

(c) The collector of taxes of said separate school district of the village of Jamaica shall not be entitled to compensation or commission upon moneys not actually collected by him from the taxpayers. Collector, when not entitled to pay.

§ 3. This act shall take effect upon the first day of January, eighteen hundred and ninety-seven.

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## Chap. 747.

AN ACT to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers.

Accepted by the city.

BECAME a law May 20, 1896, 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:*

### TITLE I.

#### BOUNDARIES AND CIVIL DIVISIONS.

Section 1. All that district of the country in the town of Kingston, in the county of Ulster, comprised within the following boundaries, to wit: Beginning at a point in the middle of the Esopus creek, in the boundary line between the lands of William P. Brink and Rachel Cole; thence down the Esopus creek through the middle thereof, to a point intersected by the division line extended west between the lands of Christopher L. Kiersted and Cornelius M. Van Leuven, bounding on the south the road leading to the house of Christopher L. Kiersted, and runs thence south sixty-four degrees, thirty minutes, east one hundred and twelve chains and eighty links to the Flatbush road; thence easterly in a straight line to the most northerly corner of the base of the chimney of the lime mill erected by Elihu Brown, on the lands formerly of A. A. Denman; thence in a straight line at right angles with the channel of the Hudson river to the middle thereof, being the easterly bounds of the county of Ulster; thence southerly along said bounds to the bounds of the town of Esopus; thence up and along the said bounds of the town of Esopus, Boundaries of city.

Corporate  
name and  
powers.

through the middle of the channel of the Rondout creek as it now winds and turns, to a point directly opposite the easterly end of Lawrence's dock; thence northeasterly in a straight line to the middle of the Esopus creek at the place of beginning, shall be a city known as "the city of Kingston," and the citizens of this state, from time to time inhabitants within the aforesaid limits, shall be a body corporate and politic by the name of "the city of Kingston," and as such shall have the rights, powers and privileges conferred by the statutes of this state upon corporations, as well as those conferred by this act, which shall be known as the charter of said city.

§ 2. The said city shall be divided into nine wards, as follows:

#### FIRST WARD.

**First ward.** All that part of said city lying on the northerly side of the middle of Albany avenue and Saint James street, and east of the middle of Green street and Frog alley, shall be known as ward number one.

#### SECOND WARD.

**Second  
ward.**

All that part of said city bounded as follows: Beginning at the junction of Union avenue and Foxhall avenue; thence through the middle of Foxhall avenue to the middle of Prince street; thence in a straight line being a prolongation easterly of the middle line of Prince street to the middle of Clifton avenue; thence through the middle of Clifton avenue to its junction with Sherman street; thence through the middle of Sherman street and the Flatbush road to a point where the northerly bounds of the city cross the Flatbush road; thence along the northerly bounds of the city to the middle of Albany avenue; thence southwesterly through the middle of Albany avenue and Saint James street to the middle of Union avenue; thence through the middle of Union avenue to the place of beginning, shall be known as ward number two.

#### THIRD WARD.

**Third  
ward.**

All that part of said city bounded as follows: Beginning at a point in the middle of the channel of the Rondout creek, where a prolongation of the middle line of Prospect street would strike the same; thence along the said prolongation and the middle line of Prospect street to Mill street; thence continuing in the same



direction to the middle of Columbus Point avenue; thence northwesterly along the middle of said avenue to the Rondout and Oswego railroad; thence along the said railroad to a point where a prolongation of the middle line of the longest part of Hopkins street would strike the same; thence along said prolongation and the middle line of Hopkins street to the middle of Clifton avenue, Sherman street and the Flatbush road, being the easterly bounds of the second ward to the northerly bounds of the city; and thence along the northerly, easterly and southerly bounds of the city to the place of beginning, shall be ward number three.

#### FOURTH WARD.

All that part of said city bounded by the second and third <sup>Fourth</sup> wards, the middle of the channel of the Rondout creek and a line drawn from the middle of the channel of said creek to and along the middle of Hasbrouck avenue, Stuyvesant street and Union avenue, shall be ward number four.

#### FIFTH WARD.

All that part of the city bounded by the fourth ward, the <sup>Fifth</sup> middle of the channel of the Rondout creek, the middle line of Union avenue and Division street and a prolongation thereof to the middle of the channel of the Rondout creek, shall be ward number five.

#### SIXTH WARD.

All that part of said city bounded by the fourth and fifth wards, <sup>Sixth</sup> the middle of the channel of the Rondout creek and a line drawn from the junction of Union avenue and Foxhall avenue directly to the middle of Hone street, where it enters Holmes street; and thence along the middle of Hone street to the end thereof; and thence continuing in the same direction to the middle of the channel of the Rondout creek, shall be ward number six.

#### SEVENTH WARD.

All that part of said city bounded by the sixth ward, the <sup>Seventh</sup> middle of the channel of the Rondout creek, and a line drawn from a point in the middle of said channel opposite to the most westerly corner of the Knickerbocker ice-house, directly to the most easterly corner of the Wiltwyck cemetery; and thence directly to the junction of Union avenue and Foxhall avenue, shall be ward number seven.

## EIGHTH WARD.

Eighth  
ward.

All that part of said city lying west of the line described as follows: Beginning in the middle of the channel of the Rondout creek opposite the most westerly corner of the Knickerbocker ice-house in the bounds of the seventh ward; thence along the bounds of the seventh ward in a straight line to the most easterly corner of Wiltwyck cemetery; thence along the line of said cemetery to the most southerly corner thereof; thence in a straight line to Wall street, where it intersects the old Wilbur road at the crossing of the Walkill Valley railway; thence through the middle of Wall street to Saint James street; thence through the middle of Saint James street to Green street, and thence through the middle of Green street and Frog alley to the Esopus creek, shall be ward number eight.

## NINTH WARD.

Ninth  
ward.

All that part of said city bounded as follows: Beginning at the most southerly corner of Wiltwyck cemetery, and running thence along the eighth ward to Wall street, and through Wall street to Saint James street; and thence through the middle of Saint James street along the first ward to Union avenue; thence through the middle of Union avenue to the junction of Foxhall avenue; thence in a straight line to the easterly corner of Wiltwyck cemetery; and thence along the southerly bounds of said cemetery to the place of beginning, shall be ward number nine.

## TITLE II.

## ELECTIONS.

- Section** 3. General elections.  
 4. Qualification of electors.  
 5. Election returns.  
 6. Canvassing returns.  
 7. Notice of election.  
 8. Organization of common council.  
 9. Special elections.  
 10. Election districts.  
 11. First election; expiration of terms.

General  
city elec-  
tion.

**Section 3.** A general city election shall be held on the first Tuesday succeeding the first Monday of November in each year,



at places designated by the common council, by publishing the same in the official newspapers of said city, and by posting printed notices thereof in at least two public places in each election district, at least two weeks before the time of holding such election.

§ 4. Every elector qualified to vote in the election district in which he resides shall be entitled to vote in such district, and not elsewhere, for all city officers to be chosen at any election and for all officers of the ward, in which such election district is, to be chosen at any election. Qualifica-  
tion of  
electors.

§ 5. When the polls are finally closed the inspectors of election shall forthwith, without adjourning, canvass the votes received by them and make, file and deliver the statements thereof as provided by law, and also make, file and deliver to the city clerk of said city a canvass of the votes on all city officers, to which shall be attached any defective ballots which affect alone the election of an officer under the city government. Election  
returns.

§ 6. On the Monday next following the election of city officers in each year, the common council then in office shall convene, at ten o'clock in the forenoon, at the common council chamber in the city hall, and the statements of the votes filed with the city clerk shall be produced by him and delivered to the common council. The common council shall then forthwith canvass the votes and determine, declare and certify who were duly elected at such election, to the various offices hereinbefore named, which certificate shall be filed with the city clerk. Canvass of  
returns.

§ 7. Immediately upon the filing with him of the certificate of election specified in the last section, the city clerk shall notify in writing, every person so certified to have been elected, of his election.

§ 8. All city officers elected under this act shall enter upon their respective offices the first day of January following the election, at noon of said day. And the common council, comprising the aldermen-elect and those whose terms of office shall not have expired shall then organize and elect a presiding officer. If January first fall on Sunday then such organization shall be effected the following Monday at noon. Organiza-  
tion of  
council.

§ 9. Special elections may be ordered by the common council in said city or in any district, department or ward thereof for the purpose of submitting to the taxpayers of said city or of such district, department or ward thereof any proposition to construct Special  
elections.



and maintain water-works, sewers or electric-light plant or any other matter affecting the government of the city or to determine any bond or other proposition. At least ten days' notice of the time, places and purposes of said special election shall be given at the time of ordering any special election. The common council shall appoint a day or days for registration and publish notice thereof with a notice of said special election. The inspectors of election in office shall be authorized to act at such special elections and shall prepare and use a register of voters for such special election in the same manner as required by law for an annual city election, except that the same shall include the names of only such taxpayers appearing upon the assessment-roll of that year and such register shall be completed on the final day of registration appointed by the common council.

Election districts.

§ 10. The said wards and such subdivisions thereof as are required by the general election law, shall constitute the election districts for all general and city elections held in said city. The provisions of law in respect to elections in this state shall apply to and regulate the nominations and election of officers under this act and all elections held hereunder.

First election and expiration of terms.

§ 11. At the first general election to be held under this act, there shall be elected a recorder, judge of the city court, and one alderman from each ward. The mayor is hereby continued in office until January first, eighteen hundred and ninety-eight, at noon, and the recorder and assessors until January first, eighteen hundred and ninety-seven, at noon, when their respective terms of office shall cease and determine. The aldermen elected November sixth, eighteen hundred and ninety-four, are hereby continued in office until January first, eighteen hundred and ninety-seven, at noon. The aldermen elected November fifth, eighteen hundred and ninety-five, are hereby continued in office until January first, eighteen hundred and ninety-eight, at noon. The supervisors of said city are continued in office until December thirty-first, eighteen hundred and ninety-seven, at noon. Successors to the mayor, recorder, city judge, supervisors and aldermen shall be elected at the general election preceding the expiration of their several terms. The water commissioners, police and excise commissioners, clerk, corporation counsel, superintendent of streets, city treasurer, city engineer, chief engineer of the fire department and assistants and sealer of weights and measures, are hereby



continued in office for the terms for which they were severally appointed. The offices of constable, police constable and justice of the peace of said city shall cease, determine and be abolished December thirty-first, eighteen hundred and ninety-six. The board of police commissioners are hereby required and it shall be the duty of said board to appoint the constables whose terms of office shall so expire policemen and make said constables members of the police force of said city.

### TITLE III.

#### OFFICERS.

##### Section 12. Elective officers.

13. Terms of elective officers.
14. Appointive officers.
15. Appointment and terms.
16. Alms, police and water commissioners.
17. Excise commissioners and other city boards.
18. Vacancies.
19. Qualifications of officers.
20. Resignations.

Section 12. The elective officers of the city shall be a mayor, recorder and judge of the city court, to be elected at large and two supervisors to be elected from each department and two aldermen to be elected from each ward. For the election of supervisors the first, second and third wards shall constitute the first department; the fourth, fifth and sixth wards the second department, and the seventh, eighth and ninth wards the third department.

§ 13. The terms of office of said officers shall be as follows: Mayor, two years; recorder and judge of the city court, three years; aldermen and supervisors, two years.

§ 14. The appointive officers of said city shall be a clerk, corporation counsel, city treasurer, city engineer, superintendent of streets, sewers and city property, an assessor, four police commissioners, five water commissioners, one commissioner of alms from each ward, a chief engineer of the fire department, the number of policemen now in office, a collector of unpaid taxes and assessments, a poundmaster, a sealer of weights and measures,

janitor of the city hall, such excise commissioners, members of the board of health and of the examining and supervising board of plumbers and plumbing and such inspectors of election as may be provided by law.

Appoint-  
ment and  
terms.

§ 15. The clerk, corporation counsel, city treasurer, city engineer, superintendent of streets, sewers and city property; the assessor, chief engineer of the fire department, collector of unpaid taxes and assessments, sealer of weights and measures, janitor of the city hall and poundmaster shall be appointed by the mayor. Those first appointed shall hold office until January first, eighteen hundred and ninety-eight, at noon, or until their successors are appointed and have qualified. Appointment of such officers made thereafter shall be for the term for which the mayor making such appointment was elected.

Alms-  
house,  
police, and  
water com-  
missioners.

§ 16. Successors to the commissioners of the alms-house and to the police and water commissioners now in force shall be appointed by the mayor as their terms severally expire or as vacancies occur by death, resignation or removal. Appointment at the expiration of a term shall be for the full term hereinafter provided.

Excise com-  
missioners  
and city  
boards.

§ 17. The excise commissioners, members of the board of health, health officer, members of the examining and supervising board of plumbers and plumbing, inspectors of election and such other appointive officers as may be authorized by general laws shall be appointed in pursuance of such general laws, which shall regulate all appointments to such offices, except that excise commissioners and members of the board of health shall be freeholders.

Vacancies.

§ 18. If a vacancy happens in any city office, except those named in the preceding section, it shall be filled as follows: In elective offices, except that of mayor, and in appointive offices, by appointment for the residue of the term by the mayor. In the office of mayor, by appointment for the residue of the term by the common council.

Qualifica-  
tion of  
officers.

§ 19. A person shall not be elected or appointed to any city office unless he be a resident elector of said city, nor to any ward or district office unless he be a resident elector of the ward or district for which he is elected or appointed, and whenever any officer of said city ceases to be a resident of said city, or the ward or district for which he is elected or appointed, his office shall thereby become vacant. The mayor, aldermen and assessor, alms,



excise, police and water commissioners shall be freeholders of said city, and the appointment of a person not a free holder shall be null and void.

§ 20. The resignation of any officer elected or appointed under this act, except mayor, shall be presented to the mayor in writing, and shall be effective when accepted by him and filed with the city clerk. The resignation of the mayor shall be in writing and delivered to the common council, and shall be effective when accepted by the common council.

#### TITLE IV.

#### GENERAL POWERS AND DUTIES OF OFFICERS.

##### Section 21. Official oaths.

22. Official bonds.

23. Treasurer's bond.

24. Other bonds.

25. Restrictions, books and papers.

26. The mayor.

27. Veto and other powers.

28. Messages from mayor.

29. Acting mayor.

30. Aldermen.

31. Supervisors.

32. Assessors.

33. As to special assessments.

34. Acting assessor.

35. City clerk.

36. Treasurer.

37. Corporation counsel.

38. City engineer.

39. Superintendent of streets.

40. Collector of unpaid taxes.

41. Chief of fire department.

42. Sealer.

43. Poundmaster.

44. Examining and supervising board of plumbers and plumbing.

45. Boards of health.

Official  
oath.

Section 21. Each officer of the city shall, before he enters upon the duties of his office, take and file his official oath, in accordance with article thirteen of the constitution, and section ten of the public officers law, and for omission so to do he shall be subject to the liability and penalties prescribed by section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers law. Each mayor, clerk, recorder and judge of the city court shall forthwith upon his election or appointment, file a certificate by the city clerk of his election or appointment with, and also take and subscribe the constitutional oath of office before the clerk of the county of Ulster.

Official  
bonds.

§ 22. Each recorder, judge of the city court, city clerk, corporation counsel, city engineer, superintendent of streets, sewers and city property shall, before he enters upon the duties of his office execute and file an official bond in the sum of two thousand dollars. Each collector of unpaid taxes and assessments shall in like manner execute and file a bond in the sum of ten thousand dollars.

Treasurer's  
bond.

§ 23. Each city treasurer shall in like manner execute and file an official bond in such sum as the common council may require, but not less than fifty thousand dollars. The bond, when approved by the mayor, shall, together with such approval, be filed and recorded in the clerk's office of the county of Ulster in the same manner as official bonds of town collectors. Such bond shall be a lien on the real property of such treasurer and of the sureties therein named in the county of Ulster, until the conditions of such bond, together with all costs and charges which accrue upon the prosecution thereof, are fully satisfied, whereupon the common council may, by resolution, declare that such bond is satisfied, and a copy of such resolution, duly certified by the city clerk, may be filed and recorded in the office of said county clerk, and shall operate to discharge the same, and the lien thereof from record. The common council may, by resolution to be approved by the mayor, for cause shown, require the treasurer to file a new bond which shall be executed, approved, filed, recorded and discharged in like manner; and in case he fails to comply with the resolution within ten days after receiving written notice thereof, the common council may, with the approval of the mayor, declare his office vacant.

Board of  
city officers.

§ 24. In addition to the officers specifically required by this act to furnish bonds, the common council may require any person employed by it, or by the mayor, to furnish a bond in such an amount



as the common council may require, conditioned for the faithful performance of his duty. The common council may, whenever it deems proper, require further or additional security of any officer or person after the giving of the bond first required. Bonds required by this act shall be in accordance with section sixteen of the statutory construction law and sections eleven, twelve and thirteen of the public officers law, except as herein otherwise provided. Omissions to comply with the provisions of the three preceding sections shall subject the offender to the penalties and liabilities prescribed by section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers law. The city of Kingston may sue for the recovery of any breach of any bond provided for by this act.

§ 25. No officer of said city or any other person shall make any purchase in behalf of or on the credit of the city, or contract any debts or liabilities against the city, unless authorized so to do by or in pursuance of law; and no account, claim or demand, of any kind shall be audited, allowed or paid unless so authorized by or in pursuance of law; such officer shall be liable to a fine of one hundred dollars, to be recovered by the city in a civil action, and shall be guilty of a misdemeanor. If any officer of the city authorized to make any contract in his official capacity, or to take part in making any such contract, becomes voluntarily interested in such contract, he shall be liable to the penalty prescribed by section four hundred and seventy-three of the penal code. If any person being an officer of said city, whose term of office has expired, shall not, within five days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to said city, or appertaining to such office, he shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action, together with all damages caused by his neglect or refusal, and his successor in office, with the assent of the common council, may make application to the county judge of the county of Ulster, or a justice of the supreme court, for an order to show cause why such officer should not be required to turn over such books, papers and effects, and if required so to do, on such application, such delinquent officer shall be charged with the costs and expenses of such proceeding, to be fixed and determined by the judge and collected in the same manner as in an action.



## OF THE MAYOR.

Mayor,  
power and  
duties of.

§ 26. The mayor of the city shall be the chief executive officer thereof. He shall appoint the appointive officers hereinbefore specified; maintain the peace, good order and prosperity of the city; take care that within said city the laws of the state and the ordinances of the common council and the board of health are enforced; take such action as is authorized by chapter three and four of title two, part two, of the code of criminal procedure and section one hundred and sixty-two of the military code whenever necessary for the prevention or suppression of public disturbances, mobs or riots; exercise a constant supervision over the conduct of all subordinate officers; receive and examine into all complaints against such officers for misconduct or neglect of duty and suspend them and prefer charges against officers so offending to the common council.

Veto  
and other  
powers.

§ 27. All bills, orders, resolutions or ordinances which pass the common council, for the expenditure of money or of a legislative character shall be presented to him for approval or disapproval; if he approves he shall endorse his approval thereupon in writing and sign such approval. If he disapproves he shall return such transcript to the common council or clerk thereof, with his objections in writing, which shall be filed by the clerk, and the common council shall, at its next regular meeting thereafter, proceed to reconsider the ordinance, resolution, orders or acts thus disapproved, and if the same shall be passed by two-thirds of the members of the common council then in office, the same shall have full force and effect notwithstanding the objections of the mayor. If any such transcript is not returned by the mayor to the common council, or clerk, within five days after it has been presented to him (Sundays excepted), such ordinance, resolution, order or act shall have full force and effect in like manner as if duly approved by the mayor, unless the term of office of mayor expire within five days after such transcript has been presented to him, in which case such ordinance, resolution, order or act shall have no force. He shall sign all appointments to office and all warrants or orders made by the common council for the payments of moneys by the city treasurer. He may enter or cause the members of the police force to enter any house or building which he has reason to believe to be a gambling



house, or to be inhabited by persons of ill-fame or to which persons of dissolute, idle or disorderly character resort, and disperse them and cause such persons to be arrested and held until they can be dealt with according to law.

§ 28. The mayor shall communicate with the common council at the time of assuming the duties of his office and at such other times as he deems expedient, a general statement of the affairs of the city, in relation to its finances, government and improvement with such recommendations as he deems proper and he may at any time examine the books, vouchers and papers of any board, department, commission, officer or employe of the city in so far as they relate to city matters, and summon and examine under oath any person or persons in relation thereto.

Messages  
from  
mayor.

§ 29. In case of his absence from the city or his inability to perform the duties of his office, the president of the common council shall execute the duties of the mayor and shall be styled acting mayor; and in the absence or inability to act of both the mayor and president of the common council, the common council shall temporarily appoint one of their number to perform the duties of mayor.

Acting  
mayor.

#### OF THE ALDERMEN.

§ 30. Each alderman of said city shall attend the regular and special meetings of the common council; act upon committees when thereunto appointed; arrest or cause to be arrested all persons violating the laws of the state or the ordinances, by-laws or police regulations of the city; report to the mayor all subordinate officers who are guilty of official misconduct or neglect of duty; aid in maintaining peace and good order in the city and perform or assist in performing all duties enjoined upon the aldermen of said city separately or upon the common council thereof. The aldermen of each ward shall be fence viewers and possess all the powers and authority in respect to division fences or walls in their respective wards which are given by law to town fence viewers with respect to division fences.

Aldermen,  
powers and  
duties of.

#### OF THE SUPERVISORS.

§ 31. The supervisors of said city shall have the same powers and duties as supervisors of any town in the county of Ulster except as otherwise provided by this act, and shall be members of the board of supervisors of the county of Ulster. The super-

Supervisor,  
powers and  
duties of.



visors shall receive the same compensation allowed by law, in the same manner as supervisors of towns. Each of the wards of said city shall be considered a town for the purposes specified in title three, chapter ten, article second, of the code of civil procedure, respecting the selection, drawing and procuring of jurors, and the supervisors and city clerk of said city shall perform the duties enjoined upon the supervisors, town clerk and assessors of towns as prescribed by said article, and a duplicate list of jurors selected by them shall be filed in the office of the clerk of said city.

#### OF THE ASSESSOR.

Assessor,  
powers and  
duties of.

§ 32. The assessor shall possess the powers and perform the duties of assessor of towns of this state in reference to the assessment of property within the city, except as otherwise herein provided. He shall assess all real and personal property liable to taxation lying within the corporate limits of the city and shall make a separate assessment-roll for each ward, which shall be completed on or before August first in each year. The assessor shall make, review and correct assessment-rolls in the same manner as assessors of towns except as herein otherwise provided. Notice for review and correction of assessments shall be given as provided by law for assessors of towns, and shall be also published in the public newspapers designated by the common council for the publication of official notices and shall designate the office of assessor as the place where the review of the assessment shall be had and the roll may be examined. The assessor may, before or on such review, substitute the words "unknown owner" for the name of the owner of any property assessed by him when the name of the owner is not ascertainable. For the valid assessment of any land it shall be sufficient to give the name of the owner, when known, the lot or street number, if any, and the assessed value. Error in the name of the owner shall not invalidate the assessment. When reviewing and correcting the assessment-roll, the assessor may insert therein any property liable to taxation, and the assessment thereof which may have been omitted, on giving personal notice to the owner in writing of not less than five days, to attend at the time and place therein stated and show cause why any specified correction should not be made. The completed assessment-roll, with all the papers required by law, shall be delivered to the city clerk on or before the third



Tuesday of September in each year. At the time of such delivery the assessor shall give notice, by posting in three public places in the city and publishing the same in the newspapers designated for the publication of official notices, that the assessment-roll has been finally completed and delivered to the city clerk, there to remain fifteen days for public inspection.

§ 33. The assessor shall, within sixty days after any special tax or assessment is legally directed to be levied or assessed, prepare and deliver to the common council and file with the city clerk a tax-roll and assessment of such proposed tax upon the taxable inhabitants and property of said city or any part thereof, and a duplicate, which shall be deemed an original, to one of which shall be attached the warrants for the collection of such tax and to the other a copy of said warrant and the treasurer's receipt therefor. The assessor shall have an office at such place as the common council designates, which shall be kept open each day in the year, except Sundays and legal holidays, and when making assessments from nine o'clock in the morning until four o'clock in the afternoon, and shall receive a salary of twelve hundred dollars per annum, payable monthly. He shall have power to appoint a clerk, who shall receive a salary of five hundred dollars per annum, to be paid monthly.

Special  
assess-  
ments.

Office and  
business  
hours.

Clerk.

§ 34. If, for any reason, the assessor become disqualified, the mayor may fill the office temporarily by appointment of a disinterested freeholder, who shall act as assessor, until the disability is removed.

Acting  
assessor.

#### OF THE CITY CLERK.

§ 35. The city clerk shall correct all clerical errors in the description or valuation of property under the direction of the common council, and make a correct and exact copy of the assessment roll so made as aforesaid, certify the same to be correct and deliver the said copy to one of the supervisors of said city, on or before the first day of November, in each year, to be by him presented to the board of supervisors as and for the tax-roll of said city. The clerk of said city shall have the custody of the records, books and papers of the said city; he shall attend all meetings of and act as the clerk of the common council; and he shall record in the manner prescribed by the said common council their ordinances, rules, regulations, by-laws, resolutions and proceedings, and the proceedings of all elections and meetings

City clerk,  
duties of



Books and  
papers in  
office.

of the inhabitants of said city. The books and papers in the office of said clerk, shall, at all times, be produced for inspection to any taxable inhabitant of said city, and upon like demand and tender of fees at the rate of ten cents per folio he shall furnish copy of any papers or records filed with him as said clerk. Copies of papers duly filed in his office and transcripts from the records of said city, certified by him under the corporate seal, shall be evidence in all courts, and in all actions and proceedings, in like manner as if the original were produced. His office is hereby declared a town clerk's office for the purpose of depositing and filing therein all books and papers required by law to be filed in the town clerk's office, and he shall possess all the powers and discharge all the duties of the clerk, except so far as the same shall

Accounts  
and pay-  
ment over  
of moneys.

be inconsistent with other provisions of this act. He shall keep an accurate account of all moneys received by him belonging to the city, and shall, within ten days after the receipt of any money by him pay the same over to the treasurer of said city, for which he shall take a receipt from such treasurer, and file the same in his office, and have all such receipts, at all times ready for examination by the common council or any member thereof. He shall also keep an accurate account of all expenditures by said city, which account shall be kept in such manner as the common council shall direct. All money shall be drawn from the treasury in

Warrants  
upon  
treasury.

pursuance of the order of the common council by a warrant upon the city treasurer, signed by the mayor, or in case of his absence or inability to act by the presiding officer of the common council, and countersigned by the clerk; such warrant shall specify for what purpose the amount therein paid, and to what fund chargeable, and the clerk shall keep an accurate account of all warrants drawn on the treasurer, in a book to be provided for that purpose, specifying the number of each warrant, the purpose for which issued and the number of the voucher and date of the resolution upon which it is issued. The city clerk shall receive for

Salary.

services a salary in the sum of one thousand dollars, to be paid monthly.

#### OF THE TREASURER.

Treasurer,  
his duties.

§ 36. The city treasurer shall be the chief fiscal officer of the city and shall perform such duties incident to his office as the common council requires. He shall keep an office at such place as the common council designates, which shall be kept open each day of



the year except Sundays and legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon, and at such other hours as the common council from time to time direct. He shall receive all moneys directed to be paid to said city and pay out the same. He shall enter daily in suitable books, all sums of money received by him for taxes or otherwise, with the name of the person or corporation on whose account the same is paid and the ward for which such tax was received. He shall also enter in a column in the assessment-rolls, in his possession, opposite the names of the persons or corporations paying their taxes or assessments, the fact of payment and the amount and date when paid. He shall also keep a record of all persons, and their respective addresses, who pay taxes for nonresidents of said city, and the addresses of such nonresidents, so far as he can ascertain the same. He shall keep separate accounts of the different funds of the city and credit to the general fund account; the police, the alms commissioners, the water fund, and the salary accounts, the amounts raised and collected for each of said accounts. He shall separate and credit to the proper account the amount raised by each special tax and assessment, and keep such other subdivisions of accounts and funds as the common council directs. Except as herein modified, he shall have the powers and perform the duties of collectors of towns and shall also have such other powers and perform such other duties as are required by the provisions of this act. He shall, each month, present to the common council a statement of the financial condition of the treasury, and on December first in each year present a full and true account, duly verified, of all receipts and disbursements, all balances to the credit of each fund and all other facts necessary to show the condition of the treasury since his last annual report. No money shall be drawn or paid out of the treasury, except in pursuance of an order appropriating the same and upon warrants signed by the mayor or acting mayor, and countersigned by the clerk, except as herein otherwise provided. All warrants shall specify for what purpose the amount therein stated is to be paid and to what fund chargeable. Bonds and interest coupons as they become due may be paid without warrants. All taxes and assessments shall be payable at the treasurer's office and all warrants, tax and assessment-rolls delivered to him for collection and all books, documents and vouchers and papers relating to

Financial  
statements.

Warrants  
upon  
treasury.

Taxes  
and assess-  
ments.



Salary.

said office shall be filed there. All fees, percentages or interest money received by the treasurer shall be paid by him into the treasury of the city. He shall receive a salary of one thousand dollars per annum to be paid monthly, in full for all services under this act.

#### OF THE CORPORATION COUNSEL

Corporation  
counsel.

37. The corporation counsel of said city shall be an attorney and counselor of the supreme court and shall be the legal adviser of the mayor, common council, city officers and all city boards and departments. He shall prosecute and defend all actions and proceeding brought by or against said city or any of its boards or departments (except as the common council otherwise direct) and shall render such other professional services connected with the affairs of said city as are required of him by the common council, or by the provisions of this act. He shall receive an annual salary of fifteen hundred dollars, exclusive of legal disbursements, for such service. In actions or proceedings, brought or defended by him in any court, wherein costs are adjudged in favor of the city or of any board or department thereof, he shall be entitled to have and receive the same when collected. Upon taking office the corporation counsel shall be deemed substituted, as attorney of record in all actions or proceedings in which the city or any of its boards or departments is a party and it shall not be necessary to enter any order to that effect.

#### OF THE CITY ENGINEER.

City  
engineer.

§ 38. The city engineer shall make all surveys, measurements, maps, profiles, diagrams and plans required by the common council or any of the city boards or departments or by any city officer in the prosecution or performance of his duty. He shall superintend the construction and repair of bridges, culverts, sewers, public parks and the grading and paving of streets and other ways. He shall make all surveys, measurements, maps, profiles, diagrams and plans necessary and proper for the taking of any land by the right of eminent domain or for the widening, altering, changing or improving of any street, avenue, lot or park in said city whenever necessary. He shall make measurements and approximate estimates for all work to be done and materials to be furnished when required by the common council. All surveys,



maps and field notes made under the provisions of this act, or by direction of the common council, shall be the property of the city and be filed in the office of the city engineer. He shall also perform such other duties in relation to his office as the common council may require and may appoint such assistants as the common council authorizes. He shall receive a salary of twelve hundred dollars per annum, payable monthly.

#### OF THE SUPERINTENDENT OF STREETS, SEWERS AND CITY PROPERTY.

§ 39. The superintendent of streets, sewers and city property <sup>Superintendent of streets, etc.</sup> under and subject to the control of the common council, shall act as overseer of highways and take general supervision of the making and repair thereof, and of all other work in and upon the streets, alleys, walks, buildings, bridges, structures, grounds and property of said city, except as otherwise directed by the common council or this act. He shall perform such other duties as the common council require by ordinance or otherwise. He may, under the supervision and direction of the common council, purchase or provide at the expense of the city all necessary implements and utensils. He shall have full power to hire, employ and discharge laborers and direct them as to the time and manner of the execution of their work. He shall report to the common council, monthly, under oath, the names of all persons employed under his supervision, the compensation to be paid to each, the names of all parties from whom materials have been purchased, with the nature and quantity of said materials and the prices paid or to be paid therefor. The common council may limit, regulate or restrain him in the performance of his duties and fix his compensation, which shall not be less than one thousand dollars per annum, payable monthly.

#### OF THE COLLECTOR OF UNPAID TAXES AND ASSESSMENTS.

• § 40. The collector of unpaid taxes and assessments shall receive and execute all warrants delivered to him by the city treasurer for the collection of unpaid taxes and assessments, and make returns thereof as directed by said warrants. He may levy the amount of such taxes with the interest and fees thereon by distress and sale of the goods and chattels of the person or cor- <sup>Collector of unpaid taxes.</sup>

poration upon whose real or personal property the said taxes or assessments were apportioned, or on any goods or chattels in his or its possession, wherever the same may be found in the city of Kingston or county of Ulster, and shall return such warrant within twenty days from the date thereof, unless such warrant be extended by the treasurer with the approval of the common council. The collector shall give public notice of the time and place of all sales made by him, and of the property to be sold at least six days previous to the sale, by advertisements to be posted in at least three public places in the town or city where such sale is to be made. The sale shall be by public auction. If the property distrained be sold for more than the amount of the tax, the surplus shall be returned to the person in whose possession such property was when the distress was made, if no claim be made to such surplus by any other person. If any other person claim such surplus, on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner, but if such claim be contested by the person for whose tax the property was distrained, the surplus shall be paid over by the collector to the city treasurer, who shall retain the same until the rights of the parties are determined by due course of law. The collector shall be entitled to the fees allowed by law to constables of towns on sales under execution.

#### OF THE CHIEF ENGINEER OF THE FIRE DEPARTMENT AND ASSISTANT ENGINEERS.

Chief and  
assistant  
engineer  
of fire de-  
partment.

§ 41. The chief engineer of the fire department, subject to the direction of the mayor and common council, shall have the general control and management of all officers, men, property, measures, and acts for the prevention or extinguishment of fires within the limits of said city, and may call upon the chief of police or any member of the police force to assist in the protection of property, the promotion of order and the enforcement of all rules governing the department. He shall make and keep an accurate inventory of all the property of the department and keep the same in proper order. He shall annually, in the month of December, and oftener if required by the common council, make a report in writing to said common council showing the actual condition of the property under his charge, a list of fires, alarms,



losses and insurance on all property destroyed since the last report, a particular statement of the cause of such fires so far as known, and such other information as may be deemed important to the public interests. He shall be present at fires in said city and take command of the several companies belonging to the department, and the control of all apparatus for the extinguishment of fires. He may suspend any officer or member of the fire department, while on duty at fires or otherwise, for disobedience of orders, incapacity, intoxication, disorderly conduct, insubordination or neglect of duty; but in case of the suspension of any officer or member of the department, he shall report the facts in writing to the mayor forthwith, who shall lay the same before the common council at its next regular meeting; and the common council shall, at such meeting, or at such other time as it may appoint, proceed to hear and determine the matter, and shall either restore such officer or member, or remove, censure, reprimand or punish him as hereinafter provided. He shall perform such other duties as the common council prescribe by ordinance, by-law, rule or regulation. He shall appoint four assistant engineers and two hose janitors by an appointment in writing to be filed with the city clerk, for the term of his own appointment, and in case of vacancy appoint their successors in like manner for the unexpired term. The first, second, third and fourth assistant engineers, in case of the absence or inability to act of their superior officers shall, in the order named, have the power and authority of the chief engineer. The chief engineer shall have no authority to enter into contracts on behalf of the city unless by authority of the common council or in an emergency caused by fire. The salary of the chief engineer shall be the sum of three hundred ~~Salaries~~ dollars per annum; the salary of the first assistant, one hundred dollars per annum, and the salary of the second, third and fourth assistant, seventy-five dollars each per annum, payable monthly. The salaries of the hose janitors shall be fixed by the common council and paid monthly.

#### OF THE SEALER OF WEIGHTS AND MEASURES.

§ 42. The sealer of weights and measures shall be a practical mechanic; he shall receive an annual salary to be fixed by the common council, not exceeding the sum of one hundred dollars per annum. The city shall provide him with standard weights

and measures, which standards shall be the property of the city and shall be delivered by him at the expiration of his term of office to his successor. The sealer of weights and measures shall test all scales, weights and measures in the city, as directed by ordinance, and investigate all complaints or violations of the ordinances of the city relating to weights and measures, and whenever directed by the common council, report to the corporation counsel all such violations, and the corporation counsel shall thereupon bring an action to enforce the fine, penalty or forfeiture prescribed for such violation. The fees to be paid to said sealer for testing scales, weights and measures shall be such as sealers thereof in towns are entitled to charge and receive, and as fixed by the general laws of the state, and where no such fee is prescribed such sealer may charge and receive such fee as the common council by ordinance prescribes. Said sealer shall not receive for any number of examinations, during one year, a greater fee than is fixed for one examination. All fees received by said sealer shall be paid by him to the city treasurer within ten days after the receipt thereof by him.

#### OF THE POUNDMASTER.

Poundmaster.

§ 43. The poundmaster shall be the custodian of the city pound, which the common council is hereby authorized to provide and locate. He shall have the powers and perform the duties conferred by law upon town poundmasters, together with such other lawful duties and powers as the common council prescribes.

#### OF THE EXAMINING AND SUPERVISING BOARD OF PLUMBERS AND PLUMBING.

Examining board of plumbers and plumbing.

§ 44. There shall be and be organized under and pursuant to the provisions of chapter six hundred and two of the laws of eighteen hundred and ninety-two, and the acts amendatory thereof and supplemental thereto, an "Examining and supervising board of plumbers and plumbing," which shall have the powers and perform the duties prescribed by the provisions of said act.

#### OF THE BOARD OF HEALTH.

Board of health.

§ 45. The board of health shall be organized under and pursuant to the provisions of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, and the acts amendatory thereof and supplemental thereto.



tory thereof and supplemental thereto. Said board shall possess the powers and be subject to the duties prescribed by the provisions of said act and the general laws of the state applicable to cities of the third class. The members of said board shall be freeholders of said city.

## TITLE V.

### OF THE RECORDER, CRIMES AND DISORDERLY CONDUCT WITHIN THE CITY AND PUNISHMENT THEREOF.

#### Section 46. General powers and duty.

47. Executing process and warrants.
48. Qualifications and salary.
49. Account to be kept.
50. Disposition of fines and penalties.
51. Disorderly persons.
52. Duty of police officers.
53. Acting recorder.

Section 46. The recorder shall possess all the jurisdiction, <sup>Jurisdiction and powers.</sup> power and authority in all criminal proceedings, vested in justices of the peace of towns, together with such other powers and duties as are conferred upon him by this act, and shall be subject to the same requirements and duties in such proceedings. He may hold a court of special sessions and shall have the power and jurisdiction conferred upon courts of special sessions by section fifty-six of the code of criminal procedure. He may hear, try and determine all cases arising under the charter, by-laws or ordinances of said city summarily and without the intervention of a jury; and all judgments of convictions rendered by him shall be enforced in the same manner as courts of special sessions in criminal cases.

§ 47. All processes, warrants and mandates issued by the recorder shall be executed by the city policemen, and the same <sup>Execution of process etc.</sup> may be served in any county of this state without being indorsed by any other magistrate.

§ 48. The recorder shall be an attorney and counselor of the <sup>Qualifications and salary.</sup> supreme court, and shall receive a salary of one thousand dollars per annum, to be paid monthly, and he shall not receive or collect

any compensation of said city beyond his salary; but the common council may withhold any payment until it is satisfied by affidavit or otherwise that the account and report herein provided for have been filed.

**Accounts  
to be kept.**

§ 49. He shall keep an account of the business done by him as such recorder, which is a proper legal charge against the county of Ulster, and make out a bill for the same in favor of said city, which he shall verify in the same manner as other bills and accounts against said county are verified, which he shall deliver to the board of supervisors of the county of Ulster at the annual session thereof. The said board of supervisors shall proceed to audit such account in the same manner as other county accounts are audited and make the amount audited payable to the treasurer of said city, who shall place the same to the credit of the general fund.

**Disposition  
of fines and  
penalties.**

§ 50. Said recorder may receive all fines and penalties imposed by him, and on or before the first day of each month he shall pay the same to the treasurer of said city, who shall place the same to the credit of the general fund. Said recorder shall keep an accurate account of said fines and penalties and make a verified report thereof to the common council and file the same with the city clerk, to the effect that the said report is just and true, and that it contains a full and true statement of all fines and penalties received by him and not previously reported. He shall keep a faithful record of the proceedings had before him pertaining to the office of recorder, which record shall always be open to public inspection, and shall keep and file all bonds, papers and documents pertaining to said office.

**Disorderly  
persons.**

§ 51. In addition to the persons described in section eight hundred and ninety-nine of the code of criminal procedure, the following persons within the city of Kingston, shall be deemed disorderly persons, and may be proceeded against as such under the provisions of the code of criminal procedure, and punished according to the provisions of this act: All idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering about and begging, or who go about from door to door, or place themselves in the streets, highways, passages or public places, without the written permission of the mayor of the city, to beg and receive alms; all persons who have no visible occupation, profession or business



to maintain themselves by, but who for the most part support themselves by gaming or crime, or by the avails of prostitution; all common prostitutes; all persons found quarreling within said city in any public park, street, lane or alley, or in any public place, any person who shall, within said city, make indecent gestures or exhibitions of himself or herself in public view, or shall, in any public place aforesaid publicly use indecent, foul or profane words or opprobrious or provoking language or outcries, tending to breaches of the peace, or utter threats of unlawful violence, or shall make an unusual noise or disturbance of the public peace or quiet, or shall recklessly and without necessity discharge and fire off firearms in the day or night time, or knowingly give a false alarm of fire; or shall alone or with others, not using the public ways of said city to pass or repass, lounge and loiter about, standing on or occupying the sidewalks or any public place in front of or along any premises or buildings, public or private, not owned or occupied by such person, or shall be without any right, in or about the approaches, passages, entrance, hall or stairway of any building used for public assemblages or public resort, to the annoyance or impediment of persons lawfully passing or repassing, or of property owners, and shall refuse, after direction of any officer, or citizen, to pass along or disperse from said place or places; or shall disturb or interrupt any public meeting, school, theater, concert or exhibition, or any assemblage, without lawful authority; or shall be found in the night time lurking suspiciously around any place in said city, and shall refuse, on demand of any policeman or watchman, to give an account of himself or herself; or shall, being a minor under the age of twenty-one years, be found carrying in any public place any loaded pistol, revolver or other firearm, concealed; or shall, being a truant child under the age of fourteen years, be found wandering around late at night, alone or in company with like persons; or shall maliciously or unlawfully open any barn, stable or inclosure and take away therefrom or from any other place in said city any horse, team, harness, carriage or other vehicle of another, under circumstances not making said offense larceny or a felony; or shall, being a licensed hackman, cartman, owner or driver of any omnibus, or porter within said city, knowingly violate any lawful regulation of the common council relating to such persons or vehicles; or shall be found en-

gaged in any public place aforesaid, throwing stones or other missiles and endangering persons and property; or shall wantonly and maliciously injure any street or public gas or electric lamp, lamp-post, post, wire, gas-pipe, or main, or any city water pipe, main, hydrant, hose or other works or apparatus in any street or other public place in said city, for the transmission of heat and power, or any street corner signs put up by the authority of the common council; or shall be found naked or with persons improperly exposed, bathing in any of the canals, basins, streams, races, ponds, or waters in said city in any public place, between the hours of four in the morning and nine o'clock in the evening. Every person found guilty of being a disorderly person as aforesaid, and every person guilty of any act or acts making such person a disorderly person as herein declared, on conviction thereof, shall be punished as for misdemeanor.

**Duty of  
police  
officers.**

§ 52. Any city officer or other person may, and the chief of police and every policeman and every police officer of the city shall, with or without process arrest, detain, and take before the recorder of said city every person committing a violation of any ordinance of the common council when the offense is committed in his presence.

**Acting  
recorder.**

§ 53. If the recorder is unable to act in any action or proceeding brought or about to be brought before him or in said court of special sessions by reason of illness, absence from the city or relationship to the parties within the prohibited degree, the judge of the city court may act as recorder and while so acting shall possess all the powers, duties and responsibilities hereby imposed upon the recorder and upon said court. All actions and proceedings in which such disability arises may be transferred to the acting recorder and all such actions and proceedings so transferred, or of which the acting recorder originally acquired jurisdiction, shall be heard, determined and acted upon in the same manner as if heard and determined by the recorder or court of special sessions. The judge of the city court acting as recorder shall receive no additional compensation for services so rendered.



## TITLE VI.

## CITY COURT, CITY JUDGE AND MARSHAL.

- Section 54.** City court; qualifications of judge.
- 55. Rooms, light and fuel.
  - 56. Salary.
  - 57. Jurisdiction defined.
  - 58. Restrictions.
  - 59. Powers.
  - 60. Process.
  - 61. Practice.
  - 62. Executions and transcripts.
  - 63. Judgments.
  - 64. Adjournments.
  - 65. Defaults.
  - 66. Fees, costs and account thereof.
  - 67. Contempt.
  - 68. Appeals.
  - 69. Office of justice of the peace and justices court abolished.
  - 70. Marshal.
  - 71. Bond of marshal.
  - 72. Duties of marshal.
  - 73. Removal.
  - 74. Acting city judge.

**Section 54.** An inferior local court of civil jurisdiction, to be called and known as the city court of the city of Kingston, is hereby created and established in and for said city, with the jurisdiction and powers hereinafter provided from and including January first, eighteen hundred and ninety-seven. No person shall be eligible to the office of judge of said city court unless he shall be an attorney and counselor of the supreme court of the state of New York. The said court shall be open for business each day in the year, Sundays and legal holidays excepted.

§ 55. The common council of said city shall provide suitable rooms, light, fuel, furniture, necessary blank books, blanks and stationery for the use of said court and shall provide for the payment of any other necessary expenses of said court.

§ 56. The judge of the city court shall receive a salary of twelve

hundred dollars per annum payable monthly in the same manner as the salaries of other city officials.

Jurisdiction defined

§ 57. The said court shall have jurisdiction in the following actions and proceedings whether commenced by summons, attachments, requisition or other process, viz.:

1. An action to recover damages upon or for a breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed five hundred dollars.

2. An action to recover damages for a personal injury, or an injury to property, when the sum claimed does not exceed five hundred dollars.

3. An action for a fine or penalty not exceeding five hundred dollars.

4. An action on a bond or undertaking conditioned for the payment of money, where the sum claimed to be due does not exceed five hundred dollars. Where the sum secured by the bond is to be paid in installments, an action may be brought for each installment after it becomes due.

5. An action on a surety bond or undertaking taken in said court, or by any justice of the peace.

6. An action on a judgment rendered in said court, or in a court of a justice of the peace or in a district court of the city of New York, or in a justice's court of a city being a court not of record.

7. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof where 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 five hundred dollars.

8. To render judgment on the confession of a defendant or defendants, as prescribed in title six, chapter nineteen of the code of civil procedure, where the sum confessed does not exceed one thousand dollars.

9. In an action for damages for fraud in the sale, purchase or exchange of personal property if the damages claimed do not exceed five hundred dollars.

10. In an action commenced by attachment, pursuant to the provisions of article four, title two, of chapter nineteen of the code of civil procedure, if the debt or damages claimed do not exceed five hundred dollars.



11. In summary proceedings under title two of chapter ten of the code of civil procedure, to recover possession of land and to remove tenants and others therefrom.

12. In actions or proceedings under any statute for the enforcement of liens of mechanics and others, where the amount of the lien does not exceed the sum of five hundred dollars, the same proceedings shall be had as are by law provided to be had in justices' court.

13. In proceedings in cases of bastardy, brought by the commissioners of the alms-house of the city of Kingston; but said proceedings shall be governed in all matters of practice including appeals, and in all proceedings therein and relating thereto, by the provisions of the code of criminal procedure.

14. In proceedings to recover a penalty for the violation of any ordinance of the city of Kingston, or rules or regulations of the common council, boards, departments or commissions of said city.

15. In any other action or civil proceeding of which justices of the peace of towns have jurisdiction.

§ 58. But such court can not take cognizance of a civil action in any of the following cases: Restrictions.

1. Where the title of real property comes in question as prescribed in title three, of chapter nineteen of the code of civil procedure. But when such question arises the pleadings and practice shall be the same as are now provided by law for justices' courts in regard thereto.

2. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in a matter of account, the sum total of all the accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

§ 59. Said court shall have the same jurisdiction over the persons of defendants as is now possessed by justices' courts of towns, pursuant to the provisions of section twenty-eight hundred and sixty-nine of the code of civil procedure, and for the purposes of conferring jurisdiction of the person the said city of Kingston shall be deemed a town and said court a justices' court thereof, and the said judge a justice of the peace. Jurisdiction over persons.

§ 60. Process shall be made returnable before said court by its proper title, and shall be substantially in the form and return- Process.

able in the time prescribed for courts of justices of the peace and shall be signed by the city judge.

*Practice.*

§ 61. The process, service of the same, appearances, practice, pleadings, exhibiting account or demand, amendments, adjournments, trial by court or jury, and obtaining the same, appeals, judgments by confession, offer to compromise, fees, costs and disbursements, shall, in all matters except as hereinafter provided, be governed by the provisions of the code of civil procedure for justices' courts, including the provisions of chapter four hundred and fourteen of the laws of eighteen hundred and eighty-one and the acts amendatory thereof, in relation to the service and making of verified pleadings in justices courts. The precept, practice, pleadings and appeal, in summary proceedings shall be governed by the provisions of the code of civil procedure relating thereto. In actions commenced by attachment, or in which a requisition to replevy has issued, all the provisions of the code of civil procedure in relation to such actions in justices court are applicable to similar actions commenced in this court.

*Executions  
and trans-  
cripts.*

§ 62. The judge of said court shall possess all the powers of justices of the peace of towns, to issue executions or to give transcripts.

*Judgments.*

§ 63. The judgments of said court shall be, in all respects the same as judgments rendered by a justice of the peace of towns, and all the provisions of the code of civil procedure in relation to filing transcripts of such judgments and docketing the same, in the office of the county clerk, and the effects of said judgments when so docketed, shall apply thereto. But such judgments when so docketed shall be a lien upon and remain in force for the same length of time as judgments originally recovered in the county court.

*Adjourn-  
ments.*

§ 64. The court on the application of the plaintiff must grant a second or subsequent adjournment of the trial of an action on proof, by his oath or otherwise, to the satisfaction of the court, that he can not safely proceed for want of some material testimony, or witness. But the court may, as a condition of granting such adjournment, require that the plaintiff pay to the defendant the legal fees of defendant's witnesses duly subpoenaed for that day.

*Defaults.*

§ 65. The court may, on five days' notice or order to show cause, on such terms as may be just, not exceeding the costs entered in



the judgment, open a judgment against a plaintiff or defendant on default, may stay proceedings pending the motion. This motion may be made within the time limited for an appeal from the judgment, whether a transcript has been filed in the county clerk's office or not, and the court may stay proceedings, or any execution issued on said judgment, on such terms as to requiring security, as may be just, and may direct the judgment to be cancelled on the books of the county clerk.

§ 66. In all civil actions and proceedings brought in said court the same costs and fees shall be paid, taxed and recovered as in <sup>Fees, costs and account thereof.</sup> actions and proceedings before justices of the peace of towns. In addition thereto there shall be allowed to the prevailing party as an indemnity, a sum not exceeding five per centum upon the sum recovered or claimed, or of the value of the subject-matter involved. No costs or fees shall be allowed or recovered in any action brought on a judgment of said court unless such action is brought more than five years after the recovery sued on. All fees paid into said court except the fees of marshal, which shall be the same as those of constables in towns, and shall be retained by him as a full compensation for his services, shall belong to the city of Kingston. The city judge or marshal of the city court, before performing any act or duty in pursuance of this act, for which a fee is chargeable by a justice of the peace or constables in towns, shall exact and receive from the person or persons requiring the performance of such act, prepayment of such fees. The city judge shall keep an accurate account of all fees received, and from whom, and the time of receiving the same, and on the last business day of each month shall deposit the amount thereof with the city treasurer, with a detailed statement of the items thereof, which statement shall be verified by said city judge as true and accurate and as embracing all moneys paid into said court or received by him for fees and fines during the period covered by such statement. He shall also keep in the docket of such court a complete and accurate record of all process issued from and returned to said court, and of all proceedings in every action and proceeding brought therein or before him, and shall enter therein the decisions of said court or judge. Such docket shall have the same force as evidence in courts of this state as dockets of justices of the peace of towns. The said judge shall have power to administer oaths and take acknowledgments within the county of Ulster.



**Contempt.** § 67. The city judge shall have the same power to preserve order and punish for contempt committed in his presence as is possessed by judges of courts of record, but an appeal may be taken from an order adjudging a person in contempt in the same manner as in an appeal from a judgment. Pending the determination of such appeal the person adjudged in contempt, if imprisoned, may be admitted to bail by the judge of said court, or of the county court, or by a justice of the supreme court, in such an amount, or by an undertaking in such form and terms, and with such sureties as shall be approved by such judge or justice.

**Appeals.** § 68. Appeals may be taken from judgments of said court in the same manner and with like effect as from judgments of courts of justices of the peace. The county court may on such appeal review the facts, affirm, reverse or modify the judgment appealed from, or order a new trial before the city court or judge, with costs to abide the event.

**Office of justice abolished.** § 69. On the thirty-first day of December, eighteen hundred and ninety-six, the justice's court of the city of Kingston and the office of justice of the peace therein shall be abolished. All actions, examinations or proceedings then pending before any justice of the peace of said city or any justice's court therein in which the taking of evidence on the trial thereof shall not have actually commenced, shall be then and forthwith transferred into the city court and before the city judge, to be disposed of according to law as if instituted in or before said last-named court or judge. All pleadings, processes, bonds, undertakings, records, moneys and papers in the actions, examinations and proceedings hereby transferred, in the custody of the justices of the peace, or any of them, or the justices' courts of said city shall, at the time of such transfer, be delivered to said city judge. All trials, examinations or proceedings actually commenced by the taking of evidence in the year eighteen hundred and ninety-six, before any of said justices of the peace or justices' courts shall be decided by said officers, respectively, and judgments therein shall be entered or determination made before six o'clock in the afternoon of January thirty-first, eighteen hundred and ninety-seven. Such judgments and determinations shall thereafter have the same force and effect and the subsequent proceedings in relation thereto shall be the same as if the officers and courts hereby abolished were not so abolished. Either of said officers can be



compelled to make a return and amended return in any of such actions and proceedings as if his office had not been abolished.

§ 70. The judge of the city court may appoint a marshal of said court for the term of office for which said judge was elected by an order to be entered upon the minutes of said court.

§ 71. The marshal so appointed, before entering on the duties of his office, shall take and file in the same manner as other city officers, the constitutional oath of office, and shall make, execute and deliver a bond in the sum of two thousand dollars, with sureties to be approved by the said judge, conditioned for the faithful performance of his duty and the payment into court of all moneys received by him by virtue of his office. Said bond shall be filed in the office of the city clerk.

§ 72. Said marshal shall execute all processes issued by said court or judge, and possess the same powers and be subject to the same duties and liabilities as are imposed by law on constables in all civil actions and proceedings and shall be entitled to the same fees as are by law allowed to constables.

§ 73. He may be removed from office for misfeasance or malfeasance therein, or any willful neglect of duty by the judge appointing him, upon charges, of which five days' notice shall be given to him.

§ 74. In event of the inability of the judge of the city court to act in any action or proceeding, brought or about to be brought in said court or before said judge, by reason of illness, absence from the city or relationship to the parties within the prohibited degree; the recorder of said city may act as judge of the city court, and while so acting shall have and possess all the powers, duties and responsibilities hereby imposed upon the judge of said court. All actions and proceedings in which such disability arises may be transferred to such recorder as acting judge of the city court, and all such actions and proceedings so transferred or commenced before such recorder pursuant to this section shall be heard, determined and acted on in the same manner as if heard and determined by the city court or judge thereof. The recorder acting as city judge shall receive no additional compensation for services so rendered.

## TITLE VII.

## OF THE COMMISSIONERS OF THE ALMS-HOUSE.

## Section 75. Terms and appointment.

76. Powers defined.

77. General powers.

78. Duties of superintendent.

79. Annual account.

80. Annual estimate.

81. City a separate district.

Commissioners of  
alms-house.Terms and  
appoint-  
ments.Powers  
defined.General  
powers.

Section 75. The commissioners of the alms-house in office, and their successors, shall constitute a department of the city government and be designated "the commissioners of the alms-house of the city of Kingston," and may be sue and be sued by that title as if a corporation. The term of office of commissioner shall be three years. Appointments, in case of vacancy therein, shall be for the unexpired term and at the expiration of a term for three years.

§ 76. Such department shall have the sole and exclusive management of the poor who are by law chargeable against said city; the power and authority vested in overseers of the poor of town and superintendents of the poor of counties, except as modified by this act; have the possession and be custodian of the alms-house and all property therein contained and all lands, premises and improvements thereon which may hereafter be acquired for the maintenance of the poor. The title of such lands shall vest in the city of Kingston and the commissioners of the alms-house are directed within thirty days after the passage of this act, to convey to said city all lands and premises to which they have acquired title.

§ 77. Such department may:

1. Appoint one of said commissioners president; establish rules and regulations for the government of the department and its superintendent, agents and servants, and for the examinations of persons applying for or entitled to relief, or admission to the alms-house and for the distribution of food, fuel, clothing and other necessities among the city poor.

2. Appoint a superintendent of the alms-house and such other agents and servants as may be necessary, who shall hold office



during the pleasure of the department and receive such salary as shall be fixed by it.

3. Visit the poor at their places of residence and make such examination of their circumstances as it shall deem proper.

4. Contract with the Kingston City hospital for the medical and surgical treatment of the city poor thereat and expend therefor twenty-five hundred dollars per annum, or so much thereof as may be necessary.

5. Prosecute all actions and proceedings maintainable by overseers of the poor of towns and superintendents of the poor of counties. Bonds required by law in bastardy proceedings and in relation to bastards shall be given to said department.

6. Prosecute actions and proceedings to recover against any municipality the amount expended by it in supporting and maintaining any poor person properly chargeable to such municipality.

7. Appoint such competent practicing physicians as may be necessary to render surgical and medical services to the city poor.

8. Prosecute action and proceedings to compel the relatives of poor persons to support them or recover the amount expended for the same.

§ 78. The superintendent of the alms-house shall keep an office, to be provided by the department, which shall be open and accessible to all persons having business therein at such hours as the rules determine. He shall attend the meetings of the commissioners of the alms-house; be the secretary thereof and keep the record thereof; keep an account of the receipts and disbursements of the department, including warrants drawn upon the treasury, the number and amounts thereof; the names of persons relieved, the manner and date thereof; prepare the annual report of the department and such other reports as may be required of it; carry into effect the order and directions of the department and perform all other duties lawfully required of him.

Duties of  
superin-  
tendent.

§ 79. The department shall, on the first day of November of each year, prepare a report showing an exact and accurate account of all moneys received by it during the preceding year; all expenditures for the same period of time and the reason for such expenditures; to whom paid; the number of persons admitted to and discharged from the alms-house; the number of persons supplied with outdoor relief; the cost thereof and of keeping the

Annual  
account.

almshouse. The report shall be signed and verified by the commissioners and superintendent, filed in the office of the city clerk and published in the official papers.

Annual  
estimate.

§ 80. The department shall, on the first day of November of each year, furnish the mayor with a written statement of the balance to the credit of the department and an estimate of the amount, not exceeding twenty thousand dollars, which will be required for the support of the poor of said city for the ensuing year. Such statement shall be signed by the commissioners and presented by the mayor to the common council together with other city estimates. The common council may reduce such estimate, or approve the same as presented, and when approved the amount thereof shall be levied and collected the same as other city taxes.

City, a  
separate  
district.

§ 81. The said city, for the purpose of supporting the poor within its limits and carrying into effect the law for support and relief of indigent persons, deaf-mutes, blind, insane and idiotic persons of said city shall be a separate and distinct district. The city shall not hereafter be subject to any quota of county charges for the support of such persons, nor shall any portion of the county of Ulster, without the limits of said city be taxed or required to contribute to the support of such persons within said city.

## TITLE VIII.

### OF THE BOARD OF POLICE COMMISSIONERS.

Section 82. Appointment, terms and qualifications.

83. General powers.

84. Quorum.

85. Rooms and meeting.

86. Annual estimates.

87. Salaries.

88. Accounts to be audited.

89. Restrictions.

90. Official oath.

91. Powers of chief of police.

92. Warrants.

93. Claims against county.

Police com-  
missioners.

Section 82. The police commissioners in office, and their successors, shall constitute the board of police commissioners. The



term of office shall be four years. Appointments to fill vacancy shall be for the unexpired term and at the expiration of a term for four years. The mayor shall be a member of and president of said board. Two of said commissioners shall be of the political party casting the largest number of votes at the last general election, and two of the party casting the next highest number of votes at said election.

§ 83. The said board may:

General  
powers.

1. Prescribe rules and regulations for the department and appoint a chief of police.

2. Fix and determine the salaries of the members of the police force within the limits herein prescribed.

3. Define the duties of the members of the force and retire them from office on account of age or other disqualification which renders them unfit for duty.

4. Fill such vacancies in the force as may be caused by death, retirement, resignation or removal.

5. Designate two policemen to be detectives.

6. Appoint, at the request of any society holding public exhibitions or the proprietor or manager thereof, or the officers of any railroad or other corporation, or individual, such special policemen as may be necessary, who shall be under the control of said board. The compensation of special policemen shall be paid by the corporation, society or person for whom they render services.

7. Suspend, reprimand or remove the chief of police or any member of the police force for the commission of any criminal offense, neglect of duty, violation of rules and regulations, disobedience of orders, absence without leave, corrupt or improper conduct, conduct unbecoming an officer, breach of discipline or incapacity, upon six days' notice, accompanied by a copy of the charges preferred. Suspensions and reprimands may be with a forfeiture of pay for a period not exceeding thirty days.

8. The board shall also have such powers and duties incident to the police government of the city as the common council may lawfully impose.

§ 84. A majority of the board shall be a quorum for the trans- Quorum.  
action of business. The chief of police shall be the secretary  
thereof, but shall receive no additional compensation for such Secretary.  
service. He shall keep a record of all proceedings and perform  
such other duties as the board may require.

**Rooms and meetings.** § 85. The common council shall provide suitable rooms in the city hall, or elsewhere, for meetings of the board, which may be held at such times as the board shall determine.

**Annual estimates.** § 86. On the first day of November in each year the board shall prepare a statement, showing the balance to the credit of the police fund; and an estimate of the amount necessary for the salaries and expenses for the current year, including the cost of transportation of prisoners to the penitentiary or other prison or reformatory, which shall be delivered to the mayor and by him presented to the common council with other city estimates. The amount thereof shall be included in the annual tax levy and when levied and raised shall be credited to the police fund.

**Salaries.** § 87. The salaries of the members of the police force may be fixed and determined by the board within the following limits: Chief of police not to exceed one hundred dollars, detectives not to exceed seventy-five dollars, and patrolmen not to exceed sixty dollars per month, which shall be paid in the same manner as salaries of other city officers.

**Audit of accounts.** § 88. Accounts for the contingent expenses of the police board, including furniture, fuel, lights, stationery, printing, advertising, books, policemen's badges and batons and the cost of transportation of prisoners shall be made out in items, verified, certified by the board, presented to the common council for audit as other city charges, and when audited shall be paid out of the police fund.

**Restrictions.** § 89. No policeman, special policemen excepted, shall accept or receive any present or reward for services rendered or to be rendered, unless with the written approval of the board. Violations of this section may be punished by forfeiture of office.

**Official oath.** § 90. The policemen shall be uniformed; consist of nineteen policemen now in office and their successors to be appointed in case of vacancy caused by death, resignation or removal, and each member thereof shall, before he enters upon his office, take and file the official oath required by section twenty-one of this act. The constables shall be appointed members of the police force at the expiration of their term of office as herein provided.

**Powers of chief.** § 91. The chief of police, or any officer acting under his direction, may enter any house or building, which he has reason to believe is a gambling-house, or to be inhabited by persons of ill-fame, or to which persons of dissolute, idle or disorderly character



resort, and disperse them or cause the arrest of such persons and hold them until they can be dealt with according to law.

§ 92. Each policeman shall execute warrants for the arrest of persons charged with violations of law, committed within the limits of said city, any place within the state. <sup>Warrants</sup>

§ 93. Every police officer arresting any person charged with the commission of a felony shall report the same to the chief of police, who shall keep an accurate account thereof. The costs and expenses of such arrest shall be a charge against the county of Ulster. The chief of police shall present to the board of supervisors, at its annual session in each year, an account thereof, charging the statutory fees, to be verified by the officer making the arrest, and certified to by the recorder. The amount thereof shall be audited to the city of Kingston by the board of supervisors and paid in the same manner as other county charges. The city treasurer is hereby authorized and directed to receive the same and credit it to the police fund. <sup>Claims against county.</sup>

## TITLE IX.

### OF THE BOARD OF WATER COMMISSIONERS.

Section 94. Appointment and terms.

95. Officers, agents and servants.

96. Powers.

97. Procedure.

98. Bonds.

99. Construction of works.

100. Rules, regulations and penalties.

101. Application of moneys.

102. Book, account and estimates.

103. Injury to works.

104. Title to lands.

105. Eminent domain.

Section 94. The water commissioners in office, and their successors, shall constitute the board of water commissioners of the city of Kingston. Appointments in case of vacancy shall be for the unexpired term and at the expiration of a term for five years. <sup>Water commissioners.</sup>

§ 95. The commissioners shall elect a president and secretary from among their number and appoint such agents and servants <sup>Officers, agents and servants.</sup>

as may be necessary, and fix their compensation. Such agents and servants shall be removable at the pleasure of the board. The commissioners shall serve without pay, but shall be allowed their reasonable expenses.

**Powers.** § 96. Said board, with the assent of the common council, may construct and maintain water-works for supplying said city and its inhabitants with pure and wholesome water; exercise such powers as are necessary and proper to accomplish such purpose and shall proceed in the manner hereinafter prescribed.

**Procedure  
for water  
supply.**

§ 97. Before deciding upon or adopting any plan, system or source of water supply said board shall, at an expense not exceeding one thousand dollars (which said board may, with the assent of the common council, borrow for such purpose on the credit of the city), cause the various plans, systems and sources of water which may, by any citizen or officer of the city be submitted to it in writing for consideration, to be investigated, and such preliminary surveys and estimates to be made as the board may deem expedient, and it shall be lawful for such purpose to enter upon the lands of any person or corporation within the county of Ulster, and as soon thereafter as may be, said board shall adopt such plan or part of plan, system or source of water supply as in its judgment is most feasible and best adapted to supply the requisite quantity and quality of water, and shall make a report to the common council, clearly specifying and describing each plan, system and source so investigated as aforesaid, the advantages and disadvantages of each, and the probable expense of each method and supply from each source, including the cost of purchase or condemnation of lands for that purpose, and shall state the plan, system and source adopted and the reason therefor, which report shall be filed with the city clerk and be open to public inspection. The board may include in such report the lands, property, franchises, dam, water supply, mains, laterals and appurtenances of any water company, existing or doing business in the county of Ulster for the purpose of a water supply for said city, and may acquire title thereto in the manner hereinafter provided. The said board of water commissioners, with the assent of the common council, may select and determine upon any plan so reported or any modification thereof which may be deemed necessary and adequate.

**Issue of  
city bonds.**

§ 98. To carry into effect the purposes of this title the city



may, upon the making and filing of the report aforesaid, but not before, issue bonds, which, with interest thereon, shall be payable in gold, in such an amount as may be necessary, not exceeding the sum of six hundred thousand dollars. Said bonds shall be issued in the name of and under the seal of the city, signed by the mayor and treasurer thereof, with interest coupons attached, of such denominations and amounts as the board may determine, but not less than fifty dollars each, with interest at the rate of three and a half per centum per annum, payable semi-annually, at the office of the treasurer of said city, on the first days of April and October of each year, and shall be so classified that twenty-four thousand dollars of the principal thereof shall become due and payable in sixteen years from the date of issue and twenty-four thousand dollars of the principal each year thereafter; said bonds shall be sold at public auction, upon notice of at least ten days published in the official newspapers of the city, and shall not be sold at less than par. The proceeds of the bonds shall be paid to the treasurer of said city and credited to the water fund account. Except for the payment of principal and interest of water bonds, money from the water fund account shall be paid only on warrants, numbered consecutively as issued and signed by the president and secretary of said board. The moneys derived from all sources herein provided for shall be applied to the payment of the cost of maintaining, operating and extending the water-works and to the payment of the principal and interest of bonds falling due.

§ 99. Upon the adoption of the system and source of water supply the board shall proceed to acquire the necessary lands and easements therefor and construct the same according to the plan adopted and maintain and keep the same in operation. The board may select, determine and use the streets, roads and highways through which the distributing pipes shall be laid, and extend such pipes from time to time as it may determine.

§ 100. The board may fix, make and determine and collect all water rates; publish and enforce all needful rules and regulations concerning said water-works and the property and appliances thereof and to the management and supply of water thereby, and alter and modify the same from time to time, and fix a penalty, not exceeding fifty dollars, for the violation thereof, and prosecute in its own name or in the name of the city for



all water rates and charges and violations of such rules and regulations. The common council may enforce such rules and regulations by ordinance and fix a like penalty for violations thereof.

Application  
of money.

§ 101. The moneys derived from water rates and penalties shall be paid to the city treasurer and shall be credited to the water fund account, and shall be applied to the payment of the expenses of the ordinary maintenance and management of said water-works, and if more than sufficient for that purpose the balance thereof shall be applied to the payment of the principal and interest of the bonds herein provided for and for the purposes mentioned in section ninety-seven of this act and no other purpose. When such receipts shall be more than sufficient for said purposes the overplus may be used for any lawful municipal purpose.

Books, ac-  
counts and  
estimates.

§ 102. The said board of water commissioners shall keep books showing the cost of construction and maintenance of the water-works, and of extending the same, and all its collections, receipts, expenditures and proceedings, and shall make a report thereof to the mayor on the first day of November in each year and as much oftener as required. It shall also make and deliver to the mayor at the same time an estimate of the amount necessary to pay principal, interest or other charges for the ensuing year, which estimate shall be presented by the mayor to the common council, and the amount thereof raised, levied and collected as other city charges and paid over and credited to the water fund account.

Injury to  
works.

§ 103. Any willful act whereby the said water-works, or any property, apparatus or appliances pertaining thereto shall be injured, or the supply of water obstructed, impaired or made less pure shall be deemed a misdemeanor, and the person or persons convicted thereof shall be punished accordingly.

Title to  
lands.

§ 104. The title of all lands, easements and property acquired for the purposes of this title shall vest in the city of Kingston. The said board may take deeds of said lands and easements in the name of the city, as grantee, and the said deeds shall state the purposes for which said lands or easements are conveyed.

Eminent  
domain.

§ 105. The said board may acquire by purchase or proceedings for the condemnation of real property pursuant to the condemnation laws any lands, property, franchises, easements, water rights,



rights of flowage, dam, water plant, water mains, laterals and appurtenances within the county of Ulster whether owned or possessed by individuals, or water or other companies organized under the laws of this state, or the common council, upon the written request of said board may acquire title to such lands, property, franchises, easements, water rights, rights of flowage, dam, water plant, water mains, laterals and appurtenances, or any of them, pursuant to section one hundred and forty-five of this act except that the cost and expense thereof shall be paid from the water fund account on warrants signed by the treasurer and secretary of the board.

## TITLE X.

### OF THE FIRE DEPARTMENT.

- Section 106. Power to establish.  
 107. Officers and members.  
 108. Appointment of.  
 109. Suspension and removal.  
 110. Exemption of firemen.  
 111. Penalties.  
 112. Bar.  
 113. Paid department.

Section 106. The common council may establish and maintain <sup>Establishment, etc., of department.</sup> an efficient fire department in said city; establish, promulgate and enforce proper rules, regulations and orders for the government and discipline thereof, and cause a suitable number of copies to be printed for the use of the department; purchase all necessary wagons, trucks, harness, horses, carts, hooks and ladders, hose, hose carriages, fire alarm and telegraph and other apparatus for the discovery or extinguishment of fires; provide buildings therefor; repair and improve the same or any part thereof and do all things necessary to equip, manage and control said department.

§ 107. The fire department shall consist of a chief engineer, four <sup>Officers and members</sup> assistant engineers, the present firemen of said city and such number of firemen to be appointed by the common council as it may determine. The chief engineer and assistant engineers are continued in office until January first, eighteen hundred and ninety-seven at noon, subject to removal as herein provided.

**Appoint-  
ment of  
firemen.**

§ 108. Firemen may be appointed and vacancies filled in the different companies of the fire department, by the common council upon the nomination of a majority of the members of the company in which said appointments is to be made or vacancy filled. The common council may withhold and refuse such appointment, if in its judgment the person thus nominated should not be appointed. The common council may organize new fire, hook and ladder or hose companies; disband such as may be deemed unnecessary or such as may prove refractory and disobey the lawful order of the common council, mayor or chief engineer.

**Suspensions and  
removals.**

§ 109. Any officer or member of the fire department may be removed, expelled, suspended, censured or reprimanded by the common council for incapacity, neglect of duty, disobedience of orders, intoxication, insubordination, or other misconduct tending to destroy the efficiency and discipline of the department, upon five days' notice to show cause against such removal and an opportunity to be heard in his defense and the common council shall have power to provide for the punishment of any member of the fire department for disorderly conduct, disobedience of orders, or insubordination, by fine not exceeding fifty dollars, to be sued for and recovered in the name of the city and paid into the treasurer and credited to the general fund. It shall be the duty of firemen to promptly respond to every alarm of fire and be present and aid in the extinguishment thereof and whenever ordered to do so by the mayor aid in the suppression of all riots or riotous assemblages in said city. The common council may call out the fire department or any part thereof for inspection at such times as it may be necessary and proper.

**Exemption  
of firemen.**

§ 110. Each fireman, who has faithfully served for the term of five years in said city as such, shall thereafter be exempt from services on jury, or in the militia, except in case of war, invasion, riot or insurrection. The evidence to entitle the firemen to the exemption herein provided for shall be a certificate under the corporate seal of said city, signed by the mayor and city clerk and filed pursuant to law. Such certificate shall not be given until the applicant shall have made and filed with the clerk an affidavit that for five years preceding he has regularly served as a fireman, was actually present with his company at the fires in said city, except when detained by absence from the city, sick-

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\*So in the original.



ness, or other unavoidable cause, and the common council may also require that the applicant has paid all dues to the company to which he belonged, or has been honorably discharged therefrom.

§ 111. Each member of the fire department, or any other person, who shall, at the time of any fire in said city, be guilty of insubordination, or disorderly conduct, or shall attempt to obstruct the operations of the fire department, or excite insubordination therein, or shall neglect or refuse to obey, or attempt to prevent or obstruct the execution of orders of the chief engineer or his assistants, shall forfeit for each offense such penalty as may be prescribed by the ordinances of said city not exceeding the sum of fifty dollars. <sup>Penalties.</sup>

§ 112. The recovery of any penalty or fine under the provisions of this title shall not prevent the execution or carrying out of the powers conferred herein nor the exercising or carrying out of such powers be a bar to any fine or penalty. <sup>Recovery of penalties, etc., not a bar.</sup>

§ 113. Whenever, it shall be to the interest of the city so to do, the common council may change to a paid department and in such event may reorganize the department; make rules and regulations for the reorganization and government thereof and may employ and pay such officers, firemen, drivers, hosemen, pipe men, and helpers as may be necessary, and pay the same. <sup>Paid department.</sup>

## TITLE XI.

### OF THE COMMON COUNCIL.

Section 114. Aldermen shall constitute.

115. Meetings, quorum and passage of resolutions.

116. As to rules and members.

117. Contract claims.

118. Claims for negligence.

119. Powers as to subpoenas and witnesses.

120. General powers and duties.

§ 114. The aldermen of said city shall constitute the common council thereof. <sup>Aldermen.</sup> It shall meet at the common council chambers in the city hall, or such other place designated by the mayor. Its presiding officer shall be elected from its members at the time of organizing each year, and in event of his absence or inability,

to act as temporary president shall be selected from the aldermen.

**Meetings.** § 115. The common council shall hold stated meetings, at least twice in each month, and the mayor, or in his absence, five aldermen may call special meetings by notice in writing served personally on the members of the common council or left at their usual places of residence. Its proceedings shall be public unless the public interests require otherwise. The minutes thereof shall be kept by the city clerk and be open to public inspection. A majority shall be a quorum for the transaction of business, but no tax, assessment or ordinance of a legislative character shall be passed, except by a vote of a majority of all the members in office, and no such tax, assessment, ordinance or resolution shall be effective until approved by the mayor as herein provided.

**Rules and members.** § 116. The common council may determine the rules of its proceedings; be judge of election and qualification of its members; compel their attendance and define the duties of the city officers.

**Contract claims.** § 117. Accounts and claims against the city for services rendered, or moneys expended, except salaries and claims contracted for the commissioners of the alms-house and the water commissioners, shall be itemized, verified, by the oath of the claimant, presented to the common council and referred to a standing committee thereof, to be called the "committee on auditing accounts." Said committee may inquire and examine into said accounts; send for persons and papers; examine the claimant on oath in relation thereto, report thereon to the common council, either favorably or adversely, with their reasons, and the common council shall hear, examine and determine the same as a board of supervisors and its audit and determination shall have like force and effect.

**Claims for negligence.** § 118. Claims against the city for damages for injury to persons or property, claimed to have been caused or sustained by defects, or obstructions from snow or ice or other cause in the highways, streets, sidewalks or crosswalks of the city because of the negligence of the city or its officers as to such highway, streets, sidewalks or crosswalks, shall be presented to the common council, in writing, within thirty days after such injuries are received. Such writing shall specify the time, place, cause of the accident, extent of the injury and the names of the persons present, and



shall be verified by the oath of the claimant. Omission to present such claim within thirty days shall be a bar to a claim or action therefor against the city. Actions to enforce claims so presented shall be commenced within one year from the presentation thereof.

§ 119. The common council or its authorized committee, may require the attendance of witnesses; examine persons under oath upon any subject or matter within its jurisdiction; examine any officer of the city in relation to the discharge of his official duties or to the receipt or disbursement of any moneys, or concerning the disposition of any property of the city, and inspect or examine any book, account, voucher or document in his possession or under his control relating to the affairs or interests of the said city. The common council or such authorized committee, may issue subpoenas, requiring the attendance of witnesses, persons and officers and the production of books, accounts, vouchers or documents, such subpoena may be served at any place within the state in the same manner as subpoenas in criminal cases. Persons refusing to attend in obedience thereto or refusing to produce books, accounts vouchers or documents thereby required, may be arrested by an order or attachment issued by the recorder or acting recorder, upon proof of service of such subpoena and of such refusal, and be committed to the county jail or other proper place of detention, until he appear, or testify, or produce the books, accounts, vouchers or documents as required. A witness refusing to attend, or to be sworn or affirmed, or to answer any pertinent or proper question may, upon complaint made to the recorder or acting recorder, be forthwith committed to the county jail or other proper place of detention, for a period not exceeding sixty days, or until he shall be sworn or affirmed or answer such questions. Such commitment may be made by warrants directed to the sheriff of the county, and shall recite the cause of such commitment, and such officer shall keep such person in close confinement, as directed thereby.

§ 120. The common council shall exercise all the corporate powers mentioned in the first section of this act, and shall have the control and management of the property both real and personal, belonging to the corporation and all the finances thereof; and no debt or liability which may become a charge against said city or corporation shall be created or contracted except by the authority of said common council, or by virtue of the general statutes of the state, or by the provisions of this act; and in addition

Powers  
as to sub-  
poenas and  
witnesses.

General  
powers and  
duties.



to such other powers as may be herein conferred upon it, said common council have full power:

**Preservation of property.**

1. To provide for the care, custody and preservation of the public property; books, records and papers belonging to said city or corporation, to prevent any injury to or trespass upon the same, and to cause any part thereof to be insured when they deem it necessary.

**Disorderly assemblages.**

2. To protect the inhabitants and their persons and property, suppress disorderly assemblages, preserve peace and good order, and promote the welfare and good government of the corporation.

**Powers and duties of officers.**

3. To prescribe and define the powers and duties of the officers of said city, and in case of an officer specified by this act, to prescribe such additional duties as it may deem the interests of the city to require consistent with this act.

**Vagrants, disorderly persons, etc.**

4. To restrain and punish vagrants, mendicants, street beggars and persons soliciting alms, keepers of houses of ill-fame, common prostitutes, lewd and disorderly persons, and to prevent drunkenness and disorderly or immoral conduct in public places and streets.

**Street assemblages.**

5. To prohibit the gathering or assembling of persons upon the public streets, or congregating upon the corners of the streets, and to authorize police officers to disperse all such gatherings or assemblages or persons, and on the refusal of persons so congregated or assembled to disperse when commanded so to do by any duly appointed police officer, under regulations to be prescribed by the common council; such police officer may make summary arrest of any person so refusing, and take him forthwith before the recorder of said city to be by him tried as a disorderly person, and all such persons are hereby declared to be disorderly persons.

**Compensation and duties of officers.**

6. To fix and determine the compensation of the officers of the city, where the same is not otherwise provided for by law, and to see that they perform faithfully and correctly their several duties, and that proper measures are taken to punish neglect of duty in any of them.

**Contracts.**

7. To limit and restrain city officers, except the commissioners of the alms-house and water commissioners, in making contracts for the city, and regulate the manner in which the same are made.

**Audit of accounts.**

8. To audit such accounts and claims against the city as are made out in items, verified and certified by the officer or officers authorizing the same as are presented and order the payment of



such as shall be allowed, and to make such other rules and regulations in regard to the same as it deems necessary and proper.

9. To authorize and direct the mayor and city clerk to issue warrants monthly for the salaries of city officers after the amount of such compensation has been fixed and determined by this act, or by resolution of the common council, and after the monthly salary list had been certified and approved by the mayor and city clerk. Warrants for salaries.

10. To call special meetings of the inhabitants of said city whenever required by the public interest and to carry into effect any lawful resolution adopted at said meetings or at the annual election. Special meetings of inhabitants.

11. To examine the accounts of the treasurer from time to time, and prescribe the manner of paying out and accounting for moneys received by him for the city. Treasurer's accounts.

12. To establish and regulate a public pound and to restrain cattle, horses, sheep, swine, dogs, geese and other animals and fowls from running at large in said city, and to authorize the distraining, impounding and sale of the same (except dogs) for the penalty incurred and the cost of keeping and proceedings; and to make regulations, taxing and confining dogs, and for destroying such as may be found running at large, contrary to an ordinance, and to regulate their running at large. Public pound, running at large of animals, etc.

13. To prevent runners, stage drivers and others from soliciting passengers and other travel in any stage or omnibus or upon any railroad, or to patronize any hotel or boarding house, except under such regulation as the common council may prescribe. Soliciting passengers.

14. To license, regulate and control all porters, cartmen, hack or cabmen, stages or omnibuses for the transportation of passengers within the city, to fix their rates of compensation, and to require them to have licenses and to prescribe the amount to be paid therefor. License to hackmen, etc.

15. To purchase, hold, sell, convey and agree to purchase and convey real estate, whenever necessary or expedient for the accomplishment or execution of any of the purposes, powers or duties mentioned in this act. Sale and purchase of real estate.

16. To prohibit all kinds of gambling, and to regulate billiard rooms or nine-pin ball alleys. Gambling.

17. To suppress and restrain disorderly houses and houses of ill-fame. Disorderly houses.

- Bathing.** 18. To regulate and prevent bathing in the Rondout and Esopus creeks and other waters within the said city.
- Racing.** 19. To prevent immoderate driving and racing.
- Burials.** 20. To prohibit and regulate the burying of the dead, and public burial grounds.
- Exhibitions.** 21. To regulate by license or prohibit the exhibitions of any circus, caravan, theater, curiosities, tricks of legerdemain, or other shows or entertainments.
- Auctions.** 22. To regulate by license or prohibit auction sales in said city, and hawking or peddling in the streets.
- Maps and surveys.** 23. To make, or cause to be made, maps of the city and of the wards thereof, and to survey and designate the boundaries of said city, and of the streets, highways and public grounds thereof, and to designate and alter names of said streets and the numbers of lots and buildings.
- Street names and numbers.**
- Encroachments on streets.** 24. To prevent any encroachment, incumbrance or obstruction in or upon any street, sidewalk, highway, public grounds or public docks; and to make general rules and ordinances in regard to the deposit of building materials upon the streets or sidewalks in front of any lot and to determine the manner and conditions upon which permits therefor shall be granted; and in case of the neglect or refusal of any person who shall have caused any such encroachment, incumbrance or obstruction contrary to such rules or ordinances, or the owner or occupant of any premises upon which shall be any building, fence or other structure or thing, encroaching upon, incumbering or obstructing any street, sidewalk, highway, public ground or public dock or wharf to remove the same after being notified so to do, the common council may cause such removal at the cost and expense of such person or of such owner and occupant and to collect such cost and expense as hereinafter provided.
- Sidewalks.** 25. To cause the sidewalks on the streets and highways to be raised, leveled, curbed, graded, flagged, graveled, paved, planked and repaired, and at the expense of the owners or occupants of the adjacent lands and premises, and if any of the matters or things above mentioned be not done by said owners or occupants within the time and in the manner, and if or with the material by said common council required and prescribed, the said common council may do or cause the same to be done, and assess the expense thereof on the owners or occupants and



cause the same to be levied and collected in the manner hereinafter provided.

26. To compel the owner or occupant of any premises to clear the same of any dirt, snow or ice or other substance or material off the sidewalk and out of the gutter in front of such premises, and in case of the neglect or refusal of the owner so to do, to cause the same to be done at the expense of the said owner or occupant and collect such expense as hereinafter provided.

Removal  
of snow,  
dirt, etc.

27. To require any turnpike, plank-road, street railway, railroad or any other road, corporation or company to keep the streets or highway through which its road may pass in said city and the gutters thereof in good condition and repair; to lay or relay such road according to the established grade of such street or highway, or such parts of the same as the common council may prescribe or direct, and to remove without unnecessary delay all incumbrances or obstructions which such corporation or company have placed or caused to be placed upon such street or highway; and in case such corporation or company refuse or neglect to do any of the acts so required, the said common council may cause the same to be done at the cost and expense of such corporation or company, and such cost and expense to be fixed and determined by the common council, may be collected as hereinafter provided. A street railway company, however, may be compelled to repair or keep in condition only that part of the road covered by its tracks and two feet beyond its rail on each side, and if it becomes necessary to remove ice or snow from any street to remove only the portion thrown out by it.

Turnpike,  
roads, and  
street rail-  
ways.

28. To regulate and superintend the laying of all gas pipes, water pipes, conduits, electric light and telephone wires, and to require any corporation or company, after relaying such pipes in any street or highway in said city, to put such street or highway in good condition and repair, and to remove all incumbrances and obstructions which such corporation or company may have placed or cause to be placed in any such street or highway, without unnecessary delay, and to require any such corporation or company to keep proper signal lights burning at night at all holes or ditches or places which may have been rendered dangerous to persons traveling such streets or highways; and in case such corporation or company neglect or refuse to do any of the acts so required of it, the said common council may cause

Laying  
of pipes.

Signal  
lights.



the same to be done at the cost or expense of such corporation or company and collect such cost and expense by action or as hereinafter provided.

Projections  
into or over  
streets.

29. To prevent or regulate the construction of any building, board, awning or other structure which shall project into or over any street or sidewalk, and the hanging or suspending of any goods, signs, sign-boards or any other thing whatever in or over such street or sidewalk, and to remove the same at the expense of the persons, owner or occupant causing the same, and to collect such expenses as hereinafter provided.

Street  
lighting.

30. To erect, lamps, lamp-posts and fixtures for gas, electric or other lights, and cause such streets as it deems proper to be lighted at such times as the wants and interests of the city require, and in its discretion to charge the expense of erecting such lamps, lamp-posts and fixtures and of lighting the streets as street expenses.

Storage,  
etc., of  
explosives.

31. To prohibit, license or regulate the keeping, storing, use or sale of dynamite, gunpowder, kerosene or other combustible or explosive substances or compounds, and the conveyance or transportation of the same in or through any part of the city, and upon or through the Rondout creek adjacent to said city; also to regulate or prohibit the use of firearms in said city.

Firelimits.

32. To designate limits within which no wooden buildings in whole or in part shall be erected or the roof or any building covered with wood or with any combustible material, and prescribe the penalties for the violation thereof; and to prevent or regulate the construction of any building, chimney, fireplace, heater, stove, stovepipe, oven, repository of charcoal or ashes, boiler, furnace or other apparatus or thing whatever, which may be considered dangerous with regard to fire, and to cause the owner or occupant of any premises upon which shall be found anything dangerous with regard to fire to remove the same and put the same in safe condition and in case the owner or occupant neglect or refuse to do so, the common council may cause the same to be done at the expense of the owner or occupant, and collect such costs as hereinafter provided, and for the purpose aforesaid, or any or either thereof the said common council may enter into and upon or authorize the entry into or upon any building or premises in said city.

Precaution-  
ary meas-  
ures against  
fire.

Use of  
lights.

33. To regulate the use of lights in stables or buildings in



which combustible materials are collected or deposited, and prescribe the use of lights or safety lamps in such stables or buildings.

34. To appoint or employ special legal or other professional Legal services, etc. service for the transaction of any business of the city.

35. To prescribe regulations as to the location and construction Private sewers, drains, etc. of private sewers, drains or water or gas pipes in said city, and for the prevention of or injury or obstruction of any street or sidewalk thereby.

36. To prosecute in the corporate name of the city upon any Prosecutions. contract or liability in which said city or corporation is interested, and for all fines and penalties, costs and expenses imposed by this act, or by any ordinance or by-law of the city, and enforce the collection thereof.

37. To maintain the city hall, and to rebuild, reconstruct and City hall. repair the same and to build, rebuild, reconstruct and repair all public buildings belonging to said city now erected or hereafter authorized to be erected by the provisions of this act.

38. To prohibit and punish every game, practice, amusement Games in streets. or act in the public streets or elsewhere having a tendency to frighten teams or horses, or to injure or annoy persons residing in said city or passing in or along the said highway or streets of the city or to injure or endanger property.

39. To regulate the speed of locomotives, tenders and railroad Speed of locomotives, etc. and other cars and bicycles and to prevent the unnecessary obstruction of the streets by the same.

40. To regulate the setting of poles and stringing of wires by Poles and wires. telegraph, telephone or electric light or other companies in the streets of said city.

41. To compel the occupant or owner of any wall or building in Unsafe buildings. the city which may be in a ruinous or unsafe condition to render the same safe or to take down and remove the same and to prohibit such erection, and in case of the neglect or refusal of such owner or occupant to render such wall or building safe, or to take down and remove the same after being notified so to do, the common council shall cause the same to be taken down or removed at the expense of such owner or occupant, and to collect such cost and expense as in this act provided.

42. To make the costs and expenses in subdivisions twenty-four, Costs and expenses, liens. twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine,



thirty-two and forty-one of this section a lien upon the premises or lots therein mentioned or implied, and to issue warrants against the owners or occupants thereof respectively, to collect such costs and expenses as assessments and taxes are collected.

Correction  
of assess-  
ment roll.

43. To correct the assessment-roll in respect to taxes imposed by the provisions of this act in the same manner as a board of supervisors may by law correct the town rolls of their county, and for this purpose said common council may have all the powers in relation to such assessment-roll that boards of supervisors have in case of town assessment-rolls and town and county taxes.

Trees.

44. To direct and regulate the planting of shade and ornamental trees along the streets and sidewalks in said city, and to prevent the injury and defacement of such trees and of fences, walks, posts and buildings in said city.

Rooms and  
supplies  
for officers.

45. To provide a council room or room for the common council, a court room for the recorder and city judge, a room for police headquarters and offices for the mayor, city clerk, treasurer, engineer and other city officers, and the necessary fuel, lights, stationery, and supplies for their offices.

Estimates.

46. To require any officer of the city to furnish reports, information or estimates, whenever deemed proper by the common council.

Boundaries.

47. To ascertain, establish and determine the boundaries of the city and of all the streets, alleys and highways therein.

Scuttles  
and fire  
escapes.

48. To compel the owners and occupants of buildings to have scuttles in the roofs thereof and stairs or ladder leading to them and compel the owners of any public or private building to erect fire escapes thereon and to make all necessary regulations and rules in relation thereto.

Official  
newspapers.

49. To designate two newspapers in said city for the publication of all ordinances, by-laws, rules, regulations, official notices, business and proceedings of the common council and city government and officials, which said newspapers shall be selected from the newspapers of said city which are allied to and supporting the two political parties which cast the greater number of votes at the preceding general election.

Ordinances  
and by-  
laws.

50. To make general ordinances, by laws and regulations not repugnant to the general laws, expedient for the good government of the city.

51. And for the purpose aforesaid or any or either of them, or for executing powers conferred upon the common council or upon



the city by this act or otherwise, the common council may make, establish, publish, modify, amend or repeal ordinances, rules, regulations and by-laws, and prescribe, fix and enforce penalties and fines for the violation of them respectively, not exceeding two hundred dollars, exclusive of costs and expenses, for any offense; but every such ordinance, rule, regulation and by-law shall be published in the two newspapers, designated for such purpose by the common council, before it takes effect, and every such ordinance, rule, regulation and by-law together with a certificate by the clerk of the city, of the time and manner of the publication thereof, shall be posted, entered or recorded in a book to be provided and kept for that purpose; and the said record or copy thereof certified by the clerk of the city, shall be presumptive evidence in all courts and places, and in all actions and proceedings, of the due passage of such ordinance, rule, regulation or by-law, and of its having been published.

Penalties  
and fines  
for viola-  
tions.

Publication  
of ordi-  
nances, etc.

Evidence.

52. Every ordinance heretofore passed by the common council of the city of Kingston, and which has not been repealed is hereby legalized, ratified, confirmed and continued in effect. Every person or corporation offending against any ordinance of said city, is guilty of a misdemeanor, and upon conviction shall be punished by a fine or imprisonment or both, in the discretion of the court before which such conviction is had. The recorder of said city has exclusive jurisdiction of and power to hear and determine charges for every such misdemeanor.

Ordinance,  
legalized.

Jurisdic-  
tion of  
recorder.

## TITLE XII.

### TAXES, ASSESSMENTS AND COLLECTION THEREOF.

Section 121. State and county taxes.

122. City estimates.

123. Common council to determine.

124. Limitation of amount.

125. City tax roll and delivery thereof.

126. Treasurer's notice for general tax.

127. Treasurer's notice for special assessment.

128. Warrant to collector of unpaid taxes.

129. Action and proceedings to collect.

130. Lien of taxes.

131. Transcript for assessor.

- Section 132. Sale of lands for taxes.  
 133. Procedure thereon.  
 134. Sale and certificate thereof.  
 135. City clerk to act in case of disability of treasurer.  
 136. Application of proceeds and surplus.  
 137. Redemption.  
 138. Notice of redemption.  
 139. Deed.  
 140. Execution and record of deed.  
 141. Proceeding to obtain possession.  
 142. Refunding purchase money.  
 143. Exemption of city property.

State and  
county  
taxes.

Section 121. The board of supervisors of the county of Ulster shall, at its annual session, as early as practicable after it has made and equalized the valuation of taxable property in said county, fix and determine the proportional amount of state and county charges to be paid by the city of Kingston, but no uncollected tax originating wholly without the limits of said city shall be included therein. The clerk of the board shall forthwith deliver to the mayor a certificate of the amount thus apportioned to the city. The quota of state and county charges shall be paid to the county treasurer on or before March first in each year.

City  
estimates.

§ 122. On the first day of November in each year, the commissioners of the alms-house, the board of police commissioners and water commissioners shall each present to the mayor the estimates required by this act; the treasurer shall in like manner present an itemized statement of the principal and interest on all bonds or other indebtedness of the city that will fall due within the next fiscal year and the clerk a statement showing in detail the amounts necessary to be raised for the next fiscal year for streets, street lighting, salaries, fire department and other general expenses of the city including all judgments unpaid and the sums necessary to be raised pursuant to sections one hundred and forty-six, one hundred and forty-eight and one hundred and forty-nine.

Determi-  
nation by  
council.

§ 123. The mayor shall, on or before December fifteenth of each year, present to the common council his estimates of the amount to be raised by taxes in the annual city tax levy for the next fiscal year, including the quota of state and county charges.



At the time of presenting such estimate he shall file with the city clerk the reports and estimates delivered to him. The common council shall then proceed to consider such estimates and may revise the same by increasing or reducing the amount thereof and shall, subject to the veto of the mayor as to any item thereof, finally determine the amount to be included in the annual city tax levy, which shall not in any case exceed the maximum amount hereinafter limited.

§ 124. The common council may raise by tax upon the real and <sup>Annual</sup> personal property assessable in said city, in each year:

1. The quota of state and county charges.
2. For the commissioners of the alms-house, a sum not exceeding twenty thousand dollars.
3. For the board of police commissioners, a sum not exceeding fifteen thousand dollars.
4. For salaries, a sum not exceeding twelve thousand five hundred dollars.
5. For the general fund, a sum not to exceed forty-five thousand dollars.
6. The amounts necessary to pay the principal and interest of bonds falling due.
7. The amount necessary to pay the proportion of special assessments for local improvements to be paid by general tax.
8. The amounts required by law to be raised for the board of health; the examining and supervising board of plumbers and plumbing and election expenses.

The taxes hereinbefore specified shall be included in one assessment.

§ 125. The city clerk, under the direction of the common council, shall extend and apportion said tax on the assessment-roll delivered to him as among the owners of real and personal property on said roll in proportion to the value therein stated and make a duplicate of said roll with the taxes so extended and certify such copy to be a correct duplicate roll of state, county and city taxes; said roll on the first day of January, or as soon thereafter as practicable, shall be delivered to the treasurer of said city with a warrant annexed under the seal of the city, signed by the mayor and city clerk, commanding said treasurer to receive, levy and collect the several sums in the roll specified as assessed against the persons or property therein mentioned or described,

City tax  
roll and  
delivery  
thereof.

with such percentage of penalty and interest as is in this act provided.

Treasurer's  
notice for  
general  
tax.

§ 126. Immediately on the delivery of the city tax roll and warrant to the treasurer he shall publish in the official newspapers of the city for ten days, a notice that the same has been left with him for collection and that for thirty days the taxes therein set forth may be paid without additional charge, and that for twenty days succeeding two per centum additional will be collected. If any tax shall remain unpaid at the time last mentioned the treasurer shall give a written or printed notice to the persons against whom such tax is charged requiring them to pay such unpaid tax, within thirty days thereafter, with five per centum fees thereon and one dollar fee for such notice. Such notice may be served, personally, or by depositing the same securely inclosed in a post-paid wrapper addressed to such person at his place of residence or business at least ten days before the expiration of the time last mentioned, and service on nonresidents of the city may be made by mailing in like manner and directing the same to said nonresidents at their last known place of residence. The affidavit of the person making such service shall be deemed evidence in all courts and places and the service of notice so made shall be deemed a compliance with the statute requiring collectors of taxes to call at least once on the persons taxed, or at the place of his usual residence and demand payment of the taxes charged against him.

Treasurer's  
notice for  
general as-  
sessment.

§ 127. Upon the delivery to the treasurer of any assessment-roll and warrant for the collection of taxes and assessments other than those included in the annual city tax levy he shall publish the notice required by the preceding section and serve the written or printed notice in the manner and at the time required thereby.

Warrant to  
collector  
unpaid  
taxes.

§ 128. If any tax or assessment remain uncollected for a period of four months after the warrant for the collection thereof has been delivered to the treasurer, it shall be the duty of said treasurer forthwith to issue to the collector of unpaid taxes and assessments a warrant, under his hand and the seal of said city, commanding said collector to levy the amount of the tax and fees by distress and sale of the goods and chattels of the persons upon whose property the tax was apportioned, according to the assessment or tax-roll, and proceed on such warrant in the manner hereinbefore provided. No claim of exemption to such goods



and chattels shall be available to prevent a sale thereof, except such as are provided by law in such cases.

§ 129. All taxes and assessments remaining unpaid for four months after the date of the original warrant for the collection thereof may be sued for by the city and recovered in an action against any person or corporation liable therefor, but a judgment in such action in favor of the city shall not operate to release any lien of such tax or assessment until satisfied. And the common council may prosecute every other action or proceeding provided by law for the collection of such taxes and assessments.

§ 130. Every tax, assessment or other lien under this act, for whatever purpose imposed or charged upon real estate within the city, shall be a lien upon such real estate from the time of the adoption of the resolution imposing the same until paid, and shall have priority over all other liens.

§ 131. On or before the fifteenth day of June after the giving of the notices required by sections one hundred and twenty-seven and one hundred and twenty-eight, the treasurer shall make and deliver to the assessor a transcript of all taxes remaining unpaid, and it shall be the duty of the assessor, on or before the fifteenth day of July following, to make and deliver to the treasurer a statement containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed, then it shall be the duty of such assessor to make and include in such statement a corrected assessment at the same valuation as before, and such corrected assessment and the amount of the taxes levied on said lands, shall be valid and effectual for all purposes as though they had been originally correct.

§ 132. Whenever any such tax, penalty or interest, or any part thereof, shall remain unpaid on the first day of August following the delivery of the assessor's statement, the treasurer shall proceed to advertise and sell all the lands upon which the same were imposed for the payment of such tax, penalty or interest, or the part remaining unpaid, and the expense of such sale as hereafter provided shall also be a charge upon such lands.

§ 133. The treasurer shall, immediately after the said first day of August, cause to be published once a week, for two successive weeks, in the official newspapers of the city, a list or statement of the parcels of land charged with any unpaid tax, penalty or



interest, describing each parcel according to the description required by section one hundred and thirty-two, with a notice that each of said parcels of land will, on a day to be specified in said notice, be sold at public auction at a place in the city therein specified, to discharge the tax, penalty or interest and expenses aforesaid, which shall be due thereon at the time of sale. The charge for publishing such notice shall be one dollar to each newspaper publishing the same for each piece or lot of land described in said notice. At the time and place stated in said notice the treasurer shall commence the sale of said parcels of land and continue the same from day to day until all shall be disposed of.

Sale and  
certificate  
thereof.

§ 134. The purchasers on said sale shall pay the amount of their respective bids immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the treasurer shall forthwith offer the parcel for sale again, and proceed as if it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the treasurer shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control thereof and may lease or sell and convey the same. As soon as practicable after the sale, the treasurer shall prepare and execute in duplicate, as to each parcel sold, a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof, and stating the fact of sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of sale, the name of the person against whom such tax was assessed and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or in case the parcel was struck off to the city, then it shall be retained by the treasurer. The treasurer shall deliver the other duplicate certificate to the clerk of Ulster county, who shall file said certificate in his office and record the same in a book to be kept in said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof, and in the name of the purchaser, in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents for each certificate so



filed and recorded, which fee shall be paid by the treasurer and shall be a part of the expenses of the sale of the parcel.

§ 135. If from any cause the treasurer shall be unable to attend at the time and place of sale, the city clerk of said city may conduct the sale with the same force and effect as though made by the treasurer.

City clerk  
when to act  
as treasurer

§ 136. The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale herein provided, and to the extinguishment of the tax, penalty or interest for which it was sold and if there shall be any residue, the treasurer shall hold the same until the owner of the premises, at the time of such sale, shall redeem them from the sale as herein provided, and then the treasurer shall pay such owner the said surplus. In all other cases the treasurer shall hold the same until the period of redemption shall have expired, and then he shall pay such surplus, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in cases of surplus on statutory foreclosure of a mortgage on real estate.

Applica-  
tion of pro-  
ceeds and  
surplus.

§ 137. The owner of, or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within two years by paying to the treasurer, for the use of the purchaser or assigns, or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate, with interest thereon at the rate of twelve per centum per annum from the day of sale, together with any tax or assessment upon said parcel or any part thereof that the said purchaser or assigns, or persons before redeeming, shall have paid between the day of sale and the day of redemption at the rate of twelve per centum per annum upon such tax or assessment, from the time of payment.

Redemp-  
tion.

§ 138. At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the treasurer shall commence the publication of a notice of redemption from such sales, which shall contain the description by which the same was sold, the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least once a week for six successive weeks in two newspapers

Notice of  
redemp-  
tion.



published in said city. The publication of said notice shall bar and preclude any and all persons except the purchaser on such sale, or his heirs or assigns, or the person finally redeeming, from claiming any interest in or lien upon said lands or any part thereof, in case the said lands shall not be redeemed from such sale as herein provided.

Deed to purchaser.

§ 139. If any parcel or lot so sold shall not be deemed as herein provided, the treasurer, immediately after the expiration of the said two years, shall execute and deliver to the purchaser, his heirs or assigns, or to the city or its assigns, or to the person finally redeeming as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes or assessments thereon. The treasurer executing such conveyance shall be entitled to demand and receive from the grantee, one dollar for preparing every such conveyance, but all purchases made for the city in any year shall be included in one conveyance, for which the treasurer shall be entitled to receive ten dollars.

Execution and record of deed.

§ 140. Every such conveyance shall be executed by the treasurer, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate.

Proceedings to obtain possession.

§ 141. The said grantor or its assigns, or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of said lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings, and 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.

Refunding purchase money.

§ 142. Whenever any grantee under any sale shall be unable to obtain possession of the lands conveyed to him by reason of any error or irregularity in the assessment of any person or property or in the levying of a tax or any proceeding for the collection of any tax, the common council shall refund to the purchaser the



money so paid with interest, the same to be audited and paid the same as other city charges.

§ 143. After the city shall have acquired the title to any lands sold for taxes, such lands shall be exempt while owned by the city from all taxes. Exemption  
of city  
property.

### TITLE XIII.

#### LOCAL IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Section 144. Appropriation of lands.

145. Assessment of expense.

146. Possession.

147. Grading, paving and macadamizing streets; constructing sewers and assessments therefor.

148. Change of grade and compensation.

149. Construction, repair and relaying sidewalks by city.

150. Construction, repair and relaying sidewalks by owners.

151. Certificate of indebtedness.

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Section 144. Whenever the common council shall intend to lay out, alter, widen, extend, straighten, make, open or construct any street, alley, lane, highway, public ground or sewers and take and appropriate the land of any person or corporation, or any easement therein for such purpose or any other municipal purpose whatever, it shall cause such property to be surveyed and a map made thereof, showing the lots and parcels of land and the rights and easements therein necessary to be taken, and the commencement, course and termination of the street, alley, lane, highway, public ground or sewers proposed to be laid out, widened, extended or altered or other work or improvement proposed to be made in and through the lands and easements so to be taken, and for that purpose the common council and those acting by its direction may enter upon any lands in said city. Such map shall be filed in the office of the city engineer. The common council shall then give notice to the owner or owners of said lands, or easements, by ordinance describing in general terms the improvements to be made, the lands or easements proposed to be taken according to the map herein required and notifying the owner or owners that, on or before a day specified, which shall not be less Appropriation of  
land.

than twenty days from the date of said ordinance, claims for the taking and appropriation of said lands or easements shall be filed with the city clerk. Such ordinance shall be published twice a week for two successive weeks in the official newspapers of the city. If no claims are filed as required by said ordinance, such owner or owners shall be deemed to have waived all claims for damages and consented and agreed to such improvement and the city may thereupon enter upon and take possession of such lands. In case claims for damages shall be filed as aforesaid, the common council shall proceed to acquire such lands or easements pursuant to the provisions of the condemnation law, except that the commissioners appointed shall be residents and freeholders of said city.

**Assessment  
of expense.**

§ 145. When the commissioners shall have ascertained the damages the owner or owners so filing claims as aforesaid will sustain by reason of the taking of such lands or easements, after making due allowance for any benefit to be derived therefrom, and their report thereon to the court shall have been confirmed, they shall proceed to determine the district immediately benefited by said improvement and apportion the damages determined by them and the costs and expenses of the proceedings as fixed by the court in the order confirming their report against the property in said district benefited thereby as nearly as may be in proportion to the benefits to be derived therefrom. If, in their judgment, the whole of such damage, cost and expenses can not be justly and equitably assessed against the property in said district, then the said commissioners shall only assess such portion thereof as in their judgment will be just and equitable, and the balance, not to exceed twenty-five per centum of the entire expense, shall be paid by a general tax upon the city and shall be raised, levied and collected in the next annual tax levy and paid to the persons entitled thereto. The certificate of the assessment, made by the said commissioners, shall briefly describe the real estate assessed, the names of the owners or occupants so far as ascertainable, and if unoccupied, or the names of the owners are unknown, the street or lot number thereof, and when computed shall, together with a duplicate thereof, be signed by said commissioners and filed with the city clerk within sixty days after their appointment. The city engineer shall furnish the maps necessary for such assessment, and they shall be made part thereof. The common coun-



oil shall then give notice, to be published for eight days in the official newspapers of the city, that said assessment has been so returned and filed, and may be examined by all persons interested therein, and that a motion will be made, at a special term of the supreme court, to be held in the third judicial district, on a day specified, to confirm the same and that all persons objecting to said assessment and desiring to be heard in opposition to its confirmation shall file their objections in writing with the city clerk at least three days before the time designated for such motion, and persons omitting to file such objections with the clerk shall be deemed to have waived the right to oppose confirmation and to have consented thereto. The court, on the day specified in such notice, or such other day as it may determine, shall hear the persons entitled to appear and may confer or annul such assessment. If confirmed, the assessment shall be conclusive; if annulled, it may be referred back to the commissioners, or three others, to be appointed by the court without further notice. In the making and return of the second assessment the commissioners shall proceed as in the first instance.

§ 146. When the report of the commissioners as to the damages <sup>Possession by city.</sup> to be paid to the owners shall be confirmed by the court, the city may enter upon and take possession of said lands or easements and proceed with the improvements, and the damages shall be paid to the persons entitled thereto when collected by the treasurer.

§ 147. The common council may cause any street, alley, lane, <sup>Street and sewer im-</sup> highway or public ground, or any part thereof not previously <sup>provements</sup> graded, paved, macadamized or asphalted at the expense in whole or in part of the property fronting thereon, to be graded, paved, macadamized or asphalted, and determine what part, if any, not exceeding twenty-five per centum of the expense thereof shall be paid by general tax upon the city and what part of such expense, less that portion which any railroad company or other corporation holding a public franchise for the use of a part of such lane or highway or other public ground is legally liable to pay, shall be paid by special assessment on the property fronting on such improvement. The common council may also make and construct new crosswalks, drains, culverts and sewers, and in like manner determine the proportions to be paid by general



tax and by special assessment against the property immediately benefited thereby. If the ordinance for any of said improvements shall provide for assessing the whole or any part of such expense by special assessment, the assessor, upon notice from the common council so to do, shall forthwith proceed to determine the district within which the property benefited by said improvement is located; cause the city engineer to make the necessary map therefor; make a certificate of such special assessment, entering thereon the names of the owners where ascertainable, and where the parcels are unoccupied or owned by nonresidents or the names of the owners can not be ascertained, the lot, street or map number shall be deemed sufficient. He shall make a just and equitable assessment of the costs and expenses of such improvement as audited by the common council against the owners or occupants or the lands deemed to be benefited, assessing each parcel in proportion to the benefit which, in his judgment, has been derived from said improvement, and shall enter in such certificate a brief description of the parcel assessed and the sum assessed against it. When said certificate is completed he shall publish a notice that the same has been completed, filed in the office of the assessor and may be examined by all persons interested therein, and specifying a day, not less than ten days from the date of said notice, within which all persons interested in said assessment may present objections thereto. Such notice shall be published at least twice in the official newspapers of said city. At the time and place specified in said notice the assessor shall receive all objections presented in writing in relation to said assessment, and shall hear and examine the same, and after such hearing and examination make such corrections therein as may be just and proper. When such certificate shall be thus corrected the assessor shall sign the same, together with the duplicate thereof, and deliver them to the common council. Such delivery shall be made within twenty days from the time specified in the assessor's notice of hearing unless such time shall be extended by the common council. Such certificate shall be laid before the common council at its first regular meeting thereafter, and any person interested therein may present objections in writing to the confirmation thereof. If no such objections are presented the common council shall confirm the same, and such confirmation shall be final and conclusive on all parties and persons interested



If such objections are presented the common council may hear and examine the same at the meeting when such assessment was laid before it or the next regular meeting thereafter, and after such examination and hearing may annul or confirm the same. If they confirm, such confirmation shall be final and conclusive, and if they annul, the matter shall be referred back to the assessor and he shall make a new assessment proceeding as in the first instance. If the assessor shall be interested in property to be affected by such assessment, or be from any cause incapable of acting, the mayor may appoint a disinterested freeholder in the manner hereinbefore provided. When any assessment, pursuant to this title, shall be finally confirmed by the court, or common council, the certificate thereof, together with a duplicate, shall be filed with the city clerk and both shall be deemed originals, to either of which shall be annexed the warrant for the collection of said assessment, under the seal of the city and signed by the mayor and city clerk, commanding the treasurer to collect the amount thereof in the manner hereinbefore provided.

§ 148. When the grade of any street or highway has been established, it shall not be changed except upon the petition of the owners of a majority of the lineal feet fronting on the street, or part thereof, on which the grade is to be changed, nor unless compensation be made to the owners claimed to be injured by such change of grade. Notice of change of grade shall be given, claims presented, commissioners appointed, damages ascertained and assessments made on account thereof in the manner provided by sections one hundred and forty-five, one hundred and forty-six and one hundred and forty-seven of this act.

§ 149. The common council may cause the sidewalks or any part thereof, in said city, to be constructed, made, paved, flagged, curbed, guttered, relaid and repaired at such times and of such materials as it may determine and cause the entire expense thereof to be assessed, levied and collected from the owner or owners of the property adjoining such sidewalk in proportion to the lineal feet fronting thereon, by special assessment.

§ 150. The common council may require the improvements or any of them specified in the preceding section to be made, done or constructed by the owner or owners of the land adjoining such sidewalk. In such case the ordinance shall specify the improvement to be made, the kind and quality of material and the man-

Change of  
grade and  
compensa-  
tion.

Sidewalks,  
construc-  
tion, etc.,  
by city.

Sidewalks,  
construc-  
tion, etc.,  
by owner.



ner and time within which the same shall be completed. In addition to the publication of the ordinance, the common council shall cause a copy thereof to be served upon the owners or occupants, either personally or by depositing a copy thereof securely inclosed in a post-paid wrapper in the post-office of said city addressed to such owner or occupant at his last known place of residence. If the names of such owners or occupants can not be ascertained, the publication of the ordinance shall be deemed sufficient notice. Affidavits of service, mailing or publication of such ordinance shall be filed in the office of the city clerk and such affidavits, or certified copies thereof, shall, in all courts and places, be deemed evidence of the facts stated therein. In case the improvement so specified shall not be done in the manner, or of the material or within the time required, the common council may make, do and complete the same and assess the entire expense thereof against the delinquent owners of the adjoining lands, assessing against each lot or parcel the expense of the improvement adjoining it and collect the same as a special assessment.

**Contracts.**

§ 151. All improvements to be paid for by special assessment shall be by contract, let to the lowest responsible bidder, and shall be paid for only from the funds raised, levied and collected for such improvements. The common council may, however, on the confirmation of the assessment for such improvement issue certificates of indebtedness in anticipation of the collection thereof. Such certificate shall be in the name of and under the seal of the city, signed by the mayor and city clerk and be payable not more than two years from date out of the fund collected by such assessment.

**Certificate of indebtedness.**

**Guardian ad litem.**

§ 152. Where there are infants or other incompetent persons owners, whose property is affected by any assessment made pursuant to this act, the county or supreme court, or a judge or justice thereof may, on application, in behalf of such infant or incompetent person, appoint a guardian ad litem to protect his interests.

#### TITLE XIV.

##### GENERAL PROVISIONS.

**By-laws, etc., how read in evidence.**

Section 153. Every by-law, ordinance, rule, regulation, resolution or proceeding of the common council of said city, may be read



in evidence in all courts and places, and in all actions and proceedings, either from a copy thereof, certified under the corporate seal by the mayor or clerk of said city, or from any printed volume containing such by-law, ordinance, rule, regulation, resolution or proceeding, and accompanied by a certificate signed by the clerk of said city, that such volume contains a correct transcript of such by-law, ordinance, rule, regulation, resolution or proceeding, and that the same was printed by authority of said common council.

§ 154. No persons shall be an incompetent judge, justice or juror, by reason of his being an inhabitant of said city, or liable to taxation therein, in any action or proceeding in which said city or corporation is a party or interested. Inhabitants not disqualified

§ 155. When judgment shall have been received in favor of said corporation for any fine, penalty or forfeiture, execution thereon may issue against the person as well as the property of the defendant, in the form prescribed by law for such executions. Execution upon judgments.

§ 156. The bonds of said city heretofore issued are hereby legalized, ratified and confirmed. City bonds legalized.

§ 157. The acts of the policemen, special policemen or collectors of unpaid taxes and assessments, heretofore appointed by the common council, under and pursuant to all warrants issued to such person or persons and all extensions thereof are hereby legalized, ratified and confirmed, and no tax or assessment, nor any proceeding to enforce the collection thereof, nor any sale of lands made to collect such tax or assessment shall be deemed irregular or invalid by reason of want of power or authority in such person or persons to execute such warrants. Acts of certain officers legalized.

§ 158. The provisions of title seven and title eight of chapter one hundred and fifty of the laws of eighteen hundred and seventy-two, and the acts amendatory thereof are continued in full force and effect for the purpose of enforcing the collection of all taxes and assessments levied prior to the fifteenth day of August eighteen hundred and ninety-six and so much of said titles as are applicable to the preparation of the general assessment-roll in the year eighteen hundred and ninety-six and the review, correction, completion thereof and filing the same with the city clerk, and the making, review, correction and completion of special assessments in and during said year are also continued in force and effect. When the taxes and assessments levied prior to August fifteenth, eighteen hundred and ninety-six are collected Enforcement of collection of taxes, etc.

and the assessment-roll and special assessments specified in this section are finally completed and filed, titles seven and eight shall then be deemed repealed. The collection of all taxes and assessments levied after the fifteenth day of August, eighteen hundred and ninety-six shall be enforced pursuant to the provisions of this act.

Term  
persons  
defined.

§ 159. The term "persons" whenever used in this act shall be construed to mean persons, firm, corporation, joint stock company or association.

Substitute  
for charter  
and local  
laws.

§ 160. Except as hereinbefore provided this act shall be a substitute for and take the place of the present charter of the city and all local laws relating to all or any of the matters in this act provided for. And it is expressly declared, that from and after the time when this act shall take effect, each and all of the provisions of the present charter, except as herein otherwise provided, and all local laws relating to all or any of the matters in this act provided for and all acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

§ 161. This act shall take effect immediately.

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## Chap. 748.

AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," as amended by chapter seven hundred and fifty of the laws of eighteen hundred and ninety-four, relating to district courts in the city of New York.

Accepted by the city.

BECAME a law May 20, 1896, 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:*

Consolidation  
act  
amended.

Section 1. Section thirteen hundred and sixty-seven of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," as amended by chapter seven hundred and fifty of the