalty of five dollars for each offense.

#### **Sturgeon to be skinned before sold.**

§ 14. No sturgeon shall be offered for sale, by the piece or pound, unless the same shall have been first skinned and otherwise properly cleaned, under the penalty of five dollars.

#### **Offal to be destroyed.**

§ 15. Every butcher or other person, immediately after killing any beeves, calves, sheep, hogs or other cattle, shall destroy the offal, garbage and other offensive and useless parts thereof, or convey the same into some place where they shall not be injurious or offensive to the inhabitants, under the penalty of twenty-five dollars for every offense.

#### **Dead carcasses to be removed.**

§ 16. No person shall cast or leave exposed the dead carcass of any horse, cow, hog, dog or other animal, in any street, lane,

alley, yard or lot within this city, under the penalty of twenty-five dollars for every offense.

**Putrid meats, fish, etc.—Destruction of.—Penalty.**

§ 17. Whenever any putrid or unsound beef, pork, fish, poultry, hides or skins of any kind, or any other putrid or unsound substance, shall be found in any part of the city, it shall be the duty of the officers and members of the police, and the inspectors of the Board of Health, to cause the same to be destroyed, or to be disposed of in such other manner as may be equally secure as regards the public health; and if any person shall resist the said officers, or either of them, in the execution of the duties hereby imposed, or shall disturb, hinder or molest them therein, such offender shall incur a penalty of twenty-five dollars.

**Contents of privies.**

§ 18. No person shall, under the penalty of twenty-five dollars for each offense, empty, cast or lay the contents of any tub or privy in any slip or dock, or in any street, lane or alley, or on any public property.

**Unclean yards.—Penalty.**

§ 19. Any owner or occupant of any barn, yard, lane, alley or other place, in which there shall be any garbage, dirt or filth, or any other impure or offensive matter or substance, calculated to create or engender disease, who shall receive a written or printed notice from the Mayor, Board of Health, or the clerk or inspectors thereof, or any officer of the police, to remove the same, and shall not remove the same within twenty-four hours after the receipt of said notice, shall be liable to pay a penalty of twenty-five dollars for the first twenty-four hours' neglect after the same should have been removed, and of ten dollars for every subsequent twenty-four hours' neglect.

**Buildings in alleys.—Width of alley to be drained.—Penalty.**

§ 20. It shall not be lawful for any person to erect or construct any block or row of buildings, intended for or to be used as dwellings, on any lot, piece or parcel of ground within the fire limits of the city of Albany, fronting upon any private lane, court or alley, unless such lane, court or alley is of the width of twenty-five feet, and paved, with a suitable drain therein, connecting with the public drain in the street upon which said lot is situated. The terms block, or row of buildings, herein men-

tioned, shall be taken and construed to apply to any building continuous or otherwise, extending thirty feet from the line of any street. Any person violating the provisions of this section shall be liable to a penalty of twenty-five dollars and costs, and to a like penalty for every day after the first conviction, that such block or row of buildings shall be suffered by him to remain standing.

**Cattle not to be slaughtered within certain limits.**

§ 21. It shall not be lawful for any person, without permission from the Common Council, to slaughter cattle, sheep, or swine in any building now erected or hereafter to be erected, or otherwise, within the territory hereinafter described; nor shall it be lawful for any person, without such consent, to conduct or carry on any business or occupation within said territory, which shall be noxious to health or comfort; nor shall it be lawful for any person, without such permission, to pollute or suffer or cause to be polluted within said territory, any running stream of water with blood or offal, or other deleterious or offensive matter, from cattle, sheep or swine; nor to permit or suffer any such matter to remain within or upon said territory or any portion thereof, whereby the comfort or health of others may be or shall be affected. Any person who shall violate any of the provisions of this section, shall incur a penalty of one hundred dollars for each offense, to be recovered by civil action in the name of the city of Albany, or by a prosecution before a magistrate as for a criminal offense, as provided by law. The following shall be the territory hereinbefore mentioned, viz.: Commencing at a point on Warren street, forty rods west of Allen street, and running thence on a line down Warren street to Delaware avenue; thence along Delaware avenue to Second avenue; thence along Second avenue to west line of South Pearl street; thence to and down Gansevoort street to the east bounds of the city; thence along the east bounds of the city to a point where the same is intersected by North Ferry street; thence westerly along North Ferry street to Broadway, and thence southerly to Van Woert street; thence westerly along Van Woert street to Lexington avenue; thence along Lexington avenue to Livingston avenue; thence along Livingston avenue to a point one hundred and sixty rods west of Allen street; thence along a line one hundred and sixty rods west from Allen street to Warren street and the place of beginning.

**Slaughter-houses to be cleaned.**

1. Every butcher or other person occupying any slaughter-house or building, or who may or shall kill or slaughter in any slaughter-house or building in the city of Albany, any animal, shall, on every day when any animal may be so slaughtered or killed therein, cause the slaughter-house and yard thereof to be washed out and thoroughly cleaned, under the penalty of ten dollars for each neglect or refusal to comply with this section.

**Blood, offal, etc., after slaughtering to be conveyed in tight covered boxes.**

2. Every butcher or other person within this city, immediately after killing or slaughtering any animal, shall convey or cause to be conveyed, in tight covered boxes or barrels the blood, offal, garbage and other offensive or useless parts of said animal or animals so killed or slaughtered to such place as the Common Council or the Board of Health shall or may from time to time direct, under a penalty of ten dollars for each and every neglect or refusal to comply with this section.

**Cotton-wood trees.**

§ 22. No person shall plant or maintain in any part of, or in any place or places in the city of Albany, any tree or shrub of the kind or species commonly called the cotton-wood tree, and any person who shall maintain, or suffer to remain, after reasonable notice by the Street Commissioner of said city to remove such shrub or tree, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall incur a penalty not exceeding ten dollars for each day such shrub or tree shall remain after notice to remove, or by imprisonment in the Albany county penitentiary not exceeding three months, or both, in the discretion of the court. Any such person who shall plant any such tree or shrub shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by imprisonment in the Albany county penitentiary for a term not exceeding three months, or by a fine not exceeding twenty-five dollars, or both, in the discretion of the court.

**Urinals and water-closets to be maintained and properly kept in manufactories, etc.**

§ 23. Every proprietor of a manufactory, bindery, printing office or establishment, workshop or other place of business where

women or girls are employed at labor, within the city of Albany, shall erect, maintain and keep in proper repair and condition for use, upon and within such manufactory, bindery, printing office or establishment, workshop or place of business aforesaid, or its appurtenances, a suitable urinal and water-closet for the use of said women and girls so employed, which urinal and water-closet shall be distinct and separate from any urinal or water-closet used by the male employes of such factory, bindery, printing office, workshop or place of business.

**Penalty.**

§ 24. Every person who shall neglect to comply with the provisions of section twenty-three of this ordinance, shall forfeit and pay the sum of ten dollars upon conviction thereof, and shall also forfeit and pay the sum of ten dollars for each and every day after such first conviction, during which the said neglect shall continue.

**Cattle, etc., subject to disease not to be killed or sold.**

§ 25. It shall not be lawful for any person to kill, butcher or sell within the city of Albany (whether alive or butchered, or if in parts or otherwise), any cattle, sheep or hogs subject to any disease, or that may have been bruised, or so debilitated as to injuriously affect their health. Any person offending against the provisions hereby shall be liable to a penalty of not less than ten dollars nor more than fifty dollars for each offense.

**Dead animals, etc., not to be cast into the Hudson river.**

§ 26. Any person who shall throw, deposit, place or cast, or cause to be thrown, deposited, placed or cast, into the Hudson river, within the limits of the city, or in the Albany basin, any dead animal, ordure, or deleterious, offensive, filthy or impure matter, liquid or thing, including oils of any kind, or who shall place, locate or deposit any dead animal, ordure, or deleterious, offensive, filthy or impure matter, liquid or thing including oils of any kind, near the said river or basin, so that the same or any part thereof may be washed or carried, by rain, flood or otherwise, into the said river or basin, shall incur a penalty of not less than fifty dollars, nor more than one hundred dollars for each offense.



**Places may be established for depositing dead animals, etc.**

§ 27. The Common Council or Board of Health of the city of Albany shall, whenever deemed advisable, fix and establish some place or places for the depositing or destruction of any dead animals or offensive matter required to be removed from said city.

**Expense of removing dead animals, etc.**

§ 28. The expense of removing any dead animals from any of the public streets, alleys or lanes of the city shall be paid by the Chamberlain of the city, upon the certificate of the captain of police in any precinct in which such animals may be found, that the removal has been made, and that the charge is reasonable, and also upon the certificate of the Inspector and Clerk of the Board of Health, if the Chamberlain is satisfied that the claim presented to him is just and right, and provided that no provision is made by contract for such removal by the Board of Contract and Apportionment of the city.

**Offal, etc., not to be thrown into privies, etc.**

§ 29. No person or persons shall throw, allow to fall, or deposit in any vault, sink, privy or cesspool, any offal, ashes, meat, fish, garbage or other substance, except that of which any such place is the appropriate receptacle.

**Contents of privies, etc., not to be buried in yards, etc.**

§ 30. No tenant, occupant, owner or agent of any building or premises shall employ, cause or permit any part of the contents of any vault, privy, sink or cesspool therein or thereon, to be buried or placed upon any lot, ground, yard, or any structure, shed or building within the limits of the city, without the permission of said Board of Health.

**Drains to be constructed to connect privies with street drains.**

§ 31. Every owner, occupant, tenant or agent of any building or premises adjacent to a street or public place in which there is a main or common sewer, shall construct, or cause to be constructed, a drain to connect each and every vault or privy in such building or upon said premises with said main or common sewer.

**Privies to be made water-tight in certain cases.**

§ 32. Every person or persons who shall construct or cause to be constructed a vault or privy upon any ground which, from its location, subjacent position or otherwise, cannot have access, connection with or passage to some main drain or common sewer, shall cause said vault or privy to be made water-tight, to be built of brick or stone and cement, or of wooden planks not less than two inches in thickness. No vault or privy shall contain less than eighty nor more than two hundred and sixteen cubic feet, nor be more than six feet in depth; nor shall any such vault or privy be nearer than thirty inches from any adjacent lot or premises, and every vault or privy shall be so constructed as to be conveniently approached, opened and cleaned.

**Dead bodies not to be taken from buildings without permit.**

§ 33. No dead body of any human being shall be taken from any place, building or structure in the city of Albany, or through any of its streets, lanes, avenues, alleys or public places, by a hearse or any other vehicle, or in any manner whatsoever, for the purposes of burial, unless a permit is first obtained from the Register of Vital Statistics in said city. And every person who acts as a sexton or undertaker, or has charge or care of any such body or funeral for which such permit has not been given, shall incur a penalty of not exceeding twenty-five dollars for each offense.

**Undertakers not to permit ice used on deceased person to be thrown in street.**

§ 34. No undertaker, sexton or other person shall place, allow to fall, throw or deposit on any sidewalk, street, avenue, lane or alley in the city, any ice which has been used for the temporary preservation of any deceased person, or been placed on, at or about a deceased person, under a penalty of five dollars for each and every offense.

**Stench traps.**

§ 35. Every sewer or drain, leading from a dwelling-house or other building in the city of Albany, which is or may be inhabited or occupied by a human being, shall be provided with a good and sufficient stench trap, which shall be placed therein and connected therewith outside of said dwelling-house or other building as aforesaid.

**Penalty.**

§ 36. The owner of any dwelling-house or other building described in the foregoing section, who shall fail, neglect or

refuse to comply with, or in any manner violate the provisions of said section, shall incur a penalty of one dollar for each and every day of the continuance of such violation, and in addition thereto shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding fifty dollars, or imprisonment not exceeding six months for each any every offense.

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CHAPTER 34.

*Of Removal of Garbage.*

Section 1. Board of Health to regulate removal of.

2. Collectors to be licensed.—Fees.
3. Carts and vehicles to be water-tight.
4. Owners, tenants, etc., to provide suitable receptacles.
5. Collectors to regularly call at dwellings.
6. Carts and vehicles to be sent at regular hours.
7. Collectors of garbage not to be offensive.
8. No deposit of kitchen garbage to be made within vacant lots, etc.
9. No offal to be placed upon street.—Garbage not to be mixed with ashes.
10. Times for collection of garbage.
11. Districts to be assigned by Board of Health.
12. Former ordinance repealed.

**Board of Health to regulate removal of garbage, etc.**

Section 1. The Board of Health of the city of Albany is hereby empowered to take such measures as it shall deem effectual for the removal of garbage and offal from the city of Albany, and shall be governed by the following rules and regulations.

**Collectors to be licensed.—Fees.**

§ 2. No person shall engage in the business of collecting and transporting kitchen garbage and offal in the city of Albany (except the person acting in accordance with the terms of a contract entered into by and between the said persons and the city of Albany for removing kitchen garbage and offal), unless such person shall have previously obtained a license from the Mayor authorizing such person to engage in the business in conformity

with the rules and regulations and subject to the inspection of the Board of Health.

Every such person applying for a license shall, at the time of the granting of such license pay to the Mayor, for the use of the city, the sum of five dollars (\$5) for every vehicle used by him or her as such collector of garbage.

Before such license shall be granted every applicant therefor shall report his or her residence to the Mayor, and upon changing his or her residence shall, in like manner, report his or her new residence.

The Mayor shall, upon the presentation of proof of the violation of this ordinance or any section thereof, and after having afforded the person so licensed an opportunity to be heard, have full power to revoke any of such licenses.

All licenses granted under the provisions of this ordinance shall, except as hereinafter stated, expire on the first day of May after the date thereof, and may be renewed at the expiration of each year; and upon each renewal thereof such garbage collector shall pay the sum of five dollars (\$5) for each vehicle used by him or her as such collector, as aforesaid. All licenses granted prior to the first day of May, eighteen hundred and ninety-three, shall expire on the first day of May, eighteen hundred and ninety-four.

#### **Carts and vehicles to be water-tight.**

§ 3. All carts and other vehicles for removing kitchen garbage and offal shall be so constructed as to be water-tight, and shall be securely covered on the top; or the garbage may be collected and removed in sound and water-tight barrels, securely covered on the top. Each and every vehicle employed for the collection of garbage shall have permanently painted in white letters upon both sides thereof, such letters to be not less than two inches in height, the name of the contractor or other person licensed to use such vehicle, the number of the district assigned to such person, the words "Licensed Garbage Collector," together with the number of the license; such lettering shall always be kept clean and exposed to public view when the carts or other vehicles are in use, and at all times be subject to the inspection of any police officer, officers of the Board of Health or citizen. All such carts and vehicles shall always be kept clean, and shall be so loaded and driven that none of their contents shall fall, spill or leak therefrom.

**Owners, tenants, etc., to provide suitable receptacles.**

§ 4. Owners, tenants and occupants of houses shall provide suitable receptacles (not larger than half a barrel, unless allowed by the Board of Health), for holding kitchen garbage and offal, and shall deliver the same promptly when called for by the properly authorized persons. No receptacles for garbage shall be placed upon any sidewalk, or in any public place whatever, unless securely covered and except at the time, or for one hour previous to the time, of garbage collection. Receptacles for garbage shall be kept clean, and when placed in the yards shall always be securely covered.

**Collectors to regularly call at dwellings.**

§ 5. Collectors of garbage shall call regularly at all dwellings and all other buildings, and remove, promptly, and in as cleanly a manner as possible, all kitchen garbage and offal that may be offered, and return the receptacles into the houses or yards from which received, or in front of which the same may have been found. They shall also collect and remove all garbage and offal which, by accident or otherwise, may have been put upon the sidewalks, courts or alleys, by residents, occupants or persons having charge of dwellings and all other buildings.

**Carts and vehicles to be sent at regular hours.**

§ 6. The carts or vehicles shall be sent at a regular hour through every street, lane or highway, and adequate notice shall be given, by the ringing of a bell, to the occupants of all buildings that they are about to approach for the removal of kitchen garbage and offal.

**Collectors of garbage not to be offensive.**

§ 7. Persons engaged in transporting and collecting kitchen garbage and offal shall not do or permit to be done anything in connection therewith that shall be needlessly offensive or filthy in relation to any person, place, building, premises or highway.

**No deposits of kitchen garbage to be made within vacant lots.**

§ 8. Deposits of kitchen garbage shall not be made by any collector thereof within the limits prescribed in section twelve of chapter thirty-four of the city ordinances for the keeping of swine, goats and cows, nor upon any lot or open space lying within a portion thereof, or upon any wharf, or upon any vessel

lying at any wharf, except by special permit from the Board of Health. Kitchen garbage and offal shall not, in any case, be used as food for cows.

**No offal to be placed upon street.—Garbage not to be mixed with ashes.**

§ 9. Kitchen garbage, offal and filth shall not, except as herein provided, be placed by any person upon any footway, or upon any public street, avenue, lane, alley, court or public place, nor shall such garbage, offal or filth be mixed with ashes, tin cans, bottles or other substances not subject to decay.

**Times for collection of garbage.**

§ 10. Kitchen garbage and offal shall be removed at least twice a week during the months of January, February, March, April, November and December; and three times a week during the months of May, June, July, August, September and October.

**Districts to be assigned by Board of Health.**

§ 11. Persons applying for a license to collect garbage must previously obtain from the Board of Health the assignment of a certain district of the city, and the hours of collection in said district, and all their collections must be confined within the limits of the district so assigned.

In the making of assignments, the Board of Health shall give preference to persons now collecting.

Any person violating any section of this ordinance shall forfeit and pay the penalty of ten dollars (\$10) for each offense. Such offender shall, upon conviction, be punishable by a fine of ten dollars or imprisonment in the Albany county penitentiary for a period not exceeding thirty days, or both, in the discretion of the magistrate; and, in addition, the license of any person collecting garbage may be revoked, as above provided in section two of this chapter.

**Former ordinance repealed.**

§ 12. The provisions of chapter thirty-five of the Laws and Ordinances of the City of Albany, entitled "Of Removal of Garbage," as they have heretofore existed, are hereby rescinded and repealed.

## CHAPTER 35.

*Of Protection to Fire Alarm and Police Signal Telegraph.*

Section 1. Penalty for making duplicate keys of signal boxes.

2. False alarms and injuries to apparatus.

**Penalty for making, etc., duplicate keys of signal boxes.**

Section 1. Any person who shall make, cause to be made, or have in his possession, an impression or duplicate of any fire signal box key, without the express permission of the Chief Engineer of the Fire Department, or of any Police signal box key, without the express permission of the Chief of Police, shall, upon conviction thereof, be guilty of a misdemeanor.

**False alarm.—Injuries.—Penalty.**

§ 2. It shall be unlawful for any person to give, or cause to be given, a false alarm, with intent to deceive, or to pull the slide of any station or signal box, or to tamper, meddle or interfere in any way with said boxes, or any part thereof, or to cut, break, injure, deface or remove any of the said boxes, or any of the wires or supports thereof connected with any part of said fire alarm telegraph or police signal system, or to make any connection or communication therewith, so as to interrupt or interfere with the proper working of the same, or with evil intent to injure, break or destroy any machinery or fixtures connected with it. Any person guilty of a violation of any of the provisions of this section shall be guilty of a misdemeanor.

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## CHAPTER 36.

*Of Storing of Gun Cotton, &c., within City Limits.*

Section 1. It shall not be lawful for any person or persons to keep or store in any place within the corporate limits of the city, as the same are now or may be hereafter established by law, any gun cotton or any other dangerous explosive material under the penalty of not exceeding twenty-five dollars for each offense.

## CHAPTER 37.

*Of Steam Boilers Exhausting Steam within City Limits.*

Section 1. Exhausting steam in streets, etc.

2. Penalty.

**Exhausting steam in streets, etc.**

Section 1. Any person or persons, owning or in charge of steam boilers, within the limits of the city of Albany, are hereby prohibited from exhausting the steam from boilers in, upon or across any avenue, street, lane or alley in the city of Albany.

**Penalty.**

§ 2. Any person or persons violating the provisions of this ordinance shall be liable to a penalty of fifty dollars for each and every offense.



## OF STREETS, WHARVES AND ROADS.

## CHAPTER 38.

*Of Streets.*

- Section 1. Injuring street drains, etc.
2. Certain goods not to be sold in streets.
  3. Posts not to be erected in streets.
  4. Projecting signs.
  5. Obstructing street, sidewalk, etc.
  6. Use of streets for building purposes.
  7. To construct a walk.
  8. Carriages not to remain on streets.
  9. Fastening horses.
  10. Hand sleighs, kites, snow balls, etc.
  11. Bells on sleighs.
  12. Occupying streets or vacant grounds.
  13. Altering grade or level of street.
  14. Goods not to be sold on streets.
  15. Fruit stands.
  16. Auctioneers.
  17. Bow windows and show windows, stoops and cellar doors.
  18. Awnings.
  19. Canvass for awnings.
  20. Suspending of merchandise.
  21. Balconies.
  22. Exposure of goods on balconies.
  23. Signs.
  24. Trespassers.
  25. Streets, flagging sidewalks, etc.
  26. Owners to repair streets, etc.
  27. Street Commissioner may repair.
  28. Snow and ice to be removed.
  29. Dumping of snow or ice on Steamboat square.
  30. Penalty.
  31. Streets to be swept.
  32. Incomplete pavements.

- Section 33. Removing pavement without authority.
34. When public drain may be laid.
35. Permission to enter drain.
36. Permission, how given.
37. Cross streets to be kept clear.
38. Cross-walks.
39. Areas.
40. Area, how to open.
41. Openings into streets.
42. Cisterns and vaults.
43. Permission.
44. Vaults or cisterns to be brick or stone.
45. Lighted lamps near open vaults, etc.
46. Grates of vaults.
47. Grates not to be removed.
48. Penalty for removing.
49. Curb.
50. Grade not to be changed.
51. Duty of Street Commissioner.
52. Loose cobble-stone in streets.
53. Plumbers to be licensed.
54. Water and gas boxes.
55. Penalty.
56. Ball playing and shinny.
57. Coasting.
58. Delivery of ice.
59. Penalty.
60. Removal of buildings.
61. Application for removal of buildings.
62. Lamp post or lighting apparatus not to be removed.
63. While buildings being removed lights must be kept thereon at night.
64. No person shall remove buildings without being licensed for such business.

**Injuring street drains, etc.—Interference with Street Commissioner.**

Section 1. No person shall, in any manner, interfere with, disturb, dig, take up or deface, mutilate or in any manner injure any of the drains, streets, pavements, sidewalks, docks, wharves.

bridges, or any part of the pier, without the written consent of the Street Commissioner, nor throw or empty any straw, ashes, refuse of coal, vegetables, bottles, broken glass, crockery, wood, garbage, bones, or other hard or bulky substances into any privy, drain, vault, sewer, stream, lot, street, bridge, lane or alley, nor in any manner interfere with the Street Commissioner, or any of the Superintendents of Streets in the discharge of their duties, or any contractor or employe, while acting pursuant to any law or ordinance or resolution of the Common Council, under a penalty of not less than ten dollars, nor more than fifty dollars; nor shall any person, under a like penalty, throw, deposit, strew or litter on any street, sidewalk, square or park in the city of Albany, or cause to be thrown, deposited, strewn or littered thereon, any paper or other substance having any printed or written matter thereon, or pictures with the intent to advertise or attract public attention to any subject, thing or event.

**Certain class of goods not to be sold in the streets.**

§ 2. No person with any wagon, cart, sled, or other carriage, containing wood or other lumber, shall stand, to expose the same for sale, nor shall any person with any wagon, cart or other carriage, or in any other manner stand or remain, to sell or expose for sale, any clothing, dry goods, tinware, boots, shoes, hats, caps, hardware, jewelry, fancy goods, cutlery, stationery, printing types, musical instruments, or brushes, in or upon any of the public streets, sidewalks, squares or lanes of the city; and any breach of this law shall subject the offender to a penalty of five dollars for each offense.

**Posts not to be erected in streets.**

§ 3. Any person erecting or fixing any post or posts in any of the streets or lanes, or in any of the sidewalks of this city, or causing or directing the same to be done, unless under the direction of the Street Commissioner, and with the consent of the Mayor or said commissioner previously obtained, shall incur a penalty of one dollar; and for every eight days after the first complaint, that the said post or posts shall so remain put up or affixed, the further sum of one dollar, and the Street Commissioner or any police justice may direct the said post or posts to be cut down or removed.

**Projecting signs.—Gutters, spouts, etc.—Power to remove.—  
Contents of gutters, etc., not to flow over sidewalks.**

§ 4. Any owner, tenant or occupant of any dwelling-house, store, shop or other building, who shall fix, put up or erect any sign projecting into or over any street, sidewalk or lane, above eighteen inches, shall incur a penalty of five dollars for every such offense, and for the continuance thereof after such conviction, for every five days one dollar; and the like penalty of five dollars shall be incurred by any owner, tenant, or occupant who shall permit or suffer any conductor, gutter, pipe or spout for receiving and conveying water from the roof of any house or other building, to project into any street or lane, except such conductor, pipe or spout shall be affixed close to the walls of such house or building; and if, after the first conviction, the same shall not be altered into conformity to this law, or removed, or if any sign projecting, as aforesaid, over eighteen inches, shall not be removed after the first conviction, then, and in every or either such case, the Street Commissioner or Police Justice, or officer or member of the police force of said city is authorized to remove or cause the same to be removed; and any person who shall hinder or obstruct the Street Commissioner, Police Justice, police officer, or any person authorized or directed to remove the same by said commissioner or Police Justice, or police officer, in the execution of his duty, shall incur a penalty, for the first offense ten dollars, and for every subsequent offense twenty-five dollars. And no conductor, gutter, pipe or spout, or structure erected after the adoption of this ordinance, shall carry its contents so as to run upon or flow over or across any sidewalk or pavement in this city, under a penalty of five dollars for each day that the provisions of this ordinance are violated, to be paid by the owner, tenant or occupant so offending as aforesaid.

**Obstructing street sidewalk, etc.—Bicycles, etc.—Feeding  
cattle, etc.**

(As amended July 6, 1886.)

§ 5. No person shall place any casks, wood, stone, plank, boards or other article in any street, or on any sidewalk so as to incommode or obstruct the free passage or use thereof, under a penalty of five dollars for the first offense, a penalty of twenty-five dollars for every subsequent offense; and the Street Commissioner, or any officer or member of the police, may cause the same, if so placed, to be removed at the expense of the offender; nor shall

any person, under a like penalty, push or draw any wheelbarrow or hack, drive or lead any horse, cart or other carriage, over any such sidewalk, or use, or ride any bicycle, tricycle or velocipede, or use, ride or drive any sled or sleigh thereon, unless it be in crossing the same to go into a yard or lot or building. Nor shall any person feed any swine, horse, cattle or other animal upon any sidewalk, cross-walk, street or gutter thereof, in this city; or allow any swine, horse, cattle, or other animal, to stand or remain thereon for the purpose of being fed by or for such person; or permit any other to feed, or keep for the purpose of being fed, any such swine, horse, cattle, or other animal, upon any such sidewalk, cross-walk, street or gutter in front of or adjoining the premises of such person, under the penalty of five dollars for each offense, for every swine, horse, head of cattle, or other animal so fed, kept or permitted to be kept or fed.

**Permission to occupy street for building purposes.**

§ 6. No person shall place, or cause to be placed, any stones, lumber, plank, boards or other materials for building, for the purpose of being used about the constructing or repairing any building, in any street or lane, or upon any wharf, pier or slip, for a longer time than twenty-four hours (without a written permission from the Mayor or Street Commissioner, which permission shall not authorize the occupation of more than one-half of the carriage-way or one-half of the sidewalk of such street, lane, wharf, pier or slip, contiguous to such building), under a penalty of five dollars for each day after notice to remove the same has been given; and the Mayor or any magistrate or police officer may cause such materials being there, contrary to this law, if not removed by the owner of such building after notice, verbal or written, to him to remove the same, to be removed to one of the public yards of the city at the expense of the offender, to be recovered of him in an action of debt in the name of the Chamberlain.

**To construct a walk.**

§ 7. In case of any application to occupy the sidewalk in any street for the purpose aforesaid, it shall be lawful for the Mayor or Street Commissioner, in his discretion, to require the person or persons so applying to construct a suitable walk for foot passengers, of boards or planks upon such sidewalks, so as to allow a convenient passage upon the sidewalk so obstructed; in

case of neglect or refusal to do so, such person or persons shall incur a penalty of not exceeding twenty-five dollars for every day such requirement shall remain uncomplished with.

**Carriages not to remain on streets.**

§ 8. No person shall suffer any wagon or carriage, without horses, to remain or stand in any street or lane for more than one hour (without permission from the Mayor or Street Commissioner), under the penalty of one dollar for each offense, nor shall any person suffer any cart or wagon containing or used for selling charcoal, to remain or stand in any street or lane, with or without its horse or horses, for more than ten minutes, nor suffer any horse or horses to be fed in any street or lane, under the penalty of one dollar for each offense.

**Fastening horses.**

§ 9. No person shall at any time fasten any horse or horses to any porch, or in such way that the reins or lines shall prove an obstacle in the free use of the sidewalk, under a penalty of one dollar for each offense; and the person in whose possession or use such horse or horses shall then be shall be deemed the offender unless he shall prove the contrary to the satisfaction of the magistrate before whom he shall be brought.

**Hand sleds, kites, snow balls, etc.**

§ 10. No person shall use any small or hand sled, or sled without horses, for the amusement of sliding in or upon any of the paved streets, nor raise nor fly any kites, nor throw nor cast any balls of ice or snow in any of the paved streets, under a penalty of one dollar for each offense.

**Bells on sleighs.**

§ 11. No person shall drive any sleigh or sled through any of the streets, lanes or alleys of this city unless bells be properly or securely attached to the horse or horses, or other animals harnessed thereto, or to the pole or shaft of said sleigh or sled, under the penalty of five dollars for each offense.

**Occupying streets or vacant ground.**

§ 12. Any person or persons who shall use or occupy any of the streets or lanes, or any vacant ground belonging to the city, may be removed from such occupancy by the direction of the Mayor

of the city or by a resolution of the Common Council, and the person or persons refusing or neglecting to comply with such resolution shall incur a penalty of twenty-five dollars for each day's refusal to remove therefrom.

**Grades of streets.—Altering grade or level of street.**

§ 13. If any person shall, with intent to alter the pitch, grade or level of any street, alley, lane or square, remove, alter or deface any post, stake or mark fixed or placed by the Street Commissioner, Superintendents, the City Engineer and Surveyor, or any other person under his or their direction, such person shall incur a penalty of twenty-five dollars for each offense.

**Goods not to be sold on streets.**

§ 14. No person shall occupy or use any street, lane or alley, or any public square or avenue of the said city, or erect any booth or platform thereon, for the purpose of laying, opening or exposing for sale provisions or goods of any kind, without the permission of the Common Council, under the penalty of five dollars for every day this provision shall be violated.

**Erecting stands for sale of fruit, etc.**

§ 15. No person shall erect or place a stand for the sale of cakes or fruits in any of the streets or lanes of this city without first obtaining the consent of the owner or occupant of the principal story of the building in front of which the stand is to be erected or placed, under a penalty of five dollars; and any such stand shall be liable to be removed at any time by the Mayor or Street Commissioner; nor shall any such be placed so as to project upon the sidewalk beyond the line to which the stoops of the building would be allowed by law to extend, under the penalty of five dollars.

**Auctioneers.**

§ 16. The Mayor may license, upon the payment of a fee, to be fixed by him, not exceeding twenty-five dollars, any auctioneer of the city of Albany to sell in the public streets in front of the store occupied by him, horses, wagons, carriages, sleighs, second-hand household furniture, and such bulky articles as cannot conveniently be sold in his store; but no such articles shall be placed in the street more than one hour before the time of sale nor placed

so as to obstruct or hinder the free use of the street as a public highway, nor shall they be placed within ten feet of any cross-walk; and all such articles shall be removed within one hour after the sale, whether sold or not; and in all cases of any violation of either of the provisions of this law, the auctioneer by whom or by whose direction any such article was placed in the street shall be liable to have his license revoked by the Mayor and to pay a penalty not exceeding twenty-five dollars for each offense.

**Bow windows and show windows.—Stoops.—Cellar doors.**

§ 17. No bow window, bay window or oriel window, or other window, except show windows for business purposes on store fronts, shall be put up, constructed or maintained in, upon or over, or into any of the streets or highways, lanes or alleys, or any public square or avenue, or over or into any sidewalk of this city, more than two feet six inches from the line of the street to the exterior line of the said window; nor shall any such window be erected, except from the second and above the principal story of the building to which it belongs; and the floor line of any such window shall not be lower than the floor line of the said second story of such building; and in no case be less than ten feet above the grade line of the sidewalk; nor shall any show window for business purposes or store fronts, canopy or other fixture, not above mentioned, project more than eighteen inches over any sidewalk in any street, avenue or public place in this city; and no stoop or steps shall extend more than one-eleventh part of the breadth of said street or avenue; nor in any case more than eight feet from the building to which it belongs; nor shall any cellar door or platform extend into and upon any sidewalk or street more than three feet; and any person or persons guilty of violating these regulations, or any of them, shall incur a penalty of twenty-five dollars for each offense, and a like penalty for every day any such offense shall be continued; provided, however, that nothing in this section contained shall apply to the putting up of awnings made of cloth or canvass.

**Awnings.**

§ 18. No awning shall be put or maintained in any street of the city at a greater height, measuring from the inside thereof next to the building in front of which it is, than the height of the sills of the second story windows of such building; and no awning extending beyond the stoop or platform of any buildings,



shall be put up or maintained in any of the streets of this city, unless the same shall extend over and across the sidewalk in front of said building, and all posts fixed in any street, for the purpose of supporting an awning shall be of iron, and the said posts shall be placed next to and along the inside of the curbstone, and shall be at least nine feet in height, and where said posts shall be connected, the connections shall be with iron rails, and the rails shall be at least eight feet above the sidewalk; and any person who shall erect or maintain an awning contrary to this regulation, shall incur a penalty of five dollars, and a like penalty for every day he shall keep up such awning, after notice in writing from the Chief of Police, who is hereby authorized to remove the same if it be not taken down after notification.

#### Canvas or cloth awnings.

§ 19. No part of any cloth or canvas used for any awning shall hang down over the sidewalk, unless the lower edge thereof be at least eight feet above the pavement; and any person violating this regulation shall incur a penalty of five dollars for each day he shall offend against it.

(As amended July 6, 1886.)

#### Suspending of merchandise on streets.

§ 20. No person shall hang out or suspend over any street in the city any goods, wares, merchandise or other thing in front of his store, house or other building, at a greater distance therefrom than eighteen inches, or at a greater height than four feet from the pavement. Nor shall any person place in any **such street any** goods, wares, merchandise or other thing in front of his house, store or other building, at a greater distance therefrom than three feet, or so as to reach more than four feet above the pavement; and whoever shall offend against the provisions of this section shall incur a penalty of five dollars for the first offense, and a penalty of twenty-five dollars for every subsequent offense; provided, however, that nothing in this section contained shall apply to fixtures or awnings, or to articles in the course of transportation in or out of any building.

#### Balcony.

§ 21. No balcony shall be erected in this city without written permission from the Street Commissioner; nor shall any be erected except from the second story of the building to which it

belongs; nor shall any balcony project over the street more than three feet, or be otherwise constructed than with iron braces and railing; and whoever shall violate any of these regulations shall incur a penalty of ten dollars for each offense, and a like penalty for every day such offense shall be continued after one conviction; and the offense shall be taken as continuing, within the meaning of this section, so long as the balcony erected or constructed contrary to said regulations shall remain, and the permission or other requirements aforesaid shall not be obtained or complied with.

**Exposing merchandise from balcony.**

§ 22. No goods, wares, merchandise, manufactures or other articles shall be placed or exposed to show or for sale upon or from any balcony in this city, under the penalty of ten dollars for each offense.

**Signs from tree boxes.—Swinging or hanging advertisements.**

§ 23. No person shall erect or maintain, or cause to be erected or maintained, any box, board, or other article or thing, or use any tree box in any street of the city for the purpose of signs or advertising, nor swing or hang, or cause to be swung or hung, any flag or awning across any of the streets or sidewalks in the city for a like purpose, unless he shall first have obtained the consent of the Common Council by a two-third vote of all the members thereof, approved by the Mayor, under a penalty of ten dollars for every day the same is maintained. And the Chief of Police is hereby authorized to remove any box, board, flag, awning or other article maintained contrary hereto, and to enter upon or in any building or premises for that purpose. The Mayor may give permission in writing, to any person or persons to occupy, for a term not exceeding six months, any portion of a street or sidewalk, not exceeding one-fourth part of either, for business or manufacturing purposes; but no such permission shall be operative until the person or persons to whom such permission is granted shall make and execute a bond with sufficient sureties to be approved by the Mayor and filed in his office, conditioned for the protection and indemnity of the city of and from any and all costs, charges, claims or damages arising from or growing out of any article or thing placed upon or in said sidewalk or street pursuant to said premises.

**Trespassers.**

§ 24. Any person digging, taking or carrying away any earth or sand from any of the streets, lanes or alleys, or from the public squares, or from any of the lots belonging to the city of Albany (except in pursuance of some law or resolution of the Common Council, or by virtue of some order of a magistrate, or the Board of Health, for the removal of nuisances or obstructions) shall incur a penalty of one dollar for every offense.

*Of Streets.***Regulations as to sidewalks.**

§ 25. The following regulations shall be observed touching all streets in this city which shall be paved or repaved, that is to say: The sidewalks or foot paths shall be paved or flagged or reflagged with one or more courses of flagstone of sound and durable quality, each stone to be not less than four feet wide, extending crosswise with the walk, not less than two feet six inches long, and not less than two inches thick; the upper surface to be dressed smooth and the edges to be dressed straight and square, and to be laid through the center of the walk, outside of the stoop line. The remaining width of walk to be covered with smooth, hard burned paving bricks, unless otherwise ordered by the Common Council. The bricks shall be properly pounded and covered with clean, coarse sand; and the brick and flagstone walks shall have not less than six inches in depth of clean coarse black sand or gravel under the same.

The sidewalks shall be supported by curb-stones of the best quality of North river bluestone, not less than three feet six inches long, and to be of uniform thickness of four inches, and to be twenty inches in depth, with the face and upper edge dressed to a line, and the top cut to a uniform bevel with the front, and the ends dressed to make close joints. The corners of streets shall be provided with cut bluestone circular curb in sets of three pieces each, each piece three feet long, of the same thickness and width as the curb in the other portions of the street, and to be cut to the radius required for the intersection of the curb. The curb shall be set truly to the lines and grades upon not less than one foot in depth of clean coarse black sand, and the curb-stone shall have one foot in width of said sand back of the curb and for one foot in depth below. The width of the

sidewalks, measuring from the outer line of the street on each side, shall be as follows:

1. In all streets twenty to twenty-five feet wide, four feet.
2. In all streets twenty-five to thirty feet wide, six feet.
3. In all streets thirty to thirty-five feet wide, eight feet.
4. In all streets thirty-five to forty feet wide, nine feet.
5. In all streets forty to forty-five feet wide, ten feet.
6. In all streets forty-five to fifty feet wide, eleven feet.
7. In all streets fifty to fifty-five feet wide, twelve feet.
8. In all streets fifty-five to sixty feet wide, thirteen feet.
9. In all streets sixty to sixty-five feet wide, fourteen feet.
10. In all streets sixty-five to seventy feet wide, fifteen feet.
11. In all streets seventy to seventy-five feet wide, sixteen feet.
12. In all streets seventy-five to eighty feet wide, seventeen feet.
13. In all streets eighty to eighty-five feet wide, eighteen feet.
14. In all streets eighty-five to ninety feet wide, nineteen feet.
15. In all streets ninety to ninety-five feet wide, twenty feet.
16. In all streets ninety-five to one hundred feet wide, twenty-one feet.
17. In all streets one hundred feet or more wide, twenty-two feet.
18. In all streets and alleys less than twenty feet wide, one course of bridge cross-walk stone two feet wide shall be used in place of flag and curb; and upon streets not curbed and paved, one course of flag-stone shall be laid instead of plank.

**Grades to regulate curb height.—Depth of gutters.—Passage for carriages, etc.—Granite blocks.—Cross-walks to be Belgian bridge stone.—Sewers to be laid before paving.—House drains from sewers.**

The grades of the several streets and avenues shall regulate the curb height; and the grade of the sidewalk and carriage-way shall be regulated from such curb height. The sidewalk shall ascend from the curb to the back of the walk on one plane, at the rate of one-half inch for each foot; and the depth of gutter and crown of street and the pavement at the intersecting of streets, shall be regulated in accordance with the following directions, namely: The gutters to be not less than six inches nor more than nine inches in depth below the curb height, unless otherwise ordered by the Board of Contract and Apportionment; and in the carriage-way of streets paved with cobble-stone, for every

twenty-four inches the carriage-way shall measure from the curb line to the middle of the street, the arch or rounding thereof shall be raised one inch, but not to exceed nine inches in the height of the crown above the gutter; and when the carriage-way shall be paved or repaved with granite or other block pavement, such arch or rounding shall not exceed one inch rise for every three feet the carriage-way shall measure from the curb or gutter line to the middle of the street. That part of the street between the sidewalks shall be a cartway or passage for carriages and other vehicles. It shall have a gutter or kennel upon each side thereof next adjoining the foot path, and shall be paved with good and sufficient stone. When cobble-stones are used in paving or repaving, the following specification and regulation shall be complied with, namely: The cobble-stone shall be sound, not less than six nor more than ten inches in their greatest length, and to be paved with the longest diameter perpendicular to the grade line or surface of the street, and to be placed close together, to give a good and sufficient bond to keep the stone in place, and to be paved upon a bed of clean coarse sand, free from loam and eighteen inches deep, measuring from the upper surface of the pavement; the pavement to be well and thoroughly pounded or rammed to a firm, unyielding bed, with a uniform surface, and covered with clean coarse gravel one inch deep. When granite block or other stone block pavement is laid, the following specification and regulation shall be complied with, namely: The stone blocks shall be equal in quality, form and finish to the best standard blocks heretofore furnished and laid in paving the several streets in this city, and not less than three and one-half (3 1-2) nor more than five (5) inches wide across their upper and lower faces; not less than seven (7) nor more than eight (8) inches deep, and not less than eight (8) nor more than fourteen (14) inches long, except where shorter stones are necessary to fill out lines of pavement, and shall be substantially square and smooth on all their faces, and at least one-half of the stone to be ten (10) inches or over in length; and the blocks of the several lengths shall be distributed generally through the paved surface of the street, so as to produce non-uniformity in the length of the stone; and that said stone be placed in such position and location, and the carriage-way formed in such manner, as to make the most substantial and durable pavement. Such stone to be selected so as to make each course uniform in width, and be paved with their longest dimensions perpendicular to the center

line of the street, and upon straight lines across the carriage-way, except at intersecting streets, and to be placed close together, to give a good and sufficient bond to keep the stone in place, and paved upon a bed of clean coarse black or river sand, free from loam, and not less than twelve inches deep. All the blocks of pavement shall be well and thoroughly pounded or rammed with a uniform force and weight to a firm bed, and all stones which settle below the grade line shall be raised by the person pounding, and reset and repounded until the stone blocks are brought to a uniform surface and unyielding bed. The paving sand shall be swept into the joints of the stone, the surplus of sand removed, and the pavement covered with clean coarse gravel one inch deep. Cross-walks, known as Belgian bridge stone, are to be laid at the intersection of streets, and near the center of blocks, two courses of stone each, each course two feet wide and not less than five nor more than eight inches thick, and not less than three feet six inches nor more than six feet long, with straight and square edges, to be laid in the usual manner, upon not less than twelve inches of sand. Sewers shall be laid in the street before the paving of the surface thereof; and all street sewers twenty inches and under in diameter shall be constructed of vitrified stoneware pipes, fitted with socket joint and branches for house connections. The joints of the sewer pipe and house drains shall be packed with cement mortar. All sewers over twenty inches in diameter shall be constructed of hard burned bricks, two rings thick, laid in cement mortar of the usual quality. Such pipe and brick sewers to be in size proportioned to the work performed, and laid in straight lines upon true grades, and properly curved at intersection of streets. House drains extending from the street sewers shall be constructed of vitrified sewer pipe, not exceeding eight inches in diameter, and properly trapped between the sewer and house line.

**Coal ashes or coal dust not to be used in paving.**

Whoever shall be guilty of violating any of the above regulations, shall incur a penalty of not less than five dollars nor more than twenty-five dollars therefor. It shall not be lawful for any person to use coal ashes or coal dust in paving any of the streets in this city, and any person violating this provision shall incur a penalty of ten dollars therefor.

**Owners to repair street, etc.**

§ 26. The owner of any house, other building or lot, fronting upon any street in this city, except when such owner is exempt by law from so doing, shall at his own proper charge and expense, keep and maintain in good repair, and level, pitch and pave so much of the said street to the middle thereof, as lies in front of his said house, building or lot, and repair so much of the same as may be from time to time taken up for making drains or sewers; and shall perform the duties imposed by this section at such times and in such manner as shall be required by law; and if any such owner shall refuse, neglect or delay to perform any of the aforesaid duties, when so required, he shall incur a penalty of five dollars for each day's neglect or refusal so to comply with such requirements.

**Street Commissioner may repair.**

§ 27. If any such owner shall refuse, neglect or delay to make, repair or keep and maintain in repair, his aforesaid proportion of any such street in the manner aforesaid, after he shall have been legally notified so to do by the Street Commissioner, as provided by title ten of chapter two hundred and ninety-eight of the Laws of eighteen hundred and eighty-three, and the laws amendatory thereof and supplemental thereto, it shall be lawful for such Street Commissioner, to cause the work or repairs to be done (and that without advertising for proposals for the same); and when completed, to cause an account and apportionment of the expense thereof to be made and returned according to the provisions of said chapter two hundred and ninety-eight of the Laws of eighteen hundred and eighty-three.

**Snow and ice to be removed.**

§ 28. Every owner or occupant of any house or other building, and the owner or proprietor, lessee, or person entitled to the possession of any vacant lot, and every person having the charge of any church, cemetery, jail or other public building in this city, shall, during the winter season, and during the time snow shall continue on the ground, by ten o'clock on every morning, when necessary, clear the sidewalks and gutters in front of such house or other building and in front of such lot, from snow and ice, and keep them conveniently free therefrom during the day; or shall, in case the snow and ice are so congealed that they cannot be removed without injury to the pavement, cause the said snow

and ice to be strewed with ashes or sand; and shall also, at all times, keep such sidewalk clean and free from all dirt, filth or other obstructions or incumbrances, so as to allow of the citizens using the said sidewalks in an easy and commodious manner; and every person neglecting or refusing to comply with this law, shall incur a penalty of two dollars for each neglect or refusal; and the Street Commissioner, Superintendents, the Police Justices, officers and members of the police, are especially enjoined to see this law carried into effect.

**Snow or ice not to be dumped on Steamboat square.**

§ 29. No person shall cast, throw or dump any snow or ice into or upon the Steamboat square, at any place between the river and the cross-walk which runs on the east side of Broadway, between Madison avenue and Hodge street, excepting that the snow and ice from the sidewalks on the north side of Hodge street, and the south side of Madison avenue, between Broadway and the river, may be shoveled or cast thereon.

**Penalty.**

§ 30. Any person violating the provisions of this ordinance shall be liable to a penalty of five dollars for each and every offense.

**Streets to be swept.—Streets to be sprinkled.**

§ 31. Every owner or occupant, or person having charge of any house, building or vacant lot, in any of the streets of this city now paved, or which shall hereafter be paved (excepting such lots on which buildings are being erected, or on which materials for buildings or paving are laid), shall cause that part of the street which any such house, building or lot may front, to the middle thereof, to be swept or scraped and the dirt or manure to be collected in heaps convenient to be carted away, at such times as now are or may hereafter be prescribed by the Street times as now are or may hereafter be prescribed by the Chief of Police, and previous to its being swept or scraped, the said street shall be sufficiently sprinkled with water, so as to prevent the dust from rising; and every owner, occupant or person having charge of any house, building or vacant lot on Quay street, fronting on the public wharf, shall cause such part of said street which said house, building or lot may front, to be swept or scraped from each extremity of the pavement to the middle of said street, and the dirt or manure to be collected in heaps con-



venient to be carried away; and for each and every neglect or refusal to comply with this law or any part thereof, the owner or occupant of any such house or lot shall forfeit the sum of one dollar.

#### **Duty of contractors.**

1. No person who shall have contracted to remove the dirt from any street, lane or alley in this city, shall allow the same to remain after the time has elapsed within which the same should have been removed by him, under penalty of ten dollars for each offense in each such street, lane or alley. Any person may remove the dirt so left by said contractor, after the time has elapsed in which the said contractor should have removed the same, and may maintain an action to recover the said penalty, on the bond given by said contractor, for the performance of his contract, in the name of the city; and recover therein the penalty in this section prescribed.

#### **Persons commencing actions to file bond.**

2. No person shall commence an action under this section, in the name of the city (except the Chamberlain and the captains and officers of police), unless he shall first file a bond with the Street Department, with sufficient surety to be approved by the Street Commissioner, conditioned to pay all costs that may be awarded against said city in such suit; and after said bond is given and sureties approved, such person may prosecute any suit under this section, in the name of the city, for any violation of said section, and shall be entitled to receive from the Chamberlain half the amount of any recovery in such suit.

#### **Incompleted pavements.**

§ 32. No person shall, with a cart, wagon or other carriage, pass over any pavement which has not been completed, or is not well settled, or at which any person shall be then at work, under the penalty of five dollars for every offense; but no person shall be liable to any penalty under this law, until notice has been given him not to pass over or upon any such pavement; and it shall be the especial duty of the City Superintendent, and the men employed in the making or laying of such pavement, to give such notice; provided, nevertheless, that such notice shall not be necessary if any railing, fence or other obstruction is placed around or about any pavement to secure the same against any

cart, wagon or other carriage passing over it; but such railing, fence or other obstruction shall be deemed a sufficient notice to all persons whomsoever.

**Removing pavement without authority.**

§ 33. Any person who shall injure or tear up any pavement or sidewalk, or any part thereof, without due authority, or who shall hinder or obstruct the making or repairing any pavement or sidewalk which is or may be making or repairing, under any law or resolution of the Common Council, or who shall hinder or obstruct any person employed by the Common Council, or by the Street Commissioner, Superintendents of Streets, Board of Contract and Apportionment, or either of them, in making or repairing such pavement or sidewalk, shall, for every offense, incur a penalty in the sum of ten dollars.

**When public drain may be laid.**

§ 34. No person shall be permitted to make, construct or lay any drain or sewer from his lot to connect with or enter any common drain or sewer which has been made or constructed under any law requiring the expenses thereof to be assessed upon the houses and lots benefited by the construction of such common drain or sewer, unless the house and lot, or lot of ground from which such drain is laid to connect or enter into such common drain or sewer shall have been included in such assessment as one of the houses and lot or lots of ground benefited by the construction thereof, except under the provisions hereinafter mentioned and contained; and any person who shall violate this law shall be subject to a penalty of twenty-five dollars for so connecting with or entering into such common drain or sewer, and of one dollar for every day thereafter such connection shall continue.

**To receive permission to enter drain.**

§ 35. The owner of any house or lot, or lot of ground, who shall desire to connect his drain with any common drain or sewer, for the construction of which his house and lot, or lot, shall not have been assessed, shall be entitled so to do upon leaving a written notice in the Street Department, describing, with sufficient certainty, the situation of his lot, and the common drain and sewer he desires to connect his drain from said lot with, and paying to the Chamberlain such sum of money, for the privilege, as shall be determined in the manner hereinafter stated.

**Permission, how given.**

§ 36. Whenever any such notice shall be left in the Street Department, it shall be the duty of the Street Commissioner, forthwith, upon a personal examination of the ground, to ascertain and determine, in writing, what sum of money shall be paid by any such applicant for such privilege, having regard to the location of said lot of ground, and the original expense of constructing such common drain or sewer, and to file such determination with the Chamberlain; and before such applicant shall enter his drain into, or connect it with such common drain and sewer, he shall pay to the Chamberlain the sum of money so directed to be paid, unless the Common Council or Board of Contract and Apportionment, upon application made to the board, shall see fit, by resolution for that purpose, to alter such amount so determined upon by the Street Commissioner.

**Cross streets to be clear.**

§ 37. Whenever any two streets in the city shall cross each other, their crossing shall be kept clear so as to leave a passage over it, in the direction of each street, of twenty-five feet in width, free from all vehicles, excepting such as may be actually passing without unnecessary delay; and at every corner made by two streets, whether they cross or not, a passage around such corner twenty-five feet wide, and extending back into each street twenty feet beyond said corner, shall be kept free from all vehicles except those actually passing without unnecessary delay. And whosoever shall stop with any vehicle, or leave the same standing upon any such crossing or near any such corner, so as to interfere with any such passage, except it be while necessarily delayed in passing, shall incur a penalty of one dollar for every offense.

**Cross-walks.**

§ 38. All cross-walks within this city shall be reserved and kept free from any sleighs, wagons, carts or carriages being placed thereon, except so far as may be necessary in passing or repassing the same, without continuing thereon any longer; and the owner or driver of any sleigh, wagon, cart or other carriage, offending in the premises, shall forfeit two dollars; and no sleigh, wagon, cart or other carriage, shall stand or be placed within five feet of any cross-walk in State street, under the penalty of two dollars for each offense.

**Areas.**

§ 39. No area in front of any building in the city of Albany shall extend in any street more than one-fifteenth part of the width thereof, nor more than four feet, measuring from the inner wall of such area to the building, nor shall the railing of such area be placed more than six inches from the inside of the coping on the wall on such area, and said coping shall be placed level with the sidewalk, under the penalty of twenty-five dollars, to be recovered severally from both the owner and builder of such area.

**Areas, how to open.**

§ 40. Every area shall be inclosed with a railing, the gates of which shall be so constructed so as to open inwards, under the penalty of twenty-five dollars, to be recovered severally from both the owner and the builder of such area.

**Openings into streets.**

§ 41. No opening for descent from any street or alley into the cellar or basement of any building shall be of greater width than four feet between the walls or railings thereof; and the sides of every such opening shall be well and sufficiently guarded by walls or railings; and every person owning or building any such opening contrary to these regulations in any respect, shall severally incur a penalty of twenty-five dollars for each offense.

**Cisterns and vaults.**

§ 42. No person shall cause or procure any vault or cistern to be constructed or made in any of the public streets of the city of Albany without permission of the Common Council of said city, under the penalty of twenty-five dollars; and the master-builder, by whom and under whose direction such vault or cistern shall be constructed or made, shall also be liable to a like penalty.

**Permission.**

§ 43. Before commencing such construction the person applying for permission shall pay to the Chamberlain of the city of Albany such sum, not exceeding twenty nor less than five dollars, as shall be required by the Common Council; and if any such vault or cistern shall be made or constructed of greater dimensions than specified in the permission given by the Common Council,

the owner thereof and the master-builder, by whom and under whose direction the same shall have been made or constructed, shall each incur a penalty of the sum of ten dollars for every square foot of ground occupied by such vault or cistern over and above the number of square feet specified as aforesaid.

#### **Vaults or cisterns to be of brick or stone.**

§ 44. All vaults or cisterns which shall be hereafter constructed or made in the streets as aforesaid, shall be constructed or made of brick or stone, and the top of the vaults well secured, and the outer side of the grate or opening into the street shall be within twelve inches of the line of the outside of the curb-stone of the sidewalk, or else within twelve inches of the coping of the area of the house to which such vault belongs; and any person or persons violating any of the provisions of this section shall incur a penalty of and pay the sum of twenty-five dollars for each offense, to be paid by the owner or person constructing such area, vault or cistern.

#### **Lighted lamp near open vault or cistern.**

§ 45. Every owner, occupant or person having charge of any house or lot of ground before which any area, vault or cistern shall be made, in any of the streets of this city, shall, during the whole of every night while such area, vault or cistern shall be uncovered, cause a lighted lamp or lantern to be placed and kept lighted at some convenient spot, so as to cast its light upon such area, vault or cistern, under the penalty of ten dollars for each and every night or part of a night during which such lamp or lantern shall be neglected to be placed or kept lighted as aforesaid. And all such areas, vaults or cisterns shall be completed, and the ground closed over them, within three weeks after they are commenced, under the penalty of five dollars, to be paid by the owner or owners thereof or the person or persons constructing the same, for every day thereafter during which the ground shall remain unclosed.

#### **Grates of vaults.**

§ 46. All grates to such vaults shall be made of iron, the bars of which shall be three-fourths of an inch wide and half an inch thick, and not more than three-fourths of an inch apart, under the penalty of twenty-five dollars, to be paid by the owner or owners of the vault over which such grate shall be placed.

**Grates not to be removed.**

§ 47. No person shall remove, or cause or procure to be removed, any grate or covering to the opening or aperture of any vault in the streets of said city without inclosing such aperture during the time such grate or covering is removed with a strong box or curb, at least twelve inches high, and firmly securing the same, under the penalty of five dollars for each offense.

**Penalty for removing.**

§ 48. Any person who shall remove, or cause or procure to be removed, any such grate or covering, and who shall not replace and firmly secure the same within one-half an hour after sunset on the same day on which it was removed, shall incur a penalty of the sum of five dollars for each offense.

**Curb.**

§ 49. The occupant or owner of every house or other building or lot on any of the streets of this city which shall hereafter be newly paved or repaved, shall cause the sidewalks opposite to such house, building or lot, to be supported by curb-stones on the outer edge of such sidewalks; the curb-stones to be of such length and thickness, and cut, prepared and laid in such a manner as the Street Commissioner or Superintendents of Streets shall direct; and if any owner or occupant of any such house, building or lot, shall neglect, delay or refuse to cause such curb-stones to be so set, he shall for every such default forfeit the sum of three dollars; and in such case the Street Commissioner shall cause such curb-stones to be laid, and the expense thereby incurred shall be paid by such owner or occupant, the amount thereof to be recovered by the Chamberlain in an action of debt, or apportioned and assessed by the Board of Contract and Apportionment, upon the property benefited.

**Grade not to be changed.**

§ 50. No part or portion of any sidewalk in any street where the grade is established, shall be laid or repaved at any different grade or at any other level than the adjacent portion of such sidewalk, except in the manner provided by law; and for every violation of this section a penalty of ten dollars is imposed upon the person violating the same.

**Duty of Street Commissioner where wrong level.**

§ 51. In all cases where any portion of a sidewalk and street pavement shall be or has been constructed at a different level from the established level of such walk or street pavement, it shall be the duty of the Street Commissioner to notify the owner of the property in front of which any sidewalk is so laid, in violation of the provisions of this ordinance, to cause the same to be conformed to the level of such sidewalk and street pavement, within a reasonable time in said notice to be specified, and in case of neglect or refusal to comply with such requirement it shall be lawful for the Superintendent to cause such alteration to be made, and the expense thereof shall be paid by such owner, and may be recovered of him in an action in the name of the Chamberlain, or apportion the expense thereof upon the property in front of which such work was done.

**Loose cobble-stone in street.**

§ 52. No person or persons shall suffer or allow to be or remain in front of his or their premises any loose cobble-stones or other loose parts or pieces of pavements, and the Street Commissioner is authorized to collect and gather all loose cobble-stones and other loose pieces or parts of pavements, and appropriate them to the use of the city.

**Plumbers to obtain license.—Bond.**

§ 53. If any person, association of persons or any municipal board or commission shall desire to open the carriage-way of any street, public square or avenue, between the curb lines, for the purpose of making sewer, gas or water connections, or for any other purpose, and said carriage-way shall have been paved with any pavement other than cobble-stones, the person, association of persons, or board or commission aforesaid desiring to make such opening must first deposit with the Street Commissioner such sum, not less than ten dollars, as the said Street Commissioner shall estimate the cost of repairs of the pavement broken as aforesaid shall amount to, which repairs shall include the cost of removing the pavement, back filling the trenches and replacing the pavement removed. All such repairs must be made under the direction and to the satisfaction of the Street Commissioner, by and at the expense of the person, association of persons, board or commission applying for such permission and making such deposit without any unnecessary delay, and such repairs must be

made and said pavement restored to as good state and condition as it was in before said opening was made. The repairs so made shall be examined by the Street Commissioner at the expiration of three months from the time of the making of said opening or openings, and if found to be improperly made or that the pavement has sunk below the level of the adjoining sound pavement, he shall proceed to repair the same and charge the cost thereof against the sum so deposited and return the surplus, if any, to the depositor. The Street Commissioner may, at his option, permit any municipal board or commission to perform the work of removing and replacing the pavement and back filling the trenches under suitable regulations to be formulated by him. Any violation of any of the provisions of this section shall be deemed a misdemeanor, and shall be punishable by a fine of not exceeding twenty-five dollars for each and every offense.

#### **Permit for connecting water supply pipes.**

1. No plumber or other person shall be permitted to lay down any connecting or supply pipes, to connect with the distribution pipes of the water-works in this city, unless he shall have obtained previously thereto, a license for the purpose from the Water Commissioners, and shall have executed and delivered to the Chamberlain of the city of Albany a bond, with one or more sureties, to be approved by the said Chamberlain in the penal sum of two thousand dollars, conditioned that he will save harmless, and indemnify the city of Albany, of and from all accidents and damages that may be caused by himself, or those persons employed by him in the opening of any trunk in any of the streets, lanes, squares or avenues in the city of Albany, or in laying down any connecting or supply pipes with the water-works in said city, or any other pipes or fixtures connected therewith; and will well and truly pay all such damages, costs and expenses as may accrue therefrom, and will also restore and replace the street or pavement, where the same consists of cobble-stones, over such trunk or opening, in as good a state and condition as he found it, and keep and maintain the same in good order, to the satisfaction of the Street Commissioner, for the period of six months next thereafter.



**Canceling permits.**

2. The Water Commissioners may, at any time, cancel and annul any license they may have given, by virtue of the provisions of this section.

**Stop-cock boxes.**

3. All stop-cock boxes inserted in any of the sidewalks of this city shall be inserted immediately within the curb-stone, and not more than six inches therefrom.

4. All stop-cock boxes placed in any street or sidewalk of this city, shall be properly covered, and kept covered, with a metallic cap, which shall be placed and kept on a level with the adjoining pavement or sidewalk.

It shall be the duty of the owner of any lot adjoining any such sidewalk to comply with the requirements of subdivisions three and four of this section.

Any person violating the provisions of the second or third subdivision of this section shall incur a penalty of the sum of three dollars for each offense, and for every eight days after the first conviction that such box or cap shall be permitted to remain in violation of the requirements of either said second or third subdivisions of this section, such person shall forfeit the further sum of three dollars for each offense.

**Water and gas boxes.**

§ 54. It is hereby made the duty of the several captains of police of the several districts, to give notice to the owners or occupants of the premises in front of which are placed water boxes or gas boxes, to cause such boxes as may be raised or protrude above the level of the sidewalk, and which are hereby declared a nuisance, to be made level with the same.

**Penalty.**

§ 55. All persons neglecting to conform to such notice within ten days after they shall have been so notified, shall be liable to a penalty of one dollar for every day they may so neglect thereafter.

**Ball playing and shinney.**

§ 56. Ball playing, and the playing of the game commonly known as and called shinney, is hereby prohibited in or upon any of the streets, lanes, parks, squares, docks and wharves in the

city, under the penalty of one dollar for every person offending against the provisions hereof.

#### **Hand sleds.**

§ 57. No person shall use any small or hand sled, or sled without horses, for the amusement of sliding in or upon any of the paved streets or avenues of the city of Albany, penalty of one dollar for each offense.

#### **Ice merchants.**

§ 58. Every person or association of persons engaged in the business or occupation of gathering, storing, selling or delivering ice to customers within the city of Albany, and the agents, servants or employes of any such person or association, shall, in the delivery thereof to such customers or any person whatsoever, carry, convey and deposit the same within the building occupied or used by the person or persons to whom the same is intended to be delivered in some convenient place to be designated by such customer. And no person or association of persons, as aforesaid, nor the agent, servant nor any employe thereof engaged in said business shall deposit or place any ice in any quantity whatsoever on any of the public streets, avenues or sidewalks in said city.

#### **Penalty for violating ordinance.**

§ 59. Whoever shall violate any of the provisions of section fifty-eight of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each and every violation by a fine of not exceeding twenty-five dollars, or in default thereof by imprisonment not exceeding twenty-five days.

#### **Removal of buildings across paved streets.**

§ 60. No person, persons or corporation shall move any building, shed or other structure now or hereafter erected on any lot of land in the city of Albany into, upon or through any of the public streets, lanes, avenues or public squares of said city now paved or that may hereafter be paved with asphalt, dimension granite block pavement or any other pavement than cobble-stone. Any person, persons or corporation who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding fifty dollars for each offense.

**Removal of buildings over unpaved streets.**

§ 61. Every person or corporation desiring to remove a building, shed or other structure into, upon or over any unpaved street, lane, avenue or public square or any street, lane, avenue, or public square paved with cobble-stones shall make application to the Street Commissioner, stating the length, width and height thereof, materials of exterior walls and roof, the place from and to which and the route by which the same is to be carried or moved and the time required for removal, and shall sign an agreement to make said building conform to the requirements of law for a new building in the new location. The Street Commissioner shall thereupon have said building examined, and if it be found not liable to endanger property adjoining the route of the proposed removal, or to endanger or unduly incommode the public, shall, with the approval of the Mayor, issue a permit for its removal.

**Lamp-posts.**

§ 62. No lamp-post nor any of the apparatus and appliances for conducting electricity for lighting the city shall be disturbed except by special written consent of the Street Commissioner. Nor shall such permit be so construed as to give any right, license or authority to cut any tree, or any limb or branch of a tree, standing on any of the public streets, avenues, lanes or public squares. All damages done to public or private property shall be repaired at the expense of the mover.

**Lights on buildings being removed.**

§ 63. Whenever and so long as any building, shed or other structure, or any section of the same, shall remain in or upon any of the said streets, lanes, avenues or public squares, while undergoing the operation of removal as aforesaid, the person removing the same or the owner thereof shall by night keep a good and sufficient light at each end of said building and a suitable watch about the same.

**License for removing buildings.**

§ 64. No person shall move any building, shed or other structure through, into or over any of the public streets, lanes, avenues or public squares of said city of Albany without being licensed for such business. Licenses may be issued by the Street Commissioner, with the approval of the Mayor, to any suitable person

filing in the office of said Street Commissioner an application therefor, accompanied by a bond in the sum of two thousand dollars, with satisfactory surety, for compliance with the requirements of sections sixty-three, sixty-four, sixty-five or sixty-six of this chapter. Said license shall be forfeited by any violation of the provisions of either of said last mentioned sections, and shall not be renewed until the fines and penalties therein incurred are satisfied. And any person or corporation who shall violate any of the provisions of sections sixty-one, sixty-two, sixty-three or sixty-four of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not exceeding twenty-five dollars for each and every offense.

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### CHAPTER 39.

#### *Of Docks and Wharves.*

Section 1. To elect how to pay wharfage.

2. Rates of wharfage.
3. Vessels at anchor.
4. Obstructions on wharf.
5. Sale of merchandise on wharves.
6. Buying or selling fish, etc.
7. Injuring dock.
8. Vessels not employed on Hudson river or canal.
9. Deepening basin.
10. Sunken vessels.
11. Driving over bridges.
12. Hackmen and cartmen crossing bridges.
13. Removal of vessels.
14. Meaning of word "vessel."

To elect how to pay wharfage.

Section 1. The man or person having charge of any vessel which shall come to or lie at or within any of the docks, wharves, piers or slips, shall, immediately after such vessel shall come to, or lie at or within any such dock, wharf, pier or slip, make his election and declare to the owner, agent or superintendent of said dock, wharf, pier or slip, whether he elects to pay for the season, or for the number of days such vessel shall come to or lie within any of the said docks, wharves slips or piers; if such master or person having charge of any vessel shall elect to pay

for the season, he shall, immediately after making such election, pay the wharfage for the season to the owner, agent or superintendent of said dock, wharf, slip or pier, authorized to receive the same. If such master or person having charge of any vessel shall elect to pay wharfage by the day, he shall immediately pay therefor the wharfage at the rates hereinafter mentioned, for the day on which such vessel shall come to, or lie in or upon any such dock, wharf, slip or pier, and shall pay the like sum for wharfage for every day such vessel shall remain lying at or in any such dock, wharf, slip or pier, at such time in the morning of the day for which such wharfage accrues, as the person having charge thereof shall, from time to time, demand the same.

#### **Rates of wharfage.**

§ 2. The rates of wharfage, by the season, shall be as follows:

For every vessel being of the burden of five tons and under, one dollar and six cents; and for every vessel above that burden, at and after the rate of twenty-seven cents for every ton of the burden thereof respectively.

The rates of wharfage for the day shall be as follows, that is to say,

For every vessel being of the burden of five tons or under, at and after the rate of ten cents per day.

For every vessel of from five to twenty tons burden, at and after the rate of two cents per ton for each day.

For every vessel of twenty tons and over, and not exceeding forty tons burden, at the rate of one cent and a half per ton for each day, and one cent and a quarter per ton for each day for every vessel above the burden of forty tons; and if any dispute shall arise concerning the tonnage or burden of any vessel liable to pay wharfage, the same shall be determined by the Mayor or one of the police justices of the city.

#### **Vessels at anchor.**

§ 3. The owner or person having charge of any vessel lying at anchor in the Hudson river, from or to which vessel any goods or merchandise shall be landed or embarked, on or from any such dock, wharf or slip, shall be liable to pay half the rate of wharfage for every day in which such dock, wharf or slip shall be used for the purpose aforesaid.

**Obstructions on wharf.**

§ 4. No lumber, wood, stone, ballast, boards, planks, merchandise, dirt, filth, or other article whatsoever, shall be piled or deposited on any street or streets along any of the docks, wharves or slips, within thirty feet of the outer extremity of said dock, wharves or slips, nor within twenty-five feet of the easterly side of the pier; nor shall any lumber, stone, ballast, iron or other like heavy article or merchandise be placed or unloaded upon any of the platforms or planking along the wharves; nor shall any person drive any horse or horses or cattle before any cart, wagon or otherwise, upon said platform or planking, or raised part of said wharves, except it be for loading or unloading from vessels lying at said docks, under the penalty of ten dollars. And in case the owner, or person depositing any lumber, wood, stone, boards, planks or other article of merchandise, contrary to this ordinance, shall refuse to remove the same on twenty-four hours' notice, the Street Commissioner, or either of the Superintendents of Streets, shall have power to remove the same, and the owner, or person or persons so depositing such articles shall be liable in an action of debt for the expense of such removal, to be recovered in the name of the Chamberlain for the use of the city.

**No merchandise to be sold on wharves, etc.**

§ 5. No person or persons shall sell or open for sale, on any of the wharves, piers or bridges in this city, any oysters or clams or other merchandise, under the penalty of five dollars.

**Buying or selling fish, etc.**

§ 6. If any owner or master, or other person having the charge, use or control of any vessel lying at or within any dock, wharf, pier or slip, in this city, shall buy and sell any oysters, clams, shell fish or fruit, of any kind or description whatsoever, he shall forfeit, for each and every offense, the sum of twenty dollars; provided, nevertheless, that this section shall not extend to the case of the owners or masters, or other persons having the charge, use or control of any vessel coming to said docks, wharves or slips, to dispose of the lading which they may bring to this city.

**Injuring dock.**

§ 7. No person shall in any manner injure, mutilate or deface any wharf pier, dock or bridge in the city of Albany, under a

penalty of five dollars, with costs of repairing such injury, and it is hereby made the duty of the Street Commissioner or either of the Street Superintendents to prosecute all violations of this section.

**Vessels not employed in navigation of Hudson river or canal.**

**—May be sold.**

§ 8. No vessel shall lie at or within any such dock, wharf, pier or slip except such as are actually employed in navigating the Hudson river or canals, under the penalty of twenty-five dollars; and in case any vessel not actually employed in navigating the Hudson river or canals shall lie within any basin, dock, wharf, pier or slip in said city, and the owner or owners thereof shall be unknown to the Street Commissioner of said city, or shall not be resident or residents of such city, it shall be lawful, and it is hereby declared to be the duty of said Street Commissioner to cause a notice to be fixed upon some conspicuous part of said vessel, requiring the owner or owners, or agent or agents of such owner or owners thereof to remove the same from the basin and from the wharves of said city within ten days after the affixing of such notice; and in case the said vessel be not removed as aforesaid, within the time aforesaid, then, and in such case, it shall be lawful, and is made the duty of the Street Commissioner to take possession of such vessel and cause the same to be removed as aforesaid, and at public auction to sell such vessel, or the materials of which the same shall have been built or constructed, to defray the expenses of such removal; the said Street Commissioner to give public notice for six days, in some one of the official newspapers of said city, of the time and place of such sale; and the overplus moneys, if there be any on such sale, after defraying the expenses of such removal and sale, shall be returned by the Street Commissioner to the Chamberlain of said city, who shall repay the same to such person or persons as shall produce satisfactory evidence to the Mayor of the city that such applicant or applicants is or are the proper owner or owners of such vessel so removed as aforesaid.

**Deepening basin.**

§ 9. Whenever the owner of any of the docks and wharves in this city, or the person or persons having the care and management thereof as tenants, guardians of infants, executors or other-

wise, or any person acting under authority of the Canal Commission or Canal Board, shall be actually engaged in deepening the water in front of such dock or wharf by removing ground therein deposited, and any vessel or any remnant or part thereof, shall lie or be against or opposite the said dock or wharf, so as to prevent or in any manner obstruct the operation of removing said ground, and complaint thereof be made to the Street Commissioner by any person aggrieved thereby, it shall be the duty of the said Street Commissioner to give notice of such complaint to the owner or owners of such vessel, or of such remnant or part thereof as aforesaid, or to such person or persons as shall be using or have the care thereof; and if the same shall not be removed within such reasonable time after said notice as the said Street Commissioner shall appoint for that purpose, and signify to the person or persons on whom such notice shall be served, it shall be the duty of such Street Commissioner to examine such vessel, or such remnant or part thereof as aforesaid, and if the same shall appear to him to prevent or in any manner obstruct said operation, it shall and may be lawful for him to direct and cause the same to be removed as a public nuisance, at the expense of the owner or owners thereof, or of the person or persons so using or having the care thereof as aforesaid, to be recovered, with costs of suit by action of debt, in the name of the person or persons making the complaint, who shall in the first place, pay said expense.

#### **Sunken vessel.**

§ 10. Whenever any vessel, loaded or empty, shall, by accident or otherwise, be sunk at any dock, wharf or slip, or anywhere in the Hudson river opposite to the city of Albany, and within the jurisdiction thereof, it shall be the duty of the Street Commissioner, under the direction of the Mayor, to give notice to the owner, proprietor or any person sailing such vessel, to remove the same within twenty-four hours; and in case the owner or proprietor is unknown, and there is no one that sails the same, to give notice in one of the newspapers printed in the city of Albany at least one week, directing the removal of such vessel as aforesaid: and if the said notice is not complied with, then it shall be lawful for the Street Commissioner to take possession of such vessel, craft, boat or flat, and to remove the same, and at public auction to sell such vessel, or so much of the loading thereof as will pay the expenses of such removal.



**Not to drive over bridge faster than a walk.**

§ 11. No person or persons shall pass with horses, oxen or other beasts of burden over either of the above bridges across the said basin faster than on a walk; nor shall any vessel be moored or fastened to any such bridges; and every person offending herein shall, for every offense, incur a penalty of the sum of five dollars.

**Hackmen and cartmen crossing.**

§ 12. No hackman, cartman, or any other person shall occupy or remain on either of said bridges with any hack, cart, wagon, carriage or any other vehicle, for any longer time than shall or may be necessary to pass or repass the same with ordinary diligence; and every person offending against these provisions, or any of them, shall incur a penalty of the sum of one dollar; and the Superintendent of the Pier and any police officer of the city is hereby authorized to remove any such hack, cart or carriage offending in the premises.

**Vessels may be removed.**

§ 13. Whenever any vessel shall be in any part of the said basin, without having any person on board thereof to take charge of the same, and the same shall not be in the course of loading or unloading a cargo, it shall and may be lawful for the Street Commissioner, for the time being (in case he shall consider such vessel an obstruction to the free and lawful use of said basin), to remove the same to such place or places where they will cease to be such obstruction as aforesaid, the expenses of which removal shall be paid by the owner or owners of such vessel forming such obstruction.

**Meaning of word vessel.**

§ 14. The term vessel, used in this chapter, shall be taken and construed to include sloop, boat, flat, float, raft or any other water craft.

## CHAPTER 40.

*Of Lamps, Gas and Electric Lights*

Section 1. Street Commissioner, chief officer.

2. To protect public lamps and lights.

3. Inventory.

4. Lamps to be kept in good order.

5. Horses not to be tied to posts, etc.

6. Common Council to direct additional lights, etc.

7. Penalties.

**Street Commissioner chief officer.**

Section 1. The chief officer of lamps, gas and electric lights shall be the Street Commissioner, whose office shall be in the City Hall, as hereinbefore provided, and who shall have the general charge of all matters relating thereto.

**To protect public lamps and lights.**

§ 2. It shall be the duty of the said Street Commissioner to protect the public lamps and lights in the city, and see that they are properly lighted, and to see that the contracts entered into by the Board of Contract and Apportionment in reference to lighting or the furnishing of supplies therefor, are fully kept and performed.

**Inventory.**

§ 3. The Street Commissioner shall annually, on the first Tuesday of June, file in the office of the Mayor an inventory, in which shall be stated the number of gas lamps, oil lamps and electric lights in the city, and other property pertaining to such lamps in his possession or under his control or management.

**Lamps to be kept in good order.**

§ 4. The Street Commissioner shall see that the lamps are kept clean and in good order, and if any lamp-post be displaced or otherwise injured, he shall cause such lamp-post to be put in good order, without delay, by the contractor. The Street Commissioner shall cause any lamp broken, misplaced or injured, to be immediately repaired and put in good order by the contractor, and shall diligently inquire for the names of the persons who occasioned the damage, and give notice thereof to a police justice, to the end that the offenders may be brought to justice.

**Horses not to be tied to posts, etc.**

§ 5. No person shall fasten or tie to any lamp-post, electric light post or post sustaining or supporting the wires for any electric light or lights or sustaining or supporting the wires for transmitting any electric current, any horse or horses, whether harnessed to a vehicle or not, and every person offending against the provisions of this section shall incur therefor a penalty, not exceeding twenty-five dollars, for such offense.

**Common Council to direct additional lamps and lights.**

§ 6. Whenever it shall become necessary to place any additional oil or gas lamps or electric lights in this city the Common Council shall direct the number of additional oil or gas lamps or electric lights to be furnished, and the work of setting lamp-posts or electric light posts shall be done under the direction of the Street Commissioner by the contractor or contractors whose duty it may be to do such work.

**Penalty for injuring or breaking lamps and lights.**

§ 7. Any person who shall willfully mark or in any manner injure or break any public lamp or lamp-post, or the glass thereof, or shall willfully cut down or in any manner injure or deface any electric light post, or the lighting apparatus thereof, or the posts sustaining or supporting the wires for the electric lights, or the globes for such lights, shall incur a penalty of not less than five nor more than twenty-five dollars for each offense.

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**CHAPTER 41.***Of Fences.***Section 1. Fence-viewers.**

2. How maintained.
3. Arbitrators.
4. When vacant lots are occupied.
5. Height of.
6. Appeal.

**Fence-viewers.**

Section 1. The City Engineer and his deputy are hereby constituted fence-viewers in and for the city of Albany.

**How maintained.—Disputes, how decided.—On refusal, how owner compelled.—Suit for repairs, etc.**

§ 2. All partition fences in the city shall be maintained and repaired at the joint expense of the owners of the land on each side thereof; every dispute between such owners, touching the sufficiency or the method of construction, or the repairing of any such fence, the division of the fence between them, or the part each is to bear respectively in the expense thereof, shall be decided by the Deputy Engineer. If any such owner shall refuse or neglect, for six days after request made to him in writing so to do, to bear his part and proper proportion of the expense in making, maintaining or repairing any such fence, the owner of the adjoining lands upon the other side of such fence, or of the division line upon which the same is to be made, may, under the direction of the Deputy Engineer, make or repair the whole of such fence, and he shall thereupon be entitled to recover one-half of the expense of such making or repairing, with costs of suit, from the person having so refused or neglected, as aforesaid, to bear his part of such expense.

**Deputy Engineer or owners may designate part to be made, etc.**

§ 3. It shall be lawful for the Deputy Engineer or for the owners, by mutual consent, to establish or designate the particular part or portion of any partition fence, which each owner separately, and not jointly with the other, shall be bound to make, maintain and repair at his own expense; and thenceforth such part or portion shall be deemed the separate fence of the party to whom the same shall be allotted; and in case any such part or portion shall be out of repair, the party who ought to make or repair the same (after request made in the manner and for the time specified in the preceding section), shall be liable to pay the whole expense of making or repairing the same, with costs of suit, unto the other party, if he shall make or repair the same; provided it shall be so made or repaired under the direction of the Deputy Engineer.

**When vacant lots are occupied.**

§ 4. When any vacant lot shall become actually occupied by the owner, or some person holding under him, any adjoining owner who may have made a partition fence between such lot and his own lands, may recover from the owner of said lot one-half of the then value of such fence, as ascertained by the

Deputy Engineer, who is hereby made fence-viewer for that purpose.

#### Height of.

§ 5. No partition fence east of Lexington avenue shall be less than six feet in height, nor in any other part of the city less than five feet in height; nor shall the same, when less than eight feet high, be required to be made of brick or stone.

#### Appeal.

§ 6. Any party interested in any partition fence, where a dispute has arisen on any question in relation thereto, may appeal from the decision of the Deputy Engineer to the City Engineer, whose decision and determination in the matter shall be final and conclusive.

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### CHAPTER 42.

#### *Of Railroads Operated by Steam Power.*

Section 1. Street crossings not to be obstructed.

2. Rate of speed.
3. Steam whistle.
4. Penalty.
5. Jumping upon engines, etc.

#### Street crossings not to be obstructed.—Flagman.

Section 1. No locomotive, freight, baggage, passenger or other railroad car shall be placed or remain standing on any street crossing in this city so as to incumber the same for any length of time. A flagman shall be stationed at every street crossing, and the locomotive bell shall be rung while the cars are in motion crossing any street within the city limits.

#### Rate of speed.

§ 2. No engineer, fireman, conductor or other person shall run or impel, or permit to be run or impelled, any locomotive, car or train of cars, through, upon or across any paved street within the said city at a greater rate of speed than eight miles per hour, excepting upon the up-grades on the New York Central railroad.

#### Steam whistle.

§ 3. It shall not be lawful for any engineer, fireman or other person to blow, or cause to be blown, any steam whistle attached

or appended to any steam engine or locomotive while passing through or along the paved streets within the said city, under a penalty of five dollars for each offense.

**Penalty.**

§ 4. Any violation of either of the foregoing sections shall subject the party or parties violating to a penalty of not less than twenty-five nor more than one hundred dollars for each offense. And the corporation to whom the car or locomotive belongs, or in whose employ the person or persons offending shall be, shall be liable for the payment of said penalty.

**Jumping upon engine, etc.**

§ 5. No person shall jump, ride or get upon, or attempt to jump, ride or get upon any locomotive engine, railroad train or car, whether the same is in motion or not, without such person is employed in or upon said locomotive engine, railroad train or car, or without the permission of those in charge of the same, or of those authorized to give such permission, under a penalty of two dollars for every such offense.

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CHAPTER 43.

*Of Street Railroads.*

(As amended May 5, 1890, July 14, 1890, July 15, 1895, and October 7, 1895.)

Section 1. To observe regulations.

2. Tracks, how laid.
3. Not to alter grade.
4. Cross-walks not to be obstructed.
5. Salt, etc., not to be used.
6. Conductors to give name.
7. Cars to be numbered.
8. Tracks not to be obstructed.
9. Repairing of street.
10. New pavements.
11. Cleaning of pavements between tracks.
12. Duty of Street Commissioner in case of neglect.
13. Speed of cars.
14. Fenders to be placed on cars.
15. Gongs to be placed on cars.
16. Drivers to stop in certain cases.

Section 17. Certain city employes permitted to carry tools, etc., on the cars.

18. Bond.

19. Penalty.

#### **To observe regulations.**

Section 1. All railroads operated by horse power or electricity running through, in or upon any of the streets of the city of Albany, or that may hereafter be constructed to run in or upon any of the streets, shall be constructed, operated, managed and run in accordance with the following regulations:

#### **Tracks, how laid.**

§ 2. The track or tracks shall be laid subject to the approval and direction of the Common Council and the City Engineer. They shall be flush with the surface of the streets, except at the water-courses and gutters crossing said streets, at which point said track shall be so constructed as not to interfere with the free passage of the water over or under the same, as may be determined by the said City Engineer.

#### **Not to alter grade.**

§ 3. It shall not be lawful for any company owning a railroad operated by horse power or electricity, or any officer or employe thereof, or any person acting under its control, authority or direction, to elevate or depress, or change the grade of any of the streets in said city or any part thereof, nor to disturb, change or interfere with any drain in, under or upon said streets, except with the consent and approval of the Street Commissioner, in writing; and all paving and repairing of street pavement within and along the line of said railroad tracks shall be done under the direction and supervision of the said Street Commissioner.

#### **Cross-walk to be clear.**

§ 4. Cars stopping at street intersections to receive or land passengers shall leave the rear platform of the car, as near as may be, over the further edge of the cross-walk, so as not to obstruct the cross-walk.

**Salt, etc., not to be used.—Streets not to be rendered impassable.—Culverts to be constructed and maintained.—Penalty.**

§ 5. No person shall use salt, lime or any deleterious substance

to remove ice or snow from any track or tracks of any railroad corporation, except on switches and street crossings, without the permission of the Street Commissioner. Every railroad company operating a railroad by horse power or electricity in the city of Albany, in clearing snow or ice from its tracks, shall not render the street or streets impassable, but shall remove the same so as not to leave any extra snow or ice on either side of the tracks to create an uneven grade along the line of said tracks on either side; and the snow or ice removed from said tracks, in clearing the same, shall be removed within twenty-four hours. Every such company shall also keep and maintain the box culverts constructed at the water-courses and gutters crossing the street or streets through which its tracks are laid open, free and in such a condition as to permit the free passage of water through the same at all times. In case of a failure by any such company to comply with the terms of this section, it shall forfeit and pay to the city of Albany, upon the demand of the Mayor or Street Commissioner, the sum of fifty dollars for every day it shall fail to fully comply herewith.

**Conductors to give their names to passengers.**

§ 6. Conductors and drivers of street cars operated by horse-power or electricity shall give their names to any passenger requesting the same, and for neglecting or refusing so to do shall incur a penalty of five dollars for every offense.

**Cars to be numbered.**

§ 7. The cars of every horse railroad or railroad operated by electricity, in this city, shall be distinctly numbered, both inside and outside, and shall also contain a printed card showing the rate of fare.

**Passengers not permitted on platforms.**

§ 8. No passenger shall be permitted to stand on the platform of any car operated by electricity while the said car is in motion, and the conductor shall use proper diligence to prevent ladies or children from leaving or entering any such car while in motion.

**Conductors to announce street crossings.**

§ 9. Conductors shall announce to passengers, in a distinct tone, the names of all streets crossed as the cars approach such cross streets. No car operated by electricity shall be required to stop



at any place along the line of its route for the purpose of allowing passengers to enter or leave such car, except at street intersections, unless such street intersections are more than five hundred feet distant from each other, in which case the cars may be required to stop midway between such street intersection.

**Railroad companies to pay for paving.**

§ 10. Whenever a new or different kind of pavement is directed to be laid in any of the streets of the city in which any tracks of a railroad company operating by horse-power or electricity are now or hereafter may be laid, the railroad corporation owning, occupying or using said track, shall pay their portion thereof in the manner heretofore provided by law.

**To clean streets between tracks.**

§ 11. It shall be the duty of the railroad companies mentioned in the first section of this chapter to cause that part of the streets and pavements, throughout the city, upon which their tracks are laid, lying between the outer rails of said tracks, be the same double or single, to be properly cleaned, swept or scraped, and the dirt or manure or other rubbish to be collected in heaps convenient to be carted away at such times as now or may hereafter be prescribed by the Common Council or Street Commissioner; and previous to thus being swept or scraped, the said street shall be sufficiently sprinkled with water so as to prevent the dust from rising.

**Duty of Street Commissioner in case of neglect.—Company not to be liable in certain cases.**

§ 12. If any such railroad company shall refuse, neglect or delay to cause said streets and pavements, mentioned in section eleven of this chapter, to be cleaned, swept and scraped, as in said section mentioned, after said company is legally notified so to do by the Street Commissioner, or by notice from him published in one of the daily newspapers in the city for one week, it shall be lawful for such Street Commissioner, with consent of the Mayor, at the expiration of two days from the giving of such notice in writing, or at the expiration of such notice in the newspaper, to cause the said streets to be properly cleaned, swept and scraped, and when completed to cause an account of the expense thereof to be transmitted to the said company, and in case of the neglect or refusal of the said company to pay the said account within a reasonable time, the same shall be sent to the Corpora-

tion Counsel, to be prosecuted by him in an action at law; and the said company so refusing and neglecting to pay the said account shall be liable therefor, provided that the said account shall not in any single instance exceed the sum of one hundred dollars, and provided, also, that said company shall not be liable where, from severe frosts, or the streets being covered with snow, it was impracticable, or when it shall be proved to have been unnecessary, so to have swept or scraped such streets, between such tracks or rails, or to have collected the dirt into heaps. In no instance shall a single account contain any expense incurred for cleaning streets beyond the district mentioned in the notice to said company.

#### **Speed of cars.**

§ 13. None of the railroad companies mentioned in the first section of this chapter, nor any officer or employe thereof, nor any other person whatsoever, shall run or impel, or cause to be run or impelled, any car, snow-plow, street-cleaning machine, or other vehicle operated by electricity, through upon or across any street in said city of Albany east of and including Lark street, between and including Third avenue on the south and Clinton avenue on the north, at a greater rate of speed than eight miles an hour; nor west of said Lark street, nor north of said Clinton avenue, nor south of said Third avenue, at a greater rate of speed than twelve miles an hour; nor shall it be lawful for any car, snow-plow, street-cleaning machine or other vehicle to be impelled or drawn around the corner of any streets which are at a right or lesser angle to each other, at a greater rate of speed than three miles an hour.

#### **Fenders to be placed on cars.**

§ 14. Every car or other vehicle running upon a track or tracks and operated by electricity shall be provided with a fender or fenders, guard or guards, which said fender or fenders, guard or guards shall be so constructed as to prevent as nearly as possible any person, animal, body or other object, if struck by said car or other vehicle when in motion from being caught in and under the wheels of said car or other vehicle; but no railroad operated by electricity shall use any fender or fenders, guard or guards until the same shall have been approved by the Common Council, which said approval shall be filed with the Clerk of the Common Council, and the use of such fender or fenders, guard or guards shall be deemed a compliance with this provision.

**Gongs to be placed on cars.**

§ 15. Upon every said car and other vehicle running upon tracks and operated by electricity, and at each end thereof, a suitable gong must be kept and sounded for the purpose of warning persons or animals which may, from time to time, obstruct the track, and such gong must also be sounded upon approaching street crossings and upon turning corners; but such gong shall not be sounded willfully for the purpose of frightening animals or human beings. Every said car or other vehicle operated by electricity shall be supplied with a suitable head-light on the dash-board or top of such car or other vehicle, which shall be kept lighted on the streets and roads in said city not sufficiently lighted by lamps, to enable the driver to see persons or obstructions upon its tracks.

**Drivers to stop car in certain cases.**

§ 16. When the driver, conductor or other person in charge of any car or other vehicle operated by electricity shall observe that horses or other animals, driven or ridden in the streets of said city, become frightened at the approach of said car or other vehicle, he shall lessen the speed of said car or vehicle, and, if necessary, shall bring said car or vehicle to a full stop, until said animals shall have passed said car or other vehicle, or shall have gone away from it. Upon approaching and passing funeral processions he shall always lessen the speed of said car or other vehicle.

**As to certain city employes.**

§ 17. The employes in the office of the City Engineer, Street Commissioner and Board of Health shall be permitted, at all times, to carry on the cars of any street railway, mentioned in this ordinance, the tools, instruments and stakes necessary to the performance of their duties.

**Bond.**

§ 18. The railroad companies mentioned in the first section of this chapter shall each severally execute and deliver to the city of Albany a bond in the sum of five thousand dollars, with sureties to be approved by the Mayor, conditioned that said company will pay and save the said the city of Albany harmless from all damages, costs and expenses whatsoever, of every kind and nature, arising from the operation and management of their railroads.

**Penalty.**

§ 19. Any and each violation of any of the foregoing provisions of this law shall be punished, except in such cases as have been herein previously provided for, by a fine of not more than fifty dollars.

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## CHAPTER 44.

*Of Ferries*

- Section 1. Lessees only to convey passengers,  
2. Penalty for refusing ferriage,  
3. Penalty for injuries to docks, etc.  
4. Extortionate ferriage.

**Lessees only to convey passengers.**

Section 1. No person, except the lessee or lessees of a ferry, running from the city of Albany, or such person as they shall employ, shall convey in any scow, boat, canoe or other craft, any person, carriage, horse, or other article across the Hudson river, for hire or reward, at any place between the north and south bounds of the city of Albany, and every person who shall convey any person, carriage, horse or other article across the said river for hire or reward, within the bounds aforesaid, in any scow, boat, canoe or other craft, shall incur a penalty of five dollars for every such offense; provided that nothing in this section shall apply to the ferry established between the north part of this city and Bath, nor to the transportation of passengers or freight for the railroad at the ferry at the foot of Maiden lane.

**Penalty for refusing ferriage.**

§ 2. Any person being liable for ferriage over the ferry, who shall neglect or refuse to pay the same, on demand made by the lessee or lessees of said ferry, or their authorized agent, shall incur a penalty of five dollars for every offense.

**Penalty for injuries to docks, etc.**

§ 3. If any person shall willfully break, injure, mutilate or destroy the docks, wharves or landing of any ferry, or any of the boats, oars, or of the implements appertaining to any ferry running from the city of Albany, he or she shall incur a penalty of twenty-five dollars for every such offense.

**Extortionate ferriage.**

§ 4. If any person employed at any ferry shall demand or exact any sum for ferriage beyond the established and proper rate, he shall incur a penalty of five dollars for every such offense.

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**CHAPTER 45.**
*Of Private Drains and Sewers.*

Section 1. License to connect with drains.

2. Notice to be given to Street Commissioner.
3. Penalty.
4. Duty of Street Commissioner.
5. Applicants for license to give bond.
6. List of licenses to be kept.

**License to connect with drain.**

Section 1. All openings into sewers or drains for the purpose of making a connection therewith, from any house, cellar, vault, yard or other premises shall be made by persons duly licensed in writing for that purpose by the Street Commissioner.

**Notice to be given.**

§ 2. No person shall be allowed or permitted to make, construct or lay any drain or sewer from any lot, house or premises to connect with any public drain or sewer, unless twenty-four hours' notice be given to the Street Commissioner, describing the situation of such lot, house or premises, and the sewer or drain it may be desired to connect such drain with, and the time intended to make such connection.

**Penalty.**

§ 3. If any connection or opening be made with any sewer or drain by any person without the permission or license authorized in the first section hereof, or in a mode different from that prescribed therefor by the laws and ordinances of the Common Council of the city of Albany, or the Street Commissioner, the person making such connection or opening, and the owner or agent of the property for which such connection or opening is made, shall respectively be liable to a penalty of twenty-five dollars for each and every offense.

**Duty of Street Commissioner.**

§ 4. It shall be the duty of the Street Commissioner to grant license under the provisions hereof, to such person or persons as he may deem proper persons to perform such work, and the Street Commissioner shall supervise and direct the connecting of all private drains with public drains and sewers.

**Bond to be given.**

§ 5. The Street Commissioner shall require from any person applying for license or permission under the provisions hereof, to connect with any public drain or sewer, and before any such license or permission be given, a bond with sufficient sureties, to be approved of by the said commissioner, and in such penal sum as he shall direct, conditioned to indemnify and save harmless from all cost, loss or damage the city of Albany may sustain or become liable for on account of any accident, or otherwise, occasioned, directly or indirectly, by the work done under or pursuant to such license. The said Street Commissioner may at any time require a new bond, and for a larger penal sum.

**List of licenses to be kept.—Revoking licenses.**

§ 6. The Street Commissioner shall keep in a book for that purpose a correct list of all persons licensed under this law; any mason, plumber, contractor or other person who shall be guilty of a violation of any of the preceding sections, or the ordinances of the said city of Albany, shall be immediately deprived of the license, and the same may be revoked at the pleasure of the officers granting the same.

## MISCELLANEOUS ORDINANCES.

## CHAPTER 46.

*Of Bread.*

Section 1. Bread to be marked.

2. Weight of.

3. Unwholesome materials.

4. Power of Mayor, Inspector of Health, etc.

**Bread to be marked.—Twisted loaves.—Penalty.**

Section 1. All bread manufactured by the bakers of the city of Albany, for sale, and all bread exposed or offered for sale in said city, shall be made of good and wholesome flour or meal, and each loaf thereof shall be marked with figures indicating the weight of such loaf, and also with the initial letters of the name or names of the manufacturer thereof; provided that twisted loaves may not be marked with such figures or initial letters, and if any manufacturer or baker, or any other person, shall manufacture or offer or expose for sale any bread other than twisted loaves not so marked, every such manufacturer, baker or other person so offending shall, for every such loaf, incur a penalty of twenty-five cents.

**Weight.**

§ 2. If any baker or other person shall make, or expose for sale or sell any bread not of the full weight marked thereon, he shall incur a penalty of not less than twenty-five cents nor more than five dollars for every such loaf manufactured, or offered or exposed for sale or sold by him.

**Unwholesome materials.**

§ 3. If any baker or other person shall manufacture or expose for sale or sell any bread made from unwholesome materials, knowing the same to have been made from such materials, the person so offending shall incur a penalty of not less than twenty-five cents nor more than five dollars for each such loaf of bread manufactured or exposed for sale or sold by him.

**Power of Mayor.—Inspector of Health, etc.**

§ 1. It shall and may be lawful for the Mayor, the inspectors of Board of Health or any police officer of said city, when he shall have reasonable cause to suspect a violation of any provision of this ordinance by any person, to enter, in the daytime, any house, shop, store, bakehouse, warehouse, outhouse or inclosure used by or in possession of any baker, manufacturer or seller of bread, and to stop or detain, in any street or other public place, any baker or other person, with their wagons or other carriages or vehicles for carrying bread, and therein to search for, view, inquire, try and weigh all or any of the bread that may therein be found; and if any bread, on any such detention and search, shall be found conflicting or not in accordance with any of the provisions of this ordinance, such Mayor, inspector of the Board of Health or police officer may seize the same, to be disposed of for the benefit of the poor of the said city.

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**CHAPTER 47.**
*Of the Police Court.*

Section 1. Office hours.

2. Quarterly reports.

**Office hours.**

Section 1. The office of the police justices shall be open every day, except Sunday, from half-past six o'clock in the morning to six o'clock in the afternoon, and on Sunday from six A. M. till eight A. M.

**Quarterly report.—Moneys to be paid to Chamberlain.**

§ 2. The books of the police justices shall at all times be open to the inspection of the Mayor, Chamberlain, or any person authorized by either of them, or by the Common Council; they shall also make a report quarterly to the Chamberlain, and oftener if required by the Mayor or Common Council, stating therein all moneys received by them for fees and costs, and moneys received on convictions and judgments before them, or for penalties under any ordinance; and all fines and penalties, fees, costs and moneys collected by them belonging to the city, shall be paid over by them to the Chamberlain at the time of making such report.



## CHAPTER 48.

*Of the Public Pound.*

Section 1. Pound and Pound Master.

2. Swine, etc., not to run at large.

**Pound Master and pound.**

Section 1. The Superintendent of the Alms-house shall act as Pound Master, and shall provide a suitable and proper place for the keeping and maintaining of a proper pound on the alms-house farm, and shall keep and detain all such animals as may be driven or brought to the pound until entitled to be released as hereinafter provided.

**Cattle not to run at large.—To be taken to pound.—Owner to pay charges.—If not paid, to be sold.—Surplus to owner.**

§ 2. No swine, cattle, horses, goats, sheep, kids, geese or ducks, shall be permitted to run or be at large in any of the streets, public lanes, or on any of the sidewalks in this city east of the west line of Allen street; and it shall be the duty of the captains, sergeants and officers of police of said city to employ persons to take and convey such as are found at large to the public pound. The Pound Master shall detain the same for six days, and in case no person shall appear to claim the same within the time aforesaid, and pay such reasonable charges as the Pound Master may impose for conveying and keeping such cattle, horses, sheep, goats, kids, geese or ducks to the pound, not to exceed one dollar per head or flock, and the reasonable expense of keeping such cattle and horses not to exceed fifty cents a head per day; and for sheep, goats, kids, geese or ducks, not to exceed twenty cents a day per head; then, in such case, and at the expiration of six days, the Pound Master shall sell such swine, cattle, horses, sheep, goats, kids, geese or ducks, at public auction, after posting three days' public notice, in writing or print, in at least three public places in said city, and after deducting all such expenses and charges as aforesaid and the expenses of and charges of such sale, the surplus, if any, shall be paid over to the owner or owners of such swine, cattle, horses, sheep, goats, kids, geese or ducks, upon satisfactory proof of ownership being made; provided, such surplus shall be claimed in three months after such sale; and if no such claim shall be made within the time aforesaid, then the net proceeds of such sale shall be paid to the Chamberlain of the city.

## CHAPTER 49.

*Of Riding on Steps of Omnibuses.*

Section 1. Penalty for.

2. Duty of police.

**Riding on steps.—Penalty.**

Section 1. No person shall ride on the steps of any omnibus, engaged in the carrying of persons for hire within the city of Albany, under the penalty of not less than one dollar, nor more than five dollars for each offense.

**Police to arrest violators of this ordinance.**

§ 2. It shall be the duty of each member of the Police Department of the city of Albany to arrest all persons violating this ordinance within the view of such member of police.

## CHAPTER 50.

*Of Runners.***Runners prohibited.**

Section 1. No person shall hereafter, within the corporate bounds of the city, or upon the waters under its jurisdiction, act as a runner, or solicit or engage any person or persons to take passage in or upon any railroad, steamboat, stage or public conveyance whatever by which persons are carried from said city to any point. Every word spoken by any person which may tend to induce another person to take passage in or upon any railroad, steamboat, stage or public conveyance, shall be deemed a violation of this section. Every person violating any of the provisions of this section shall, for the first offense, incur a penalty of five dollars, and for every subsequent violation thereof, a penalty of ten dollars.

## CHAPTER 51.

*Of Sunday Law and Route for Cattle.*

Section 1. Places of amusement and sale of goods on Sunday.

2. Sale of fish, milk and newspapers.
3. Driving of cattle.
4. Route of cattle.
5. Penalty.

**Places of amusement—Exposing goods for sale.**

Section 1. No theatrical or other public place of amusement shall have, suffer or permit any performance on Sunday, under a penalty of a forfeiture of the license. And no person shall show forth or expose for sale any goods, wares or merchandise, on Sunday.

**Fresh fish and milk.—Newspapers.**

§ 2. It shall not be lawful for any person to cry or call out any newspaper or other article, for sale on Sunday, after the hour of ten o'clock in the morning.

**Cattle, etc.**

§ 3. No cattle, sheep or swine shall be driven through any of the streets of the city, to or from the steamboats or railroads, on Sunday, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon.

**Route.**

§ 4. The route for driving cattle, sheep and swine within the limits of the city of Albany, to and from West Albany and the steamboats, railroads and bridges, shall be through Watervliet avenue to Central avenue, Central avenue to Allen street, Allen street to Washington avenue, Washington avenue to Lark street, Lark street to Madison avenue, Madison avenue to Broadway or dock; thence along Broadway or dock, to steamboat or railroad.

The driving of cattle, sheep or swine through any street or avenue in the city of Albany, except as above provided, is hereby prohibited. This section shall not prohibit the leading of cattle, sheep or swine through any of the streets or avenues of the city of Albany, provided each animal is securely fastened.

**Penalty.**

§ 5. Any violation of either of the foregoing sections shall subject the party or parties violating to a penalty of not less than five, or more than twenty-five dollars, for each offense.

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**CHAPTER 52.**
*Of Ambulances.*

Section 1. Any driver of any cab, cart, carriage, conveyance or vehicle of any description, or any other person or persons, who attempts to, or interferes with, or attempts to, or interrupts the free passage of any ambulance wagon going to or from the scene of any accident, or who attempts to or interferes with or attempts to or interrupts the free passage of any police patrol wagon through the streets of this city, shall incur a penalty not to exceed twenty-five dollars for each and every offense.

§ 2. No ordinance relating to fast or immoderate driving shall apply to such ambulance or police patrol wagon.

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**CHAPTER 53.**
*Of General Miscellaneous Provisions.*

Section 1. **Idlers on sidewalks.**

2. Idlers on stoops, etc.
3. Idlers at church doors, etc.
4. Penalty.
5. Breach of peace.
6. Furious driving.
7. Ringing of bells after sunset.
8. Bathing.
9. Cattle not to be watered at public wells.
10. Steamboats to have gang-planks.
11. Injuring doors, etc.
12. Guards on roofs of buildings.
13. False weight or measure.
14. Coals or cinders not to be cast in river.
15. Soliciting alms.
16. Hydrants not to be unlocked.

**Idlers on sidewalks.**

Section 1. No person or persons shall stand, be or remain in or upon any of the streets, sidewalks or bridges in the city of

Albany, in such a manner as to obstruct the free and uninterrupted passing and repassing of any person or persons, and no person shall idly sit, stand or lounge upon or in any street, lane, alley, bridge or park (except parks opened for the public), or sit, lounge, stand or be upon any stoop, area-way or platform (except with the consent of the owner or occupant of the premises to which said stoop, area-way or platform is attached).

#### **Idlers on stoops, etc.**

§ 2. It shall not be lawful for any person or persons to idly sit, stand or lounge upon any stoop, area-way or platform attached to any store, dwelling or other building, after the owner or occupant of said store or building shall have closed said store, or retired for the night in said dwelling.

#### **Idlers at church doors, etc.**

§ 3. It shall not be lawful for any person or persons to idly sit, stand or lounge at the entrance to or in any hall-way, passage-way or vestibule of any church, hall, theater or public place.

#### **Penalty.**

§ 4. Any person or persons violating any of the provisions of either of the foregoing sections, shall incur a penalty of not less than one dollar, and not more than five dollars for each offense.

#### **Breach of peace.**

§ 5. Any person who shall make, aid or countenance, or assist in any noise, disturbance or improper diversion in the streets, public squares, lanes or alleys of this city, or collecting in great bodies or crowds, to the annoyance or disturbance of the citizens or travelers, shall severally incur a penalty for every offense not less than one dollar, nor exceeding five dollars; and if the offense shall be committed at night, then such penalty shall be five dollars.

#### **Furious driving.—Horse running at large.**

§ 6. Any person who shall drive any vehicle in this city without having in his hands good and sufficient reins, capable of guiding and restraining the horse or horses drawing it from galloping or going immoderately through any street, lane or alley; and any person driving any such vehicle or riding upon any horse, who shall cause, permit or suffer the beast or beasts he shall ride, use, or drive, to go on a gallop, or at any immoderate gait; and any

person having the care of any carriage or horse, who shall walk or stand by or near the same, and shall not sufficiently secure such beast from running, or going on a gallop or at any immoderate gait; and any proprietor or possessor of any horse, who shall suffer or permit the same to run at large in any of the streets, lanes or alleys of this city, or who shall suffer the same to stand in any street, lane or alley, without being sufficiently secured or tied to prevent its running away, shall severally, in each and every of the foregoing cases, incur a penalty of not exceeding five dollars nor less than one dollar, in the discretion of the magistrate convicting; and it shall be lawful for any person to stop any horse running at large, or going on a gallop or at an immoderate gait, until a police justice may be informed thereof so that such police justice may cause such horse and the carriage (if any), to which the same may be attached, to be detained and kept, at the expense of the offender, until the penalty imposed by this law and expenses be paid with costs, or until the offender can be secured and dealt with according to law. No person or persons shall ride or drive, or cause to be rode or driven, any horse or other animal, upon or over any of the bridges within the city of Albany, faster than a walk, under a penalty of not less than one nor more than five dollars for every offense.

#### **Ringling of bells after sunset.**

§ 7. Any person ringling or tolling any church, academy, school or other public bell within this city, after sunset and before sunrise, shall incur a penalty for every offense of ten dollars; provided that this penalty shall not apply to the ringling of bells in case of fire or public festivals, nor at such time after sunset as the Common Council shall authorize, nor to the tolling of church bells for divine service.

#### **Bathing.**

§ 8. Any person bathing or swimming along or near docks, piers, wharves or shores of the said city, between the north and south bounds thereof, at any time between the hour of six in the morning and the hour of eight in the evening, shall incur a penalty of one dollar for every offense.

#### **Cattle not to be watered at public wells.**

§ 9. No person shall water horses or cattle at any of the public wells or pumps in this city, nor take any water for any other

purposes than for household use, under the penalty of two dollars for every offense.

**Steamboats to have gang-planks.—To be secured to wharf.—  
Penalty.**

§ 10. Every steamboat for the conveyance of passengers, coming to any pier, wharf or dock in the city for the purpose of landing such passengers, shall be provided with a gangway plank or platform at least four feet wide, to which shall be affixed a substantial railing, rope or chain on each side thereof, and thirty inches high from the top of said plank or platform. After the said steamboats, or either of them, shall be securely made fast to such pier, wharf or dock, the said plank or platform shall be laid from the same to the said pier, wharf or dock for the exclusive use of passengers and their baggage going to or from such steamboat or boats, so that they and their baggage may pass without danger of falling or being pressed off from the said plank or platform into the water. The owner or owners, captain or agent of any such steamboat not provided with such plank or platform, or not having the said laid and placed as aforesaid, shall be liable to a penalty of twenty-five dollars for each and every offense.

**Injuring doors, etc.**

§ 11. Any person who shall willfully and wantonly injure, deface or tarnish any house, porch or stoop, door, gate, well or pump, fence, tree, or any useful or ornamental public or private work or improvement, or any post standing in the street, either by bedaubing or besmearing the same, or any part thereof, with paint, mud, tar, oil or grease, or by throwing stones or in any other manner whatever, or who shall aid or assist therein, shall incur a penalty of the sum of five dollars.

**Guards on roofs of buildings.**

§ 12. Every building of any kind, and whatsoever used for any purpose, the roof thereof shall be of tin, glazed tile or slate, and every building which shall hereafter be roofed with either of the said materials, shall, under the direction of the Street Commissioner, have good and sufficient railings or guards placed and fixed on the roof fronting the street; and every owner or occupant of any such building, who shall refuse or neglect to comply with this regulation, shall incur a penalty of twenty-five dollars;

and for every month after the first conviction, in which such default continues, the further sum of twenty-five dollars, to be sued for and recovered at the end of each month; and the Street Commissioner is strictly enjoined to carry this clause into effect.

**False weight or measure.**

§ 13. If any person shall sell any goods, wares, merchandise, liquors, or other effect whatsoever, as being of a certain weight or measure, and the same shall prove deficient and not according to law and the course or usage of trade, such seller (besides being answerable to the party grieved), shall incur a penalty for each offense of five dollars.

**No coal, cinders, etc., to be cast in basin or Hudson river.**

§ 14. No captain or person having charge of any steamboat, sloop, canal boat, vessel or other water craft, nor any other person, shall cast any coal, cinders, oyster shells or other material substance into the basin or Hudson river or any arm or branch thereof within the limits of the city of Albany, or cause or permit the same to be done, under a penalty not exceeding twenty-five dollars for every offense.

**Soliciting alms.**

§ 15. Any person who shall solicit alms or raise moneys by subscription in the city, for any purpose whatsoever, without permission from the Mayor or Common Council for that purpose, shall pay a penalty for the first offense of two dollars, for the second of five dollars, and for any other of ten dollars.

**Hydrants not to be unlocked.**

§ 16. No person, unless specially authorized, shall unlock, unfasten, open or draw water from, or otherwise use or interfere with any of the hydrants, fire stops or stop-cocks set in any of the public streets, grounds or squares in this city, connected with any of the pipes or works of the city water-works, nor break open, unfasten, remove or otherwise injure or interfere with the outer boxes, cases, fastenings or other guards or securities of such hydrants; and any person offending against any of the provisions of this section shall incur a penalty for each and every offense, not less than five nor more than twenty-five dollars, besides being liable for the actual damage which may be proven to have been sustained.



## CHAPTER 54.

*Of Penalties.*

Section 1. The penalties provided for the violation of any or all city laws and ordinances, and of all State laws, except where otherwise especially provided, shall be sued for in a civil action to be brought by the city of Albany in its corporate name, and the amount collected in each and every action shall be paid to the Chamberlain of the city of Albany for the use of the city.

§ 2. The Corporation Counsel is charged with the prosecution of all said actions in behalf of the city of Albany.

## CHAPTER 55.

*Of General Penalties.*

Section 1. The violation of any ordinance or resolution now enacted or passed, or hereafter to be passed or enacted by the Common Council, the punishment whereof is not specifically prescribed, shall be punished by a fine not less than one dollar nor exceeding one hundred dollars, in the discretion of the court or magistrate where the conviction is had.

## CHAPTER 56.

*Of Water Mains, Distribution Pipes And Hydrants.***Dimensions of mains.**

Section 1. No water main or distribution pipe of less than six inches in diameter shall, except by permission of the Common Council, be laid in any of the streets of the city of Albany after June thirtieth, eighteen hundred and eighty-six.

**Laying of mains.**

§ 2. It shall be the duty of the Water Commissioners of the city of Albany, whenever it becomes necessary to lay new water mains or distribution pipes, or replace old water mains or distribution pipes, to lay mains or distribution pipes not less than six inches in diameter. Nothing herein contained shall be construed to prohibit the repair of existing water mains or distribution pipes less than six inches in diameter by repairing the same with mains or pipes of the same dimensions.

**Location of hydrants.**

§ 3. The location of existing hydrants shall not be changed except by permission of and to such place or places as shall be designated by the Common Council; and when new hydrants are erected they shall be placed at such points as shall be designated by the Common Council.

**Penalty for violating ordinance.**

§ 4. Any person violating any of the provisions of this chapter, or who shall lay or cause to be laid, or assist in laying any water main or distribution pipe less than six inches in diameter in any of the streets of the city of Albany without first having obtained the permission of the Common Council so to do, shall be liable to a penalty of not less than ten or more than one hundred dollars.

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**CHAPTER 57.**
*Of Markets.***Description of Market Square.**

Section 1. All that certain tract or parcel of land situate, lying and being in the Sixth Ward of the city of Albany, bounded and described as follows, to wit: Commencing at the south-east corner of the brick building owned by Perry & Co., situated on the north side of Hudson avenue, said point being one hundred and nineteen (119) feet and five (5) inches east of the south-east corner of the brick malt-house of John G. White & Son; thence running northerly on the line of the east face of Perry & Co.'s brick building, produced, two hundred and fifty-six (256) feet five and one-quarter (5 1/4) inches to the south line of Beaver street, to a point on the south line of Beaver street, distant forty-nine (49) feet two and five-eighths (2 5/8) inches from the north-east corner of the brick building known as Doyle's foundry; forty-five (45) feet one and one-quarter (1 1/4) inches from the north-west corner of Beaver and Wendell streets; and forty (40) feet nine and three-quarters (9 3/4) inches from the north-east corner of Beaver and Wendell streets; thence easterly along the south line of Beaver street about two hundred and forty-one (241) feet five and three-quarters (5 3/4) inches to the south-west corner of Beaver and Grand streets; thence southerly along the west line of Grand street about two hundred and seventy-one (271) feet to the north line of Hudson avenue, which point is sixty-two

(62) feet one and three-quarters (13-4) inches from the south-west corner of the brick building on the north-east corner of Grand street and Hudson avenue; thence running westerly along the north line of Hudson avenue two hundred and fifteen (215) feet nine and one-quarter (91-4) inches to the place of beginning, is hereby declared to be a public market place, to be known and designated as "Center Market," and shall hereafter be kept and maintained for the use of farmers and market gardeners, and for the sale of beef, pork, veal, mutton, lamb, poultry, fish, butter, cheese, vegetables, and such other articles as are usually sold in public markets.

#### **Inspector of Markets, bond of.**

§ 2. The Mayor of the city of Albany, in the manner designated in and by section twenty-one of title four of the charter of the city of Albany, shall appoint a person to be known as the "Inspector of Markets." He shall receive an annual salary of twelve hundred dollars, to be paid monthly by the Chamberlain, out of the rents, fees and charges received from the markets. But no salary shall be paid except from such rents, fees and charges collected during the year. He shall execute a bond to the city of Albany, with two sureties, to be approved by the Mayor, which bond shall be in the penal sum of one thousand dollars and conditioned for the faithful, honest and impartial discharge by said Inspector of Markets of the duties of his said office; for the paying over to the said Chamberlain, within three days after its receipt, of all moneys received by him as such Inspector of Markets, and for the observance by him of all such by-laws, ordinances and resolutions as are, or shall be made by the Common Council touching him or his said office. The said bond shall be filed with the Chamberlain; and the said Inspector of Markets shall, also, before entering upon the said duties of his said office, take and subscribe before the Mayor, an oath or affirmation, well and truly to discharge the duties of his said office.

#### **Duties of Inspector of Markets.—Reports as to rentals.**

§ 3. The Inspector of Markets shall, under the direction of the Market Committee of the Common Council, have exclusive charge and control of the said public market place, and the wagons, stands and stalls in said market place, and surrounding the same, the prevention of the sale and the offering for sale of

Improper articles therein, and the general management thereof. He shall collect, receive and pay over to the Chamberlain, who shall credit the same to the fund known as contingents or street contingents, all moneys payable by law for the use of the stalls, stands or standing room in said market, and shall keep an account of the same and shall report in detail and by item to the Common Council at its regular meeting, held on the first Monday of every month, the amount of money received by him and paid over to the Chamberlain during the last preceding month. He shall also attend regularly at the market every morning from five o'clock until one o'clock in the afternoon, and shall give directions respecting the arrangement or removal of any article, vehicle, cart, wagon, box, basket or other thing therein or in the streets in or adjoining the same. He shall also keep the stalls in the building and the ground in the open space adjoining, clean and in good repair, and shall keep the streets adjacent thereto clean and free from all obstructions, and shall give the necessary directions for that purpose to all persons occupying said stalls or market site. It shall be his duty also to report to the Common Council, from time to time, any and all violations of the regulations and ordinances relating to the market; and any person who shall neglect or refuse to obey any directions given by virtue of this section, shall be guilty of a misdemeanor, and shall be liable, upon conviction, to pay a fine of five dollars for every such violation.

#### **Sale of unwholesome foods.**

§ 4. It shall be the duty of the said Inspector of Markets to examine all articles offered for sale in said market, which he may suspect to be unwholesome or stale, or any blown, stuffed, tainted, putrid or measly meat, poultry or other provisions, or flesh of animals dead by accident or diseased, or known or suspected to be diseased at the killing of the same; and no person shall hinder, obstruct or molest him in the performance of the duty herein enjoined, under a penalty of fifty dollars; and any person who shall sell or expose for sale in the said market, or elsewhere in the city of Albany, any such article or thing as is described in this section shall be guilty of a misdemeanor, and shall, upon conviction, forfeit his or her lease and license, and be punished by a fine of not less than ten dollars, or by imprisonment of not more than ten days, or by both such fine and imprisonment.

**Map of market stalls and stands.**

§ 5. The City Engineer shall, under the direction of the Market Committee of the Common Council, make a map of the said Center Market and subdivide the same into streets and stands of such number and size as the said Market Committee shall direct. The said map, when completed, shall be filed in the office of the City Engineer. The said City Engineer shall thereupon suitably mark out and designate the said streets and stands on the market site. The said Market Committee shall thereupon designate by the map numbers, the stands on said market site, which they are hereby authorized and directed to set apart, for the sole and exclusive use of the lessees of the same, as hereinafter provided. The remainder of said market, not designated and set apart, to be leased as aforesaid, exclusive of the market streets, shall be free and set apart for the sole and exclusive use of farmers and market gardeners, selling country produce raised upon farms or lands owned or occupied by them. The words "farmers and market gardeners" when used in this ordinance shall be taken and construed to mean only such persons as shall obtain a living by agricultural pursuits, and not by butchering and selling meats. The designation above provided for shall be made in writing and filed in the office of the City Engineer.

**Market Committee to lease stands.**

§ 6. The Market Committee shall, within ten days after the passage of this ordinance, cause a notice to be published in the official newspapers for ten days, that they will at a time and place therein mentioned, lease, at public auction or otherwise, all the stands in said market, designated to be leased as aforesaid, and shall, from time to time, fix the rates to be paid by the lessees for each of said stands or places occupied by them for the sale of goods in the said market place. All rents and charges for stalls or stands shall be paid quarterly in advance, and the lessees shall observe the ordinances regulating this market, or their leases shall be forfeited. All leases shall be made out to the real party in interest, and no person or firm shall lease more than two stands. The said leases shall be signed by the Mayor and shall specify the space let and to be occupied by the lessee by market map number, and shall be granted on the express conditions, to be therein set forth, that the said lessee shall not during the term aforesaid, sell or underlet or assign the said

lease or stand without the written permission of the Market Committee of the Common Council, and that he shall during the time aforesaid in all things well and truly conform himself to the rules, ordinances and regulations made, or which may be made or passed by the Common Council of said city respecting said market, and that the said lease shall cease and be void when the Common Council shall deem that the interests of the city require the same, or on its sale and transfer or sub-letting without the written permission of the Market Committee as aforesaid, or on conviction for any offense against any of the ordinances hereinbefore mentioned and set forth. A forfeited or avoided lease shall at once revert to the city of Albany, and shall at once be let and rented to other persons for the balance of the term of the former lessor. All leases shall run for one year from the first day of April then next ensuing, except that the first leasing had under this ordinance shall be from the time of the first letting until April first, eighteen hundred and ninety-one. It is hereby made a misdemeanor for any person or persons, other than farmers and market gardeners, to occupy for business purposes any of the free stands or places in said market, designated as aforesaid for their sole and exclusive use. No lease made as hereinbefore provided shall be construed to vest any interest in the soil or in any part of the soil of the public market, or any estate or property therein, or its appurtenances, in any lessee, nor shall it give the right to erect any structures, buildings or stands on the same or any part thereof. All leases issued as hereinbefore provided shall be recorded in the Mayor's office in a book to be provided by the Common Council for that purpose. Persons leasing stands or stalls under the provisions of this section shall not be compelled to take out a license under provisions of chapter thirty-two of Laws and Ordinances, as a condition of carrying on business in said Center Market.

**Market days.**

§ 7. Every day in the week, except Sunday, shall be a public market day in said market place.

**No sales permitted in carriage-way or walks.**

§ 8. No person shall sell or expose for sale any goods, articles or thing whatsoever on the sidewalk or in the carriage-way of any street in or adjoining such market; nor shall any wagon, cart or basket be permitted to remain in Hudson avenue, Grand street

or Beaver street, contiguous to or adjoining said market, or in a market street, for any longer period than twenty minutes; nor shall any butcher or other person place or tie, or allowed to be placed or tied upon any sidewalk or street, in or surrounding the market, any calf, sheep, swine or other animal.

#### **Sale of meats.**

§ 9. All meats sold at the market, and all other articles and things usually sold by weight, shall be previously weighed in a scale by weights previously sealed by the City Inspector of Weights and Measures; and in case of suspicion respecting the weight of any article sold or offered for sale by weight, or of the quantity of any article sold or offered for sale by measure in said market, it shall be the duty of the said Inspector of Markets to weigh or measure the same; and if any such article shall be found deficient in weight or measure, the person selling or offering the same for sale shall be deemed guilty of a misdemeanor.

#### **Duty of Inspector of Weights and Measures.**

§ 10. It shall be the duty of the Inspector of Weights and Measures, once in every three months, and oftener, if the Inspector of Markets shall think proper and direct, to examine and inspect all weights, measures, scales, beams and balances, used in weighing or measuring in the said market; and if any person shall neglect or refuse to exhibit his, her or their weights, measures, scales, beams or balances, or any of them, for the purpose of examination or inspection, as aforesaid, or shall obstruct, hinder or molest said Inspector of Markets in the shall obstruct, hinder or molest said Inspector of Markets in the performance of the duties enjoined by this section, he or they shall be liable to a penalty of twenty-five dollars for each and every offense.

#### **Throwing bones, garbage.—Injury to stalls, etc.**

§ 11. No butcher or other person shall wantonly or willfully cast or throw any meat, bones, pluck, garbage or other articles in the said market, or make or assist in making any disturbance or improper diversions therein, or in the streets adjacent thereto; nor shall any person break, cut down, take away or wantonly injure any stall, stand or other part of said market, or commit any nuisance therein, under a penalty of twenty-five dollars, besides being liable to an action to recover the damage done.

**Idlers.**

§ 12. No idlers shall be permitted to remain in said market; nor shall any person keep or harbor any dog, male or female, in or about said market.

**Penalty for transgressing privileges.**

§ 13. In every case where the agent or servant of any farmer, market gardener, licensed vender, butcher or hawkler, shall transgress any provision of this chapter, he or they so offending, or his or their master or employer, shall be liable to the payment of the penalties prescribed in said chapter.

**Carts and wagons.**

§ 14. All carts and wagons while in or on the market, or on a market stand, shall have the animals for drawing the same attached to such wagon or other vehicle; and all carts or wagons remaining in the market square shall stand lengthwise with Beaver street and Hudson avenue. No carts, wagons or stands shall be permitted to remain in the market after the hour of one o'clock in the afternoon. No person shall push, drive or draw any wheelbarrow, wagon or carriage, drive or lead any horse, cart, wagon or other carriage over said market site, or use, ride or drive any sled or sleigh thereon, or use the same as a public thoroughfare, but nothing in this section contained shall interfere with or in any way curtail the use of said site as a public market by horses or vehicles lawfully on the same for market purposes, during market hours. Any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be subject to a penalty of five dollars for each offense. It shall be the duty of the police to see that the provisions of this section are carried into effect, and to report the name of any person driving over or using the said market site as a thoroughfare contrary to the provisions of this section and the name of the owner or person having charge or possession of any cart or wagon or stand, standing thereon contrary to the provisions hereof, to the police justices; and in case no owner or person shall be found having charge of the same, such cart or wagon or stand shall be conveyed forthwith, by any of the police, the Market Inspector or any peace officer, to the public pound, and shall be kept in custody until claimed by the owner or person having charge of the same, who shall there-



upon be reported to the Police Court, and proceeded against under the provisions of this section.

**Retailing meat and fish not permitted.**

§ 15. No person shall buy any provisions or article of food in the market, for the purpose of selling again in the said market during market hours, that is to say, from the opening of the market until the hour of ten in the morning; nor shall any person sell or offer for sale in Center Market, at any time, any fresh meat of any animal in pieces or quantities less than one-quarter of any such animal; nor shall any person sell, or offer for sale, any fresh fish in pieces or quantities less than two hundred pounds.

**Ordinance to be posted on market.**

§ 16. Copies of this ordinance shall, as often as is required, be fastened up in conspicuous places in and about the Center Market, and any person who shall deface, destroy or take down any of said copies shall be deemed guilty of a misdemeanor.

**Violating ordinance.**

§ 17. Any person violating any of the provisions of this ordinance, for which no other punishment is prescribed, shall, upon conviction, be punished by fine of not exceeding thirty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

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CHAPTER 58.

*Arms and Seal of the City of Albany.*

Section 1. The device of arms of the city of Albany, adopted pursuant to resolutions of the Common Council, passed December sixteenth, seventeen hundred and eighty-nine, and January ninth, seventeen hundred and ninety, is hereby re-established and re-adopted, and declared to be correctly described as follows:

Arms: Gules, two garbs in fess, or; on a chief argent, at the dexter side a beaver contourne and on his hind feet, his forepaws resting upon a tree stump erect, which he is gnawing; the tree, fallen, still attached to the stump, fesswise and contourne, all proper.

Crest: On a wreath of six twists argent and gules, a Dutch sloop vert, under sail, all proper, pennant flying gules.

Supporter: Standing upon an extension of the scroll hereinafter described:

Dexter Supporter: A farmer proper, habited with a deerskin coat, open and showing a white shirt, home-spun trousers, bluish gray, buckled shoes, a gray, broad-brimmed felt hat upon his head; his sinister arm embowed, the hand supporting the shield at the dexter chief point; a sickle proper, point to the dexter hanging over his dexter forearm which rests upon the hip, to the front.

Sinister Supporter: An American Indian, savage, proper; girded with a beaver skin; moccasined; a feather gules in his scalp lock; an elongated ornament hanging from the ear, argent; a quiver belt leather, trimmed with beads of wampum, passed over the sinister shoulder, the feathers of the arrows showing above the shoulder from behind; his dexter arm embowed, the elbow resting upon and supporting the shield at the sinister chief point, the forearm contourne; his sinister arm embowed, the forearm palewise, holding in the hand, just above the shoulder the top of a strung bow; the string to the sinister, the bow partly disappearing behind the sinister hip and again emerging, its base resting upon the scroll (hereinafter described) all proper.

Motto: On the above mentioned scroll, argent, below the shield and never across it: "Assiduity" in plain Roman letters gules.

§ 2. The Mayor of the said city of Albany shall cause a common seal for the city of Albany to be engraved upon metal, two inches in diameter, bearing the device of arms of the said city of Albany, accurately conformed to the description of the same given in section first of this law, and the arms so engraved shall be surrounded with the legend "The Seal of the City of Albany, Charter 1686."

§ 3. From and after the first day of March, eighteen hundred and eighty-nine, the seal provided as aforesaid by the Mayor of the city of Albany shall be and become, and is hereby made and adopted, the common seal of the city of Albany to serve for the sealing of all and singular its affairs and business touching or concerning said corporation, and shall be used for all the requisite purposes of the said city of Albany, and the present common seal of the said city of Albany is changed, altered and new-made as aforesaid.

§ 4. On the second day of March, eighteen hundred and eighty-nine, the present common seal of the city of Albany shall be defaced by the Mayor of the city of Albany or by his order, and shall be deposited by him in some suitable place for preservation.

§ 5. The device of arms of the city of Albany, as described and blazoned in section first of this law, when used upon public documents, shall be depicted as above blazoned, without alteration or addition.

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#### CHAPTER 59.

#### *Of Telegraph, Telephone, Electric Light, Electric Railway and Electric Power Lines.*

##### **Authority of Chief of Fire Department.**

Section 1. The Chief of the Fire Department, under the direction of the Mayor and Common Council, shall have the supervision and charge of all telegraph, telephone and electric lines. He shall forthwith report to the Mayor any violations of this ordinance.

##### **Companies to agree to conform to city ordinances.**

§ 2. No telegraph, telephone nor electric line, shall hereafter be erected nor maintained until the owner thereof shall file with the Mayor a written agreement accepting and promising to abide by and perform all the conditions and provisions of this ordinance, and all amendments hereafter made thereto.

##### **Erection of posts or poles.**

§ 3. On streets where curb-stones are set all posts shall be erected in the sidewalk, within and adjoining the curb-stones, the posts shall be so erected as not to interfere with the gutters. No post shall be erected within five feet of any hydrant, nor so as to interfere with any water pipe, shade tree, drive-way or intersection of streets.

##### **Material for poles or posts.**

§ 4. All posts for telegraph, telephone and electric lines shall be straight, properly trimmed and painted, shall not be less than twenty-five feet in height from the ground, shall be of iron, cedar, pine or chestnut, and, if of wood, not less than six inches in diameter at the smaller end and ten inches in diameter at the ground. Such posts shall be properly set in the ground to the

depth of at least five feet. Wherever any wire shall cross any street or way it shall be at a height not less than twenty-five feet above such street or way, and, where practicable, cross at right angles. In cases where any such wire shall be connected with any building, it shall be attached to the top or fire-wall of such building.

#### **Wires.**

§ 5. All wires for the transmission of electricity for lighting and motive power shall at all times be so insulated as to resist abrasion and heat, and be impervious to water. When placed above the surface of the ground such wires shall be suspended upon posts, and, wherever in proximity to other wires, dead guard wire must be placed so as to prevent any possibility of contact with foreign wires. This rule must apply to both arc and incandescent wires. When any such wire shall be broken, or its insulation become imperfect, the electric current shall forthwith be discontinued and the wire not used until properly repaired and insulated.

#### **Securing wires.**

§ 6. Wires for the transmission of electricity for lighting and motive power shall be secured to insulating fastenings of glass, hard rubber or other approved insulating material. All tie-wires shall be insulated in the same manner as conducting wires. All joints in wires shall be securely made, and where possible soldered, and wrapped with insulating material that will resist heat and abrasion and be impervious to water. Continuous wires, without joints, shall be used as far as possible.

#### **Wires through walls to be encased, etc.**

§ 7. Wires for the transmission of electricity for lighting and motive power, passing through the exterior walls of buildings, shall be firmly encased in substantial tubes of non-conducting material not liable to absorb moisture, and so placed as to prevent water from entering the building along the wire. Outgoing and returning wires for arc lights shall enter and leave buildings at points one foot at least from each other; those for incandescent lights shall so enter and leave buildings at points one foot at least from each other. In running along outside walls, cornices and the like, all such wires shall be rigidly fastened by non-conducting fastenings; and where carried over or attached

to buildings, must be at least seven feet above the highest point of flat roofs, and one and a half feet above pitch roofs, and placed so as to avoid ladders of the Fire Department. They shall not be run over or attached to buildings other than those desiring light and power. In the interior of buildings all such wires shall be so placed as not to come in contact with iron pipes, posts, nor girders, nor in any way so as to form other circuits or ground connections. In passing through floors or partitions or walls, they shall be surrounded by an insulating tube of substantial material to protect them from injury by rats or mice. All inside wires must be so placed as to be easily and thoroughly inspected. Whenever such wires enter a building, a cut-out of simple form and construction shall be provided and properly attached as near as possible to such entrance.

#### **Frames of arc lamps.**

§ 8. The frame and exposed parts of all arc lamps shall be insulated from the circuit. All such lamps shall be provided with a separate hand switch and also with an automatic switch which will close the circuit whenever the carbons do not approach each other or the resistance becomes excessive. Arc lamps must be provided with some arrangement to prevent the lower carbon from falling out in case the clamp does not hold them securely. For inside use, the globes must rest in a tight stand, that no particles of melted copper or heated carbon can escape. Converters on alternating circuits must be outside of buildings and must be placed high enough from the roof to prevent possible injury to firemen.

#### **Incandescent lamps.**

§ 9. For incandescent lamps the conducting wire to each building and branch circuit shall be provided with an automatic switch or cut-out or its equivalent, capable of protecting the system from injury by an excessive current of electricity.

#### **Cutting wires at fires.**

§ 10. In case of fire, the Chief of Fire Department, or the assistant in command, shall have full power and authority to order and cause any electric wires to be cut or removed and electric currents discontinued until the fire is extinguished.

**Dead wires.**

§ 11. All dead wires where crossing public streets or ways shall be removed.

**Charts of wires.**

§ 12. Upon the completion of any circuit for the transmission of electricity for lighting and motive power, and before it is used, a chart showing the location of the wires and posts of such circuit shall be filed with the Chief of the Fire Department, and any change of such posts or wires shall be reported to him within twenty-four hours.

**Wires to be strung.**

§ 13. The provision of this ordinance shall apply to all wires now or hereafter strung or suspended in, through, or across any and all public streets, avenues, alleys, public places and squares in the city of Albany.

**Violation of ordinance.**

§ 14. Every person or corporation violating any or either of the provisions of this ordinance shall incur a penalty of twenty-five dollars for each and every such violation and a further and additional penalty of twenty-five dollars for each and every day he or it shall neglect after notice received from the Chief of the Fire Department to comply therewith.

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**CHAPTER 60.**

Of reports by city officers, boards or commissions.

*The City of Albany, in Common Council convened, ordains as follows :*

**Inventories to be made.**

Section 1. It shall be the duty of every city officer, board or commission having in his or its charge any city property, to report to the Common Council annually, at the close of the fiscal year, an inventory of the property so held, setting its actual and just value, a copy of which inventory shall also be filed by said city officer, board or commission, with the City Chamberlain.

## CHAPTER 61.

To provide for alarm bells and lamps on bicycles and to regulate the speed thereof.

*The City of Albany, in Common Council convened, ordains as follows:*

**Alarm bells.**

Section 1. All persons riding or propelling with the feet a bicycle, tricycle, velocipede or other vehicle of propulsion, on the public streets or avenues or in the parks of this city, shall attach to and carry on such vehicle an alarm bell, which said bell the said persons shall ring or sound on approaching and within thirty feet of the intersection of any street or avenue proposed to be crossed.

**Lamps.**

§ 2. All persons riding a bicycle, tricycle, velocipede or other vehicle of propulsion in or upon the roads and paths of Washington Park of this city after the street lamps are lighted and before they are extinguished, shall, while so riding, attach to and carry on said vehicle a lighted lantern, which shall be kept lighted while the person is riding said vehicle in or upon the roads and paths in said park as aforesaid.

**Rate of speed.**

§ 3. No person using a bicycle, tricycle, velocipede or other vehicle of propulsion on the public streets or avenues or parks of this city shall propel such vehicle at a rate of speed greater than eight miles an hour; and all such persons shall observe the law of the road.

**Riding abreast.**

§ 4. No greater number of persons than two abreast shall parade or ride in the streets or avenues or parks of this city at any time on such bicycles, tricycles, velocipedes or other vehicles of propulsion.

**Riding on footpaths or sidewalks.**

§ 5. No person shall ride any bicycle, tricycle, velocipede or other vehicle of propulsion on or over any footpath in any of the parks or on or over any of the sidewalks of any of the streets or avenues in this city, except it be to go into a yard, lot or

building. This section shall not apply to children under ten years of age.

**Penalty.**

§ 6. Any persons violating any of the provisions of this chapter shall be fined in an amount or sum not exceeding ten dollars.

**Repeal of former ordinances.**

§ 7. All laws and ordinances of the city of Albany heretofore in force respecting and regulating the use of bicycles, tricycles, velocipedes and other vehicles of propulsion are hereby repealed.



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