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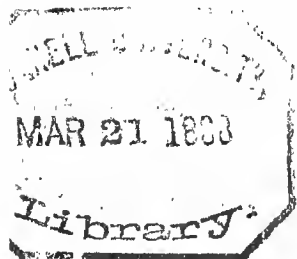
A. 102939

# State of New York.

No. 603.

Int. 930.

## IN ASSEMBLY,



March 15, 1888.

### AN ACT

To incorporate the city of Ithaca.

Introduced by Mr. ENZ—read twice and, by unanimous consent, ordered to a third reading and printed.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

#### TITLE I.

##### OF THE BOUNDARIES AND CIVIL DIVISIONS.

1 SECTION 1. All that district of country in the town of Ithaca in the county  
 2 of Tompkins, comprised within the following boundaries, to wit: Commenc-  
 3 ing at the southwest corner of DeWitt's location in the town of Ithaca;  
 4 thence due east along the south line of said location and the south line  
 5 produced, to a point three thousand four hundred and fifty-two feet east of  
 6 the east line of lot ninety-four; thence due north parallel with said east line  
 7 of lot ninety-four to the north line of lot ninety-two; thence west along the  
 8 north lines of lots ninety-two and ninety-four and these lines produced,  
 9 to the west line of lot eighty-seven; thence south along the west line of said

10 lot eighty-seven and the west line of said DeWitt's location to the place of  
 11 beginning, shall be a city known as "the city of Ithaca;" and the citizens of  
 12 this state from time to time inhabitants within the aforesaid limits, shall be  
 13 a body corporate and politic by the name of "the city of Ithaca," and as  
 14 such shall have the rights, powers and privileges conferred by the general  
 15 statutes of this state upon municipal corporations, as well as those conferred  
 16 by this act, which shall be known as the charter of said city.

1 § 2. The said city shall be divided into four wards, as follows: First  
 2 ward—All that part of said city lying on the westerly side of the middle of  
 3 Corn, Varick and Fifth streets, shall be known as the first ward. Second  
 4 ward—All that part of said city bounded as follows: Beginning on the south  
 5 boundary of said city in the center of Corn street; running thence north along  
 6 the center of said Corn street to its intersection with State street; thence  
 7 east along the center of said State street to its intersection with Tioga street;  
 8 thence north along the center of said Tioga street to its intersection with  
 9 Buffalo street; thence east along the center of said Buffalo street to the east  
 10 boundary line of said city; thence south along the east boundary of said city  
 11 to the south boundaryline of said city; thence west along the south boundary  
 12 of said city to the place of beginning, shall be known as the second ward.  
 13 Third ward—All that part of said city lying on the east of the center of  
 14 Corn street, center of Varick street, center of Fifth street and north of the  
 15 center of State street, and west of the center of Tioga street, shall be  
 16 known as the third ward. Fourth ward—All that part of said city lying east  
 17 of the center of Tioga street and north of the center of Buffalo street shall  
 18 be known as the fourth ward.

1 § 3. Whenever the population of any ward shall exceed that of any other  
 2 by five hundred inhabitants the common council may alter the boundaries of  
 3 the wards or increase the number thereof, so that the population in each  
 4 ward shall be equal as near as conveniently may be, and shall by

5 resolution, to be entered in the minutes of the common council, declare the  
6 limits of each ward, which resolution shall be published in one or more of  
7 the city papers for two successive weeks, but no new ward shall be created  
8 with a population of less than two thousand.

## TITLE II.

### OF OFFICERS, THEIR ELECTION AND APPOINTMENT.

1 SECTION 1. The officers of said city shall be as follows: A mayor, recorder,  
2 two aldermen from each ward and two supervisors, all to be elected on  
3 general ticket by the qualified voters of the city; an assessor, a treasurer, a  
4 collector of taxes, a city superintendent, a city clerk, a city attorney, a pound  
5 master, such police constables, general and special, as in the judgment of the  
6 common council may be deemed necessary, and one fire warden from each  
7 ward, all of whom shall be appointed by the mayor of said city; but the same  
8 person may be so appointed to and hold one or more of said offices at the  
9 same time. Before any person shall be so appointed to one or more of said  
10 offices the common council shall fix the maximum rate of compensation to  
11 be paid for performing the duties of each of said offices, which maximum  
12 rate shall not be changed during the incumbency of the appointee next  
13 thereafter appointed thereto except with the consent of the mayor. The  
14 common council may also, prior to each of such appointments, prescribe the  
15 duties of such offices in addition to and not inconsistent with the duties  
16 prescribed by this act and subject to such provisions of the common council,  
17 and to the provisions of this act the mayor shall prescribe the duties and fix  
18 the rate of compensation of all officers appointed by him and of all employes  
19 of the city, provided, however, that the compensation of the collector shall  
20 not be greater than that allowed the collectors of towns for similar services.

1 § 2. Every person elected or appointed to office under this act, who shall  
2 refuse or neglect to take and file the oath of office hereinafter required, for

3 ten days after notice in writing from the clerk, of his election, shall be  
4 deemed to have declined the office, and his place shall be filled as in case of  
5 a vacancy, and he shall forfeit for the use of the city twenty-five dollars, to  
6 be sued for and collected in the name of the city.

1 § 3. The said wards, until otherwise arranged as hereinbefore provided,  
2 shall constitute the election districts for all city elections held in said city,  
3 and the aldermen chosen under this act shall be inspectors of election in the  
4 several wards in which they respectively reside, and shall possess the  
5 powers and discharge all the duties of such inspectors, and all provisions of  
6 law applicable to election districts and to the inspectors of election therein,  
7 shall apply to said wards and said inspectors.

1 § 4. Every inhabitant who shall have resided in said city for thirty days  
2 and in the ward in which he shall offer his vote, for ten days next preceding the  
3 offer of his vote, and who shall at the time and place of offering his vote, be  
4 qualified to vote for member of assembly, shall be entitled to vote for the  
5 officers to be elected by virtue of this act, in the ward where he shall be so  
6 qualified and reside.

1 § 5. The provisions of law in respect to elections for state and county  
2 officers, shall apply to elections held under this act so far as the same are  
3 applicable, and are not inconsistent with this act.

1 § 6. A general city election shall be held in each of the wards of said city  
2 on the first Tuesday of March in each year after the passage of this act, at  
3 such places in the several wards of said city as shall be designated by the  
4 common council, and ten days notice shall be given of such election by pub-  
5 lishing the same in one or more papers of said city. If no place shall be  
6 appointed by the common council, the election shall be held at the same  
7 places at which the last preceding annual election of the village of Ithaca  
8 was held.

1 § 7. The like public notice of all future elections under this act shall be  
2 given by the common council, by notice by publication at least two weeks  
3 before the time of holding such future elections.

1 § 8. The polls of the election shall be opened at eight o'clock in the fore-  
2 noon, and shall be kept open without intermission until five o'clock in the  
3 afternoon, at such place or places in each ward as the common council shall  
4 appoint, when they shall be finally closed, and the inspectors shall forth-  
5 with without adjournment, canvass the votes received by them, and shall  
6 make and certify two statements thereof, one of which shall be filed with  
7 the city clerk, and the other with the clerk of Tompkins county. The  
8 inspectors shall judge of the qualifications of electors, canvass the ballots,  
9 and make out and place in the hands of the mayor, or clerk of the city, a  
10 certificate containing a statement of the number of votes cast in each ward  
11 for each candidate respectively, and the common council shall, within one  
12 day thereafter, proceed to canvass such certificates, and shall cause a state-  
13 ment of the whole number of votes cast for each candidate to be entered on  
14 their minutes, and shall declare those persons elected who have the  
15 greatest number of votes, and it shall be the duty of the clerk of the city to  
16 notify the several officers of their election. At the first regular meeting of  
17 the common council after each annual election, the persons who shall have  
18 been elected, mayor and aldermen respectively, at said last election, shall  
19 each take the oath of office prescribed by the constitution.

### TITLE III.

#### OF THE COMMON COUNCIL.

1 § 1. The mayor and aldermen of the city shall constitute the common  
2 council thereof. The present president of the village of Ithaca shall be the  
3 mayor of said city for the remainder of the period for which he was elected,

4 such president, and the present members of the board of trustees of the  
5 village of Ithaca shall be the aldermen of said city from their respective  
6 wards for the remainder of the periods for which they were elected, such  
7 trustees respectively. At the first election held after the passage of this act  
8 as hereinbefore provided; a mayor, and one alderman from each ward shall  
9 be elected as hereinbefore provided.

1 § 2. The common council shall meet at such place as the mayor shall  
2 designate, on the first Wednesday next after the annual election in each year  
3 and at such times and places as hereinafter provided.

1 § 3. At all meetings of the common council, the mayor when present,  
2 shall preside, but in his absence one of the aldermen shall be called to the  
3 chair. In the proceedings of the common council, each member present  
4 shall have a vote, except the mayor, who shall have only a casting vote  
5 when the votes of the other members are tied, and except as hereinafter  
6 provided. The sittings of the common council shall be public except when  
7 the public interest shall require secrecy. The minutes of the proceedings  
8 shall be kept by the city clerk and the same shall be open at all times to  
9 public inspection. A majority of the common council shall be a quorum for  
10 the transaction of business, but no tax or assessment shall be ordered except  
11 by a concurring vote of a majority of all the members of the common council  
12 in office, including the mayor, who shall be entitled to vote thereon as a  
13 member of the council, and no tax levied, assessment bill ordered,  
14 resolution or ordinance shall take effect until the same shall receive the  
15 approval of the mayor, as hereinafter provided.

1 § 4. The common council shall hold regular meetings at least twice in  
2 each month, one of which shall be on the first Wednesday of each month  
3 and the mayor, or in his absence, any three aldermen, may call special  
4 meetings by twenty-four hours *notice in writing* served personally upon the



5 other members of the common council or by leaving it at their usual places  
6 of business during business hours, or their places of abode at other times.

1 § 5. The common council shall determine the rules of its own proceedings  
2 and be judge of the election and qualification of its own members, and have  
3 power to compel the attendance of absent members from time to time, and  
4 to prescribe the duties of all the officers and persons appointed by them to  
5 any place whatever subject to the provisions of this act.

1 § 6. Upon the completion of the assessment-roll in each year, the common  
2 council shall designate one or more good and solvent banks in said city as  
3 the depository of all moneys received by the treasurer of said city, and may  
4 agree with such bank or banks upon a rate of interest per annum to be paid  
5 on moneys so collected. Each bank so designated shall, for the benefit and  
6 security of the city, and before receiving any such deposits, execute to the  
7 common council of said city a good and sufficient bond, with two or more  
8 sureties, to be approved by the common council of said city. Such bonds  
9 shall be conditioned for the safe keeping and payment on the order or  
10 warrant of said treasurer or upon other lawful authority, all such deposits  
11 and the agreed interest thereon, and it shall be the duty of the clerk of the  
12 common council to file such bond in the office of the clerk of such county.  
13 It shall be the duty of the treasurer to deposit all funds belonging to the city  
14 that may come into his hands in a bank so designated and his failure so to  
15 do shall be a misdemeanor. The designation of any such bank and the  
16 depositing of moneys therewith by such treasurer, shall not release him or  
17 his sureties from any liability in relation to such moneys, or in any manner  
18 affect such liability, except for loss through failure or fault of such  
19 designated bank.

1 § 7. The common council shall exercise all the corporate powers

2 mentioned in the first section of this act, and shall have the control and  
3 management of the property, both real and personal, belonging to the city,  
4 and all the finances thereof, and except as herein otherwise provided, no  
5 debt of liability which may become a charge against said city shall be  
6 created or contracted except by the authority of said common council; and in  
7 addition to such other powers as may be herein conferred upon it, the  
8 said common council shall have full power:

9 1. To prevent vice and immorality, to preserve peace and good order,  
10 and to prevent and quell riots or disorderly assemblages.

11 2. To restrain and suppress disorderly and gaming houses, all  
12 instruments and devices used for gaming, to prevent all gaming and  
13 fraudulent devices in said city, and to regulate billiard rooms and bowling  
14 alleys and shooting galleries.

15 3. To regulate and fix the hours of closing saloons and places where  
16 intoxicating liquors are sold.

17 4. To prohibit, restrain and regulate all exhibitions, circuses or other  
18 performances for money, and authorize the same on such terms as they  
19 shall deem expedient.

20 5. To suppress disorderly houses and houses of ill-fame, and to restrain  
21 and punish the keepers thereof.

22 6. To restrain and punish vagrants, mendicants, street beggars and  
23 persons soliciting alms, common prostitutes, lewd and disorderly persons,  
24 and to prevent and punish drunkenness and disorderly or immoral conduct  
25 in public places or streets.

26 7. To prohibit the obstruction of the streets of said city by the  
27 gathering or assembling of persons thereon, and to authorize the police  
28 officers of said city to disperse all such gatherings or assemblages of  
29 persons, and upon the refusal of persons so congregated or assembled to  
30 disperse, when commanded so to do by a duly appointed police officer

31 under regulations to be prescribed by the common council, such police  
32 officer may make summary arrest of any person or persons so refusing,  
33 and take him or them forthwith before the recorder of said city, to  
34 be by him tried as disorderly persons and punished as such, and all  
35 such persons are hereby declared to be disorderly persons.

36 8. To direct the location of all slaughter-houses, markets and houses  
37 for storing gunpowder or any combustible or explosive substance, and to  
38 regulate the keeping and conveying of gunpowder and other dangerous  
39 materials, and the use of lights in barns, stables and other places.

40 9. To prohibit and regulate the exhibition of fireworks, the storing and  
41 sale of gunpowder and the discharge of fire-arms within said city.

42 10. To prevent or regulate horse racing and immoderate driving in the  
43 streets of said city, and to authorize the stopping of anyone who shall be  
44 guilty of immoderate riding or driving in said streets, and to prevent the  
45 flying of kites, riding on bicycles on sidewalks, rolling hoops, playing at ball,  
46 coasting, or any other amusement practiced having a tendency to injure or  
47 annoy or endanger persons passing on the streets or sidewalks or to frighten  
48 teams or horses in said city.

49 11. To prevent any encroachment, encumbrance or obstruction in or upon  
50 or over any street, sidewalk, highway or public grounds in said city, and in  
51 case of the neglect or refusal of any person who shall have caused any such  
52 encroachment, encumbrance or obstruction, or of the owner or occupant of  
53 any premises upon which shall be any building, fence or other structure or  
54 thing encroaching upon, encumbering or obstructing any street, sidewalk,  
55 highway or public ground in said city, to remove the same after being  
56 notified so to do, the common council shall have power to cause such  
57 removal at the cost and expense of such person or of such owner or  
58 occupant and to collect such cost and expense as hereinafter provided.

59 12. To regulate and determine the time and place of bathing and  
60 swimming in the waters of said city.

61 13. To establish and regulate a public pound and to restrain cattle,  
62 horses, sheep, swine, dogs, geese and other animals and fowls from running  
63 at large in said city, and to authorize the distraining, impounding and sale  
64 of the same (except dogs), for the penalty incurred and the cost of keeping  
65 and proceeding, and to make regulations for taxing and confining dogs and  
66 for destroying such as may be found running at large contrary to any  
67 ordinance and to regulate their running at large.

68 14. To require all persons owning or occupying property in said city and  
69 the owners of unoccupied property therein to remove all snow, ice and dirt  
70 from the sidewalks in front of the premises so owned or occupied by them  
71 and to keep the same clean and free therefrom, and in case of neglect or  
72 refusal on the part of such owners or occupant so to do, to remove the same  
73 at his expense, and to impose and collect such penalty as shall be provided  
74 by any ordinance of said city for such neglect or refusal.

75 15. To regulate the ringing of bells and the crying of goods, wares and  
76 merchandise or other commodities in said city.

77 16. To prohibit, restrain and regulate all gift enterprises or sales of goods  
78 founded upon or connected with any gift, lottery or chance, within the  
79 corporate limits of said city, and restrain and regulate the sale of goods and  
80 merchandise at public auction within the same limits, and to authorize the  
81 licensing of the latter upon such terms as the common council shall deem  
82 proper. The said common council shall likewise have the power to prohibit  
83 and regulate all hawking and peddling, auctioneering or sale of property in  
84 the streets, alleys lanes, sidewalks and public parks and places of said city.

85 17. To establish, regulate and construct public reservoirs and hydrants,  
86 and to provide for supplying the city with water by means of pipes, and to  
87 make regulations in regard to the use of the same.

88 18. To appoint one or more examiners of weights and measures.

89 19. To establish, regulate and maintain public parks in said city and  
90 cemeteries within or without the bounds of said city. To preserve, adorn  
91 and protect the same and to prohibit and prevent interments within the  
92 bounds of said city unless in such cemeteries as may be within said bounds.

93 20. To provide for the lighting of the streets in the city and the  
94 protection and the safety of the public lamps, and to prevent the same from  
95 being lighted or extinguished by persons not duly authorized by said  
96 common council to light or extinguish the same.

97 21. To procure fire engines and other apparatus for the extinguishment  
98 of fires and have the charge and control of the same and provide, fit and  
99 secure engine houses and other places for keeping and preserving the same.

100 22. To organize and establish a fire department, and to make such fire  
101 laws, rules, regulations and ordinances of said department and the rights  
102 and duties thereof, and of citizens during fires in said city, as they may  
103 deem best, and to enforce the same by suitable fines and penalties.

104 23. To protect property, both real and personal, of individuals at times  
105 of fires, and to appoint guards for the protection of the same, and to  
106 prescribe their various duties and compensation.

107 24. To authorize the fire wardens at reasonable times to enter and  
108 examine all houses, stores, yards and outbuildings, and to ascertain if they  
109 are in a dangerous state in regard to fires. To prevent or regulate the  
110 construction of any building, chimney, fire-place, heater, stove, stove-pipe,  
111 oven repository for ashes or charcoal, boiler, furnace, or any other  
112 apparatus or thing whatever which may be considered dangerous with  
113 respect to fire, and to cause the owner or occupant of any premises upon  
114 which shall be found anything dangerous as aforesaid, to remove the same  
115 or put it in a safe condition, and in case the owner or occupant shall refuse  
116 or neglect to do so, the common council shall have power to cause the same  
117 to be done at the expense of the owner or occupant, and to collect such cost

118 as hereinafter provided, and for the purposes aforesaid or either thereof,  
119 the said common council shall have power to enter into or upon any  
120 building or premises in said city.

121 25. To prescribe limits in said city within which wooden or wooden parts  
122 of or additions to buildings shall not be erected or placed without the  
123 permission of said common council, to order the removal of such buildings  
124 or additions if erected without such permission, and to direct that any or  
125 all buildings or parts of or additions to buildings thereafter to be erected or  
126 placed within said limits, shall be made or constructed of some  
127 incombustible material with such partition walls and fire-proof roofs as  
128 they may judge necessary, under such penalties as may be prescribed by  
129 said common council.

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

133 27. To cause the sidewalks on the streets and highways of said city to be  
134 raised, leveled, curbed, graded, graveled, paved, planked, and repaired and  
135 at the expense of the owners or occupants of the adjacent lands and  
136 premises, and if any of the matters or things above mentioned be not done  
137 by such owners or occupants within the time and in the manner, and of or  
138 with the material by said common council required and prescribed, the said  
139 common council may do or cause the same to be done, and may assess the  
140 expense thereof upon the owners or occupants, and cause the same to be  
141 levied and collected in the manner hereinafter in this act provided.

142 28. To direct and regulate the planting of shade and ornamental trees  
143 along the streets and sidewalks in said city, and to prevent the injury or  
144 defacement of any trees, fences, walls, posters or buildings in said city.

144 29. To regulate and superintend the laying of all gas or water pipes in  
146 said city, and to require any corporation, company or person after laying or  
147 repairing such pipes in any street or highway in said city to put such street

148 or highway in good condition or repair, and to remove all encumbrances  
149 or obstructions which such corporation, company or person may have  
150 placed or caused to be placed in any such street or highway without any  
151 unnecessary delay, and to require such corporation, company or person to  
152 keep proper signal lights burning at night at all holes or ditches or other  
153 places which may have been rendered dangerous to persons traveling such  
154 streets or highways, and in case such corporation, company or person shall  
155 neglect or refuse to do any of the acts so required of them, the said  
156 common council shall have power to cause the same to be done at the cost  
157 and expense of such corporation, company or person, and to collect such  
158 cost and expense by suit at law, or as hereinafter provided.

159 30. To compel the owner or occupant of any wall or building in the city  
160 which may be in a ruinous or unsafe condition, to render the same safe or  
161 to take down and remove the same, and to prohibit such erections, and in  
162 case of the neglect or refusal of such owner or occupant to render such  
163 wall or building safe or to take down and remove the same after being  
164 notified so to do, the common council shall have power to cause the same  
165 to be taken down or removed at the expense of such owner or occupant and  
166 to collect such cost and expense as in this act provided.

167 31. To make the costs and expenses incurred by the city in pursuance of  
168 sub-divisions eleven, fourteen, twenty-four, twenty-nine and thirty of this  
169 section a lien upon the premises or lots therein mentioned or implied, and  
170 to issue warrants against the owners or the occupants thereof respectively,  
171 and to collect such costs and expenses as assessments and taxes are  
172 collected.

173 32. To cause to be made a map of all the streets and highways in said  
174 city, and to designate thereon and at such places on said street as they  
175 may deem proper, those streets and highways which in their judgment

176 cannot be put in a proper condition for general travel without too great  
177 expense. To repair said streets for the convenience and benefit of the  
178 inhabitants thereof, but the said city shall not be liable for any accident or  
179 injury to person or property caused or occasioned by the defective  
180 condition of any street or highway thus designated.

181 33. To control, regulate and restrain the setting of poles and stringing of  
182 wires by telegraph, telephone or electric light or other companies in the  
183 streets of said city.

184 34. To regulate the speed of locomotives, tenders and railroad and other  
185 cars propelled by steam, electricity or horse power and to prevent the  
186 unnecessary obstruction of the streets by the same in said city, to require  
187 flagmen to be stationed or gates to be erected at street crossings by  
188 railroads in said city and to make needful regulations in regard thereto for  
189 public safety.

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

193 36. To provide for the care, custody and preservation of the public  
194 property, books, records and papers belonging to said city. To prevent  
195 and punish any injury to or trespass upon the same; to make any and all  
196 necessary repairs and improvements to the same, and to cause any part  
197 thereof to be insured when they shall deem it necessary.

198 37. To audit such accounts and claims against the city as are made out  
199 in items and verified, and to order the payment of such as shall be allowed,  
200 and to make such rules and regulations in regard to the same as they may  
201 deem necessary and proper.

202 38. To correct the assessment-roll in respect to taxes imposed by virtue  
203 of this act in the same manner as a board of supervisors may by law correct the  
204 town-rolls of their county, and for this purpose said common council shall



205 be vested with power to make such correction, and shall possess all the  
206 powers in relation to such assessment-roll that boards of supervisors have  
207 by statute in case of town assessment-rolls and town and county taxes.

208 39. To make such general ordinances, by-laws and regulations not  
209 repugnant to the general laws of this state as they shall deem expedient for  
210 the good government of the city.

211 40. For the purposes aforesaid, or any of them, or of executing any  
212 powers conferred upon the common council, or upon the city, by this act or  
213 otherwise, the said common council shall have full power to make,  
214 establish, publish, modify, amend or repeal ordinances, rules, regulations  
215 and by-laws, and to prescribe, fix and enforce such penalties and fines as  
216 they may deem proper for the violation of them respectively, not exceeding  
217 fifty dollars for any one offense, except as herein otherwise provided, and  
218 to collect the same of any persons guilty of such violation in any court  
219 having jurisdiction of such cases. Every such rule, ordinance and  
220 regulation or by-law shall be published once in each week for two weeks  
221 successively in one or more newspapers published in said city before it shall  
222 take effect, and every such ordinance, rule, regulation or by-law, together  
223 with a certificate by the clerk of the city of the time and manner of the  
224 publication thereof, shall be entered or recorded in a book to be provided  
225 and kept for that purpose, and the said record, or a copy thereof, certified  
226 by the clerk of said city, shall be presumptive evidence in all courts and  
227 places, and in all actions and proceedings of the due passage of such  
228 ordinance, rule, regulation or by-law, and of its having been duly published.

1 § 8. All existing ordinances, by-laws, resolutions and regulations of the  
2 village of Ithaca, not inconsistent with the provisions of this act, are hereby  
3 adopted and declared to be in full force and effect within the limits of the  
4 city of Ithaca until repealed or modified as provided in this act for the repeal,  
5 amendment or modification of ordinances, by-laws and regulations.

1 § 9. The recorder of said city is hereby authorized and empowered to  
2 hold a court to be known as the recorder's court, which shall have the  
3 jurisdiction hereinafter provided. All actions brought to recover any  
4 penalty or forfeiture incurred under this act, or the ordinances, by-laws,  
5 rules or regulations made in pursuance thereof, may be brought in the  
6 corporate name of said city, in any court of record, if the sum claimed  
7 exceeds fifty dollars, and if the sum claimed does not exceed two hundred  
8 dollars, it may be brought in the recorder's court of the city of Ithaca, and  
9 said recorder's court shall have jurisdiction exclusive of any justice's court to  
10 try and determine the same, and render judgment therein, and in any such  
11 action brought in such recorder's court, the first process may be by warrant,  
12 and on judgment for recovery for any such penalty or forfeiture in either  
13 court, execution shall issue against the person of the defendant, as well as  
14 against his property, in the same manner as in cases in which executions  
15 against the person are authorized to be issued upon judgments rendered in  
16 justice's courts. Every violation of a penal ordinance of said city shall  
17 constitute disorderly conduct within the meaning of this act.

#### TITLE IV.

##### OFFICERS OF THE CITY, THEIR POWERS AND DUTIES.

1 SECTION 1. The mayor of the city of Ithaca shall be the chief executive  
2 magistrate thereof, and shall, when present, preside at all meetings of the  
3 common council. It shall be his duty to take care that within said city the  
4 laws of this state and the ordinances and by-laws passed by the common  
5 council shall be faithfully executed, and as the head of the police of said  
6 city, to arrest or cause the arrest of all persons violating the same; to  
7 exercise a constant supervision over the conduct of all subordinate officers;  
8 to receive and examine into all complaints against them for misconduct or  
9 neglect of duty. To appoint at the first meeting of the common council in  
10 each municipal year, or as soon thereafter as may be, all standing committees

11 required by the rules of the common council and all special committees of  
12 the common council unless by it otherwise ordered. To recommend, in  
13 writing, to the common council, from time to time, such measures as he shall  
14 deem necessary or expedient for them to adopt; to approve or disapprove of  
15 all bills, orders, resolutions or ordinances which shall have passed the common  
16 council, but if he approves he shall indorse his approval thereon in writing,  
17 and sign such approval, and if he disapproves, he shall return the same to  
18 the common council or the clerk thereof, with his objections in writing, which  
19 shall be filed by the clerk, and the common council may at its next meeting  
20 thereafter, proceed to reconsider such ordinance, resolution, order or act thus  
21 disapproved, and if the same shall be passed by the votes of two-thirds of  
22 all the members of the common council then in office, the same shall have  
23 full force and effect notwithstanding the objection of the mayor. If any such  
24 bill, order, resolution or ordinance shall not be so returned by the mayor to  
25 the common council or clerk within five days after it shall have been  
26 presented to him (Sunday excepted), such ordinance, resolution, order or act  
27 shall have full force and effect in like manner as if duly approved by the  
28 mayor, unless the term of office of mayor shall have expired within five  
29 days after the same shall be presented to him, in which case such ordinance,  
30 resolution, order or act, shall have no force. He shall have power summarily,  
31 to hear, try and determine any complaint against any appointed officer of  
32 said city for misconduct or neglect of duty, and to suspend or remove said  
33 officer; provided, however, that at the next meeting of the common council  
34 after such removal, he shall state his reasons therefor, in writing, which shall  
35 be spread upon the minutes of the common council; and he shall also have power  
36 summarily to revoke any license of any hackman, cartman, or for the exhibition  
37 of any show. He shall sign all warrants ordered by the common council for the  
38 payment of moneys by the city treasurer. He shall have power to

39 administer oaths and take affidavits and acknowledgments. In case th  
40 mayor shall be unable to perform the duties of his office in consequence of  
41 sickness or absence from the city, or if there shall be a vacancy in the office.  
42 the common council shall appoint by ballot one of their number to preside at  
43 their meetings, and the presiding officer thus chosen shall be vested with all  
44 the powers and perform all the duties of the mayor of the city, until the  
45 mayor shall resume his office or the vacancy shall be supplied according to  
46 law. The mayor of the city of Ithaca shall possess all the powers and  
47 authority conferred upon the mayors of cities by any general statute of the  
48 state. He may also upon complaint being made to him under oath, issue a  
49 warrant to the chief of police or any police officer in the city of Ithica to  
50 arrest any person charged with any crime or misdemeanor, or with any violation  
51 of any of the laws or statutes of said state within said city, and bring such  
52 person for examination or trial before the recorder or acting recorder, and  
53 such warrant may be executed by any officer to whom it is directed at any  
54 place within the state without indorsement. When such process shall be  
55 made returnable before the recorder or acting recorder, such officer upon the  
56 same being returned to him or the prisoner arrested by virtue thereof being  
57 brought before him, shall take and acquire jurisdiction of the subject matter  
58 and proceed with the case to the same extent and in the same manner in all  
59 respects as if such process had been originally issued by him. He shall have  
60 power at all times to examine the books, vouchers and papers of any officer  
61 or employe of said city and to summon and examine under oath any person  
62 connected therewith.

1 § 2. It shall be the duty of every alderman in said city to attend the  
2 regular and special meetings of the common council, and to act upon  
3 committees when thereunto appointed by the mayor or common council.  
4 To report to the mayor all officers who are guilty of any official misconduct  
5 or neglect of duty, and to aid in maintaining peace and good order in said

6 cyit and to perform or assist in performing all such duties as are enjoined  
7 upon the aldermen of said city separately, or upon the common council.  
8 thereof.

1 § 3. The supervisors elected under the provisions of this act shall be  
2 members of the board of supervisors of the county of Tompkins, and it shall  
3 be their duty to represent said city at the general or any special session of  
4 the said board and to act and vote like other supervisors. They shall receive  
5 the same compensation allowed by law and in the same manner as  
6 supervisors of towns for similar service.

1 § 4. It shall be the duty of the assessor or assessors to prepare and  
2 deliver to the common council and file with the clerk a tax roll and  
3 assessment of each tax directed to be levied upon the taxable inhabitants  
4 and property of said city, and a duplicate thereof, both of which shall be  
5 deemed originals in such way and manner as hereinafter provided.

1 § 5. The clerk of said city shall have the custody of the records, books  
2 and papers of said city, and shall attend its meetings and act as clerk of the  
3 common council, and he shall record in the manner prescribed by the said  
4 common council, their ordinances, rules and regulations, by-laws, resolutions  
5 and proceedings, and the proceedings at elections and meetings of the  
6 inhabitants of said city. The books and papers in the office of the said clerk  
7 shall at all reasonable times, on demand, be produced for inspection to any  
8 taxable inhabitant of said city, and upon a like demand and a tender of fees  
9 at the rate of ten cents per folio therefor, he shall furnish copies of any  
10 papers or records filed with him as such clerk. Copies of all papers duly  
11 filed in his office, and transcripts from the records of said city, certified  
12 by him under the corporate seal, shall be evidence in all courts and in all  
13 actions or proceedings, in like manner as if the originals were produced. He  
14 shall keep an accurate account of all the moneys received by him belonging

15 to the city, and shall, within ten days after the receipt of any moneys by  
16 him, pay the same over to the treasurer of the city, for which he shall take a  
17 receipt from such treasurer and file the same in his office and report the  
18 same to the common council at its next regular meeting. He shall also keep  
19 an accurate account of all expenditures by said city, which account shall be  
20 kept in such a manner as the common council shall direct. All moneys shall  
21 be drawn from the treasury in pursuance of the order of the common  
22 council, by a warrant upon the city treasurer, signed by the mayor or  
23 presiding officer of the common council, and countersigned by the clerk.  
24 Such warrant shall specify for what purpose the amount therein named is to  
25 be paid, and to what fund chargeable; and the clerk shall keep an accurate  
26 account of all warrants drawn on the treasurer in a book to be provided for that  
27 purpose, specifying the number of each warrant, the purpose for which  
28 issued and the number of the voucher and date of resolution upon which it  
29 is issued. He shall countersign all licenses granted by the common council  
30 or any officer of said city authorized by this act to grant the same, and shall  
31 enter in proper books full minutes of all such licenses. He shall give  
32 immediate notice in writing to any person elected or appointed to any office  
33 under this act, of his election or appointment, which notice shall be  
34 deposited in the postoffice, properly addressed to such person. He shall have  
35 the custody of the corporate seal.

1 § 6. The city treasurer shall, before entering upon the duties of his office,  
2 enter into a bond with two or more sureties in such penal sum as may be  
3 fixed by the common council, which bond, when approved by the mayor  
4 shall be immediately filed in the office of the clerk of the county of  
5 Tompkins, and the common council shall have the power to increase the  
6 amount of said bond whenever, in their discretion, they may regard it to be  
7 advisable. Said treasurer shall receive and safely keep all moneys belonging  
8 to said city; shall keep an accurate account of all receipts and payments, so

9 as to exhibit the amount paid for each particular class of purposes for which  
10 money shall be raised, and make returns thereof in such manner and at such  
11 times as the common council shall direct, and in such account of payments  
12 or disbursements shall state therein the number of the warrant upon which  
13 every payment or disbursement was made.

1 § 7. The present police justice of the village of Ithaca shall be the  
2 recorder of said city for the remainder of the period for which he was  
3 elected such police justice, or until his successor shall be duly elected  
4 and qualified. At each general election next preceding the expiration of the  
5 term of office of the recorder of said city, there shall be elected by the  
6 electors of said city, a recorder, whose term of office shall be four years  
7 unless sooner removed, and who shall hold said office until his successor has  
8 qualified.

9 2. The recorder so elected, before entering upon the duties of his office,  
10 shall take the oath of office prescribed by law for judicial officers, and shall file  
11 with the clerk of said city, his bond, in such penalty, and with such sureties  
12 as the common council of said city shall decide and approve of for the faithful  
13 discharge of his duties as recorder, and for the payment over to the treasurer  
14 of said city, of all funds which shall come into his hands as such recorder,  
15 according to the provisions of this act, and shall immediately thereafter  
16 enter upon the discharge of the duties of his office.

17 3. The common council of said city shall provide a suitable office for said  
18 recorder. It shall be his duty to attend at such office at all reasonable hours,  
19 and to hear all matters, issue all processes and institute such proceedings  
20 as the proper administration of justice requires.

21 4. The recorder of said city shall, in all criminal actions and proceedings  
22 and special proceedings of a criminal nature for or on account of offenses  
23 committed or charged to have been committed within said city, have all the

24 jurisdiction and authority which a justice of the peace of any town would  
25 have, if such offence were committed or charged to have been committed in  
26 such town, exclusive of any other officer except the mayor of said city, and  
27 judges and justices of courts of records. The said recorder shall have  
28 exclusive jurisdiction and authority to hear, try and determine, summarily  
29 and without a jury, all charges and complaints against persons of disorderly  
30 conduct in said city, as defined by this act, or of such conduct in said city as  
31 constitutes such persons, tramps, vagrants or disorderly persons as defined  
32 either by this act or by the statutes of this state. Whenever any person  
33 shall be brought before said recorder, either with or without warrant,  
34 charged with being such tramp, if said recorder is satisfied by the confession  
35 of such person, or by competent evidence upon such summary trial that such  
36 person is such tramp, the said recorder shall thereupon have jurisdiction  
37 and authority to render judgment convicting such person thereof, and  
38 imposing such sentence therefor as is provided by section one of chapter  
39 four hundred and ninety of the laws of eighteen hundred and eighty-five for  
40 such offence. Whenever any person is brought before such recorder either  
41 with or without warrant, charged with such disorderly conduct, or with  
42 being either such tramp, such vagrant or such disorderly person, if said recorder  
43 shall be satisfied by the confession of such person or by competent evidence,  
44 upon such summary trial, that such person has been guilty of such  
45 disorderly conduct, or is such vagrant or such disorderly person, the said  
46 recorder may thereupon take such further proceedings thereon as a  
47 magistrate is authorized by the Code of Criminal procedure to take in such  
48 case, or the said recorder may, instead render judgment convicting such  
49 person of disorderly conduct or of being a vagrant or disorderly person  
50 as the case may be, and that he pay a fine not exceeding fifty dollars or be  
51 imprisoned not exceeding six months, or both, as the case may require,



52 which judgment shall be enforced in the same manner, in all respects, as  
53 judgments of courts of special sessions are enforced.

54 5. The said recorder is hereby empowered to hold courts of special  
55 sessions in said city, and subject to the power of removal provided for in  
56 sections fifty-seven and fifty-eight of the code of criminal procedure, courts  
57 of special sessions held by said recorder shall have, in the first instance,  
58 exclusive jurisdiction to hear, try and determine all charges of misdemeanors  
59 committed within said city, which are enumerated in section fifty-six of the  
60 code of criminal procedure. Subject to the power of removal provided by  
61 section two hundred and eleven of the code of criminal procedure, courts of  
62 special sessions held by said recorder shall also have, in the first instance,  
63 exclusive jurisdiction to hear, try and determine all other charges of  
64 misdemeanors committed within said city.

65 6. Courts of special sessions held by said recorder shall also (subject to  
66 removal as provided by sections fifty-seven and fifty-eight of the code of  
67 civil procedure, if the misdemeanor is one of these enumerated in section  
68 fifty-six of the code, and otherwise subject to removal as provided by section  
69 two hundred and eleven of said code), have jurisdiction to hear, try and  
70 determine charges of misdemeanors committed as follows: Committed partly  
71 within and partly without said city, or when the acts, omissions, or effects  
72 thereof, which constitute or are requisite to the consummation of such  
73 misdemeanor occur partly within and partly without such city. Committed  
74 in this state on board of a vessel navigating a river, lake or canal, or lying  
75 therein in the course of her voyage, or in respect to any portion of the cargo  
76 or lading of such boat or vessel, in case such river or canal passes through  
77 said city or any part thereof, or in case such lake is situated in or borders on  
78 said city, or such voyage terminates in said city or would terminate therein  
79 if completed. Committed in this state in or on board of any railway engine,  
80 train or car making a passage or trip on or over any railway in this state, or

81 in respect to any portion of the lading or freightage of any such railway  
82 engine, train or car, in case such railway engine, train or car passes or has  
83 passed in the course of the same passage or trip, through said city or any  
84 part thereof, or where such passage or trip terminates in said city, or  
85 would terminate in said city if completed. Otherwise than as hereinbefore  
86 provided courts of special sessions held by said recorder shall not have  
87 jurisdiction to hear, try or determine charges of misdemeanors not committed  
88 within said city.

99 7. When a person shall be convicted by a court of special sessions, held  
90 by said recorder of any misdemeanor of which such court has jurisdiction  
91 but jurisdiction of which is not conferred upon courts of special sessions by  
92 the code of criminal procedure, the court of special sessions held by said  
93 recorder may render such judgment imposing such sentence therefor as a  
94 court of sessions might lawfully render and impose in case a conviction of  
95 such crime were had in a court of sessions. Except as hereinbefore  
96 provided, courts of special sessions held by said recorder, shall have all the  
97 powers and jurisdiction conferred upon courts of special sessions by the  
98 code of criminal procedure, and shall be subject to all the provisions of said  
99 code relating to courts of special sessions.

100 8, The said recorder shall have power to let to bail all persons charged  
101 with crime before him in all cases of felony when imprisonment in the state  
102 prison, on conviction for such felony, cannot exceed five years, and to  
103 institute all proceedings respecting bastardy in said city, and to hear, try  
104 and determine the same, associating with himself for that purpose some,  
105 justice of the peace of the county as provided by the Code of Criminal  
106 procedure. He shall also have the same right, power and authority within  
107 the county of Tompkins, to administer oaths and to take affidavits and  
108 acknowledgments that justices of the peace have.

109 9. In case of sickness, absence from the city, disability or inability of the  
110 recorder to act, his powers and duties are hereby conferred and imposed on  
111 either of the justices of the peace of the town of Ithaca who may be  
112 designated by the mayor of said city; and it shall be the duty of the mayor  
113 of said city each year to designate one of the justices of the peace of said  
114 town, who shall act in such cases instead of the recorder, and who shall in  
115 such cases have power to hold all courts which said recorder may hold in all  
116 respects as if held by said recorder and he shall be designated and known as  
117 "acting recorder." He shall file with the clerk of the city of Ithaca a bond  
118 as required by the second paragraph of this section, before entertaining  
119 jurisdiction of any action or proceeding by virtue of this act.

120 10. In case any warrant issued by the recorder shall be returned during  
121 his absence from the city or during his inability to attend to the duties of  
122 his office, any further proceedings may be had on such warrant before any  
123 justice of the peace of said town, designated as above provided; and any  
124 such justice having once obtained jurisdiction over any matter under this or  
125 the preceding paragraph, may retain it and proceed to the determination of  
126 it and shall be entitled to receive for his services the same pay pro rata as  
127 hereinafter fixed for the recorder, and the same to be paid by said city, and  
128 the amount thereof to be determined by the common council of said city.

129 11. All processes and mandates issued by the recorder or the acting  
130 recorder requiring service, shall be served by the city police or by officers  
131 authorized by the law of this state to serve such processes and mandates,  
132 and when served by the city police they shall be served without fees for  
133 their own benefit, but they shall demand and receive for all processes served  
134 by them properly chargeable to the town and county, the same fees as are  
135 provided by law for constables for like services. And they shall keep an  
136 accurate account thereof, and the same shall be presented in the name of

137 said city to, and audited by the respective boards as hereinafter provided,  
138 for the benefit of said city.

139 12. The said recorder or acting recorder shall not receive for their own  
140 benefit any fee for services performed under this act, but they shall demand  
141 and receive in all proceedings before them for all services rendered by them  
142 as recorder or acting recorder, the same fees as are provided by law for  
143 justices of the peace of towns for like service, and all fees and charges,  
144 which may be legally payable whenever suits or proceedings pending before  
145 either of them shall be settled or dismissed by consent, including constable  
146 fees. All such costs and fees, and all fines and penalties, or other moneys  
147 collected by either of them shall be paid to the treasurer of said city within  
148 one month from the time of receiving the same; and any failure or omission  
149 to so pay over such fines, penalties or other moneys shall be sufficient cause for  
150 removal of said recorder or acting recorder from office.

151 13. The recorder and acting recorder shall keep an account of all such  
152 fees and fines, and all criminal business done by them and such portion of  
153 said criminal business as is by law chargeable to the county shall be made  
154 out by the recorder in an itemized bill as is required by law, and he shall  
155 annually, at the time for the presentation of bills against the county of  
156 Tompkins, present in the name of said city said account, properly made  
157 and verified, to the board of supervisors of said county, and said board  
158 shall audit said account to the city of Ithaca, and levy the same in the same  
159 manner as other county charges; and such other portion of said criminal  
160 business as is by law chargeable to the town, shall be made out by him in  
161 an itemized bill as is required by law, and he shall annually, at the time for  
162 the presentation of bills against the town of Ithaca, present in the name of  
163 said city said account, properly made and verified, to the board of town  
164 auditors of said town, and said board shall audit said account to the city of  
165 Ithaca, and the same shall be levied in the same manner as other town  
166 charges.

167 14. The recorder shall not be paid for such time as he fails to perform  
168 the duties of his office, and a ratable proportion may be deducted from his  
169 salary because of any such failure to perform his duties, and such deduction  
170 be paid to said acting recorder, and the amount thereof be determined by  
171 the common council of said city. The recorder and acting recorder shall  
172 keep a docket of all business done by them, with full items and dates, and  
173 with proper and convenient index; such docket shall contain a record or  
174 brief statement of all convictions, acquittals and judgments before either  
175 of them, and the same shall be open during office hours to public inspection  
176 when not in use.

177 15. All processes, mandates, orders, commitments or other documents  
178 made or issued by the recorder, shall be signed, in addition to his signature,  
179 "recorder of the city of Ithaca;" when made or issued by the acting  
180 recorder, the same shall be signed in addition to his name, and title of his  
181 office "acting recorder of the city of Ithaca."

182 16. Appeals may be taken from final orders and judgments rendered by  
183 the recorder, and the courts of special sessions held by said recorder as  
184 provided by the Code of Criminal Procedure, and from judgments  
185 rendered by the recorder's court held by said recorder as provided by the  
186 Code of Civil Procedure for appeals from justices' courts.

187 17. A recorder, elected as provided in this act, may be removed from  
188 office in the same manner as a justice of the peace as provided by title two  
189 of the Code of Criminal procedure, and by section eighteen of article six of  
190 the constitution of the state of New York.

1 § 8. The city superintendent shall have charge of the streets, sewers,  
2 bridges, sidewalks and all other property of the city, except as otherwise  
3 provided in the charter. He shall also have charge of the city cemetery and  
4 shall also be charged with the duty of contracting for all needed labor and  
5 material, subject, however, as to all his duties to the direction and rules  
6 prescribed by the common council and the mayor as hereinbefore provided.

1 § 9. The police constables shall have the same power and authority, and  
2 be subject to the same liabilities and obligations, except as herein otherwise  
3 provided, as constables elected in any of the towns of the counties of the  
4 state. They may execute civil processes insuits when the city or its officers or  
5 some one of them in their official capacity may be a party, and shall have  
6 and perform such other duties as shall be assigned them by the common  
7 council. It shall be their special duty to see that the police regulations and  
8 ordinances of the city be observed, and to discover and report to the mayor  
9 all violations thereof. They shall have power without process to arrest and  
10 bring before the recorder or acting recorder of the said city, persons guilty in  
11 their presence of violating the public peace, and persons intoxicated and  
12 such as are designated in this act as disorderly persons who may be guilty in  
13 their presence of acts rendering them such or of disorderly conduct.

1 § 10. The collector of taxes and assessments in the city of Ithaca shall  
2 perform the duties and be subject to the duties and obligations prescribed  
3 by law for town collectors, except as herein otherwise provided, and all  
4 taxes to be collected for the use of the city. shall be collected by him.

1 § 11. The pound master shall have the powers and perform the duties  
2 conferred and imposed upon him by this act and upon town pound masters  
3 by any statute of this state, and such other lawful duties and powers as the  
4 common council may prescribe.

1 § 12. No person shall be eligible or appointed to any office unless he shall  
2 be, at the time, a resident and elector of said city, and whenever any officer  
3 of said city shall cease to be a resident of said city, or shall resign to the common  
4 council or be removed, his office shall thereby become vacant. No person  
5 shall be eligible to the office of mayor, alderman or assessor unless he shall  
6 own property liable to be assessed for the expenditures of said city.

1 § 13. The term of service of the mayor and aldermen shall be two years  
 2 without compensation. Of the recorder, four years with compensation of  
 3 one thousand dollars per annum. Of the supervisors, one year, with  
 4 compensation the same as allowed by statute to supervisors of towns for  
 5 similar service. All officers appointed by the mayor shall serve during the  
 6 term of office of the mayor appointing them respectively, unless sooner  
 7 suspended or removed by such mayor as hereinbefore provided (except  
 8 assessor, whose term of service shall be four years, and who shall perform  
 9 the duties of the members of the present board of assessors of the village of  
 10 Ithaca, as their respective terms of office expire).

1 § 14. All officers elected or appointed under this act shall hold their  
 2 respective offices, unless sooner removed or disqualified, until their successors  
 3 shall be elected or appointed and qualified.

## TITLE V.

### TAXES AND ASSESSMENTS.

1 SECTION 1. The common council shall have power in each year to cause a  
 2 sum not exceeding thirty thousand dollars to be raised by general tax from  
 3 the taxable inhabitants of said city on the property therein liable to taxation,  
 4 but on or before the first of May in each year they should designate how  
 5 much of such total amount shall be expended for each of the following  
 6 purposes, namely: For the payment of the expenses of the police  
 7 department, including the salary of recorder, chief of police and policemen,  
 8 rent of police stations and all other expenses thereof, to be known as the  
 9 police fund; for the paving, repairing and keeping in order the highways,  
 10 streets, cross walks, sewers, open courts, squares, market places, lanes,  
 11 alleys and public grounds other than cemeteries and parks and the salary of  
 12 the city superintendent, to be known as the highway fund; for the construction,  
 13 maintenance and repair of bridges and culverts, straightening, restraining

14 and improving creeks, to be known as the bridge and creek fund; for the  
 15 maintenance, repair and keeping in order the public parks and cemeteries,  
 16 to be known as the park and cemetery fund; for the operation and  
 17 maintenance of the fire department, including the cost of water supply, to be  
 18 known as the fire department fund; for the lighting of the streets of said  
 19 city and expenses incident thereto, to be known as the lighting fund; for the  
 20 payment of salaries of officers not otherwise provided for, and the other  
 21 contingent expenses of said city, to be known as the salary and contingent  
 22 fund; and the sums expended in each year for the several purposes named  
 23 shall not exceed the amounts so designated, except in case of unforeseen  
 24 emergencies.

1 § 2. The common council shall also cause to be raised by general tax in  
 2 said city in each year the sum required for the payment of the interest on  
 3 the bonds issued by the village of Ithaca in payment for the subscription of  
 4 said village to the capital stock of the Ithaca & Cortland railroad and for the  
 5 maintenance of a sinking fund to provide for the extinction of the principal  
 6 of said bonds at maturity, provided, however, that the lands within the  
 7 bounds of the city and without the bounds of the former village of Ithaca be  
 8 exempt from the provisions of this section.

1 § 3. The tax so directed to be raised shall be assessed upon all the taxable  
 2 real and personal property in the city, except as stated in section two,  
 3 according to the valuation of the same in the assessment rolls of the current  
 4 year filed by the assessor or assessors, after said roll shall be corrected. The  
 5 lands comprehended within the bounds of the city and without the bounds  
 6 of the former village of Ithaca, and which are kept and used as wood lands,  
 7 meadow lands, lands for horticulture or nursery purposes, pasture, orchard,  
 8 and in general all lands that are kept and improved as farming lands, with  
 9 their appurtenances, shall not, so long as they are so kept and used, pay  
 10 taxes for the benefit of said city, except upon a valuation based upon their



11 value for such purposes. And the lands east of the present east line of the  
12 village of Ithaca, which are north of Fall creek, shall be exempted from tax  
13 for municipal purposes until such lands are connected with the city by street  
14 or streets. Said assessment shall be completed, and notice given thereof, by  
15 the first day of April in each year. Such notice shall specify the time and  
16 place, when and where, the assessor or assessors will sit for the purpose of  
17 reviewing the same, and such meeting shall not be later than the fifteenth  
18 day of April in each year. The assessment-roll shall be completed, certified  
19 and filed with the clerk of the said city on or before the first day of May in  
20 each year. The common council shall thereupon levy and assess the city  
21 taxes as herein authorized.

1 § 4. The tax-roll, when perfected, shall be delivered by the mayor or  
2 common council to the collector, with a warrant thereto annexed, under the  
3 hand of the mayor and the seal of the city, commanding him to receive, levy  
4 and collect the sums in the roll specified as assessed against the persons or  
5 property therein mentioned or described, and to return said warrant and roll  
6 within sixty days after the date of the delivery of the warrant. Immediately  
7 upon the delivery of the roll and warrant to the city collector of taxes the  
8 city clerk shall publish a notice thereof in two or more of the city papers,  
9 designating some convenient place within the city where said collector will  
10 attend during the Mondays and Saturdays of each week during thirty days,  
11 beginning with the first Monday after the delivery to him of said tax-roll and  
12 warrant, from nine o'clock in the morning until eight o'clock in the evening,  
13 for the purpose of receiving payment of taxes, and it shall be the duty of  
14 said collector to attend accordingly, and any person may pay his tax at the  
15 time and place so designated. At the time of the delivery to him of any  
16 such roll and warrant the collector shall deposit with the city clerk a copy  
17 of the warrant, thereunto annexed and endorsed thereon a receipt  
18 acknowledging the reception by him of the original roll and warrant as the  
19 city collector, and thereupon he shall proceed to collect the unpaid taxes in

20 the said roll specified, in the manner provided by law for the collection of  
21 county taxes, and shall have and possess all the powers and authority  
22 conferred by law on the collectors of county taxes and shall  
23 in like manner pay over all moneys collected by him to the  
24 city treasurer, and take his receipt therefor, and make return to the city  
25 clerk of the amount collected and paid over by him and of the taxes  
26 remaining unpaid, and by making oath before the clerk, similar in all respects  
27 to the oath required by law of collectors of county taxes, he shall be credited  
28 by the city clerk with the amounts so remaining due and unpaid. The  
29 collector shall also deposit all moneys in his hands with the city treasurer,  
30 from time to time, as the common council shall direct, but no such settlement  
31 nor any settlement had by the common council, or by any city officer, with  
32 any collector of any tax or assessment, shall be final or conclusive, and no  
33 bond or other security given by any collector shall be invalidated by or  
34 canceled on any such settlement, but shall remain in full force and be held  
35 for one year thereafter by the city.

1 § 5. All taxes and assessments that shall remain unpaid for three months  
2 after the date of the warrant authorizing the collection thereof shall bear  
3 interest at twelve per cent per annum from the date of the warrant, and such  
4 tax and interest may be sued for and recovered by the city against any person  
5 liable therefor. The common council may renew, from time to time, any  
6 warrant issued for the collection of any tax or assessment, whenever any tax  
7 or assessment shall be returned uncollected, or issue a new warrant for the  
8 collection thereof, and in such renewal or warrant specify the time when the  
9 same shall be returned and direct the collection of the interest on such  
10 taxes or assessments, as the same is given to the city by this act, and the  
11 same proceedings shall be had thereupon as upon the first warrant.

1 § 6. If a sum of money in gross has been or shall be taxed upon any lands  
2 or premises, any person or persons owning any divided or undivided part  
3 thereof, may pay such part of the sum of money so taxed, also the interest

4 and charges due or charged thereon as the assessor appointed by the  
5 common council may deem to be just and equitable, and the remainder of  
6 the sum of money so taxed, together with the interest and charges, shall be  
7 a lien upon the residue of the land or premises only, which residue may be  
8 sold to satisfy the residue of such tax, interest or charges, in the same  
9 manner as though the residue of said tax had been imposed upon the residue  
10 of said lands or premises.

1 § 7. Whenever any person upon whose estate or property a tax shall be  
2 assessed, shall neglect or refuse to pay the same, or there shall be no  
3 personal property found whereon the same can be levied or out of which  
4 said tax can be collected, the collector shall make return thereof to the  
5 common council, who are authorized to cause the estate on which such tax  
6 was assessed, to be sold at public auction for a term of time, for the payment  
7 of such tax, giving notice of such sale, in one or more of the newspapers  
8 published in said city, for twelve weeks successively, at least once in each  
9 week, and serving personal notice on the owner or agent of such estate,  
10 if known; if a resident of the said city, at least fourteen days previous  
11 to such sale, or by depositing the same in the post-office, directed to such  
12 owner, at his place of residence, if known, or at the nearest post-office  
13 thereto; but if such place of residence be unknown, then by posting a copy  
14 of said notice in a conspicuous place on such estate or premises, at least  
15 twenty-eight days previous to such sale, and the same shall be sold to the  
16 person who shall offer to take it for the shortest term, for the payment of  
17 such tax with interest and the expense of such notice and sale.

1 § 8. Whenever any real estate shall be sold, for collection of any tax, and  
2 the owner thereof, his heirs or assigns shall not, within one year thereafter,  
3 have paid or tendered to the purchaser or his legal representatives, or to the

4 treasurer of the city of Ithaca, the amount of such tax and all expenses, with  
5 interest at the rate of ten per cent. per annum, the common council shall  
6 deliver to the purchaser thereof, a certificate of such sale under the seal of  
7 the said city and signed by the mayor, the execution of which may be proved  
8 or acknowledged as deeds; and upon the receipt of such certificate, the  
9 purchaser shall proceed to serve notice upon the owner or holder of any  
10 mortgage, judgment or decree, which may be a lien on said lands, or any  
11 portion thereof, personally, when the owner of such encumbrance is a  
12 resident of the said city, or by letter directed to the postoffice of said owner;  
13 and in case the person or parties holding or owning such mortgage, judgment  
14 or decree, shall neglect to redeem the premises designated in such certificate  
15 within six months from the time of serving such notice, such certificate may  
16 be recorded in like manner, and with like effect, as in the case of other  
17 conveyances of the title of lands. In case the holder or owner of any  
18 mortgage, judgment or decree which shall be a lien upon any land sold under  
19 the provisions of this section shall, within the period hereinbefore prescribed,  
20 pay the sum for which such lands were struck off, with interest to the purchaser  
21 of said lands, such holder or owner shall hold a first lien upon said lands for  
23 the amount thus paid.

1 § 9. The purchaser at any such sale, receiving such certificate or his  
2 executors, administrators or assigns, may, in case the lands are not redeemed,  
3 as herein provided, enter into the possession of such real estate, and hold,  
4 occupy and enjoy the same, during the term for which it was sold, and it  
5 shall be the duty of all persons having possession thereof to surrender the  
6 same accordingly, upon demand of the holder of said certificate; and in  
7 default thereof, such grantee or grantees shall be entitled to the same remedy  
8 to recover such possession as is by law provided for the removal of tenants  
9 holding over after the expiration of their term. In any proceeding instituted  
10 to recover such possession, the plaintiff shall prove that the notice to holders

11 or owners of mortgages, judgments or decrees which are a lien upon the  
12 premises in question, has been duly given, as hereinbefore provided, and  
13 that a demand of such possession has been made subsequent to the expiration  
14 of the period of redemption hereinbefore provided. And the said purchaser  
15 shall be at liberty at any time previous to the expiration of his term of  
16 occupancy, to remove all the buildings or materials which he may erect or  
17 place on said premises.

1 § 10. It shall be the duty of the clerk in all cases of such sale, to make  
2 an entry of the same in the records of the city, with the name of such  
3 owner and a description of the property sold, the amount and term for  
4 which it was sold and the name of the purchaser.

1 § 11. If any real estate liable to taxation should be omitted from the  
2 assessment-roll of said city, and should thus escape taxation, it shall be  
3 the duty of the assessor or assessors the succeeding year, to assess the  
4 tax on such omitted real estate to which it would have been liable if it  
5 had been included in said assessment-roll. If any tax on real estate shall  
6 for any cause remain unpaid, the amount thereof with interest at twelve  
7 per cent per annum may be added to the tax for the succeeding year, and  
8 charged upon the real estate upon which it was originally assessed and  
9 levied, and the same proceedings in all respects for the collection thereof,  
10 and for the collection of omitted taxes, may be had with like effect as in  
11 the case of a tax or assessment on the same real estate for the then  
12 current year.

1 § 12. Whenever the common council shall be of the opinion that the  
2 interests of said city require expenditures for any extraordinary or special  
3 purpose or purposes, which in their opinion cannot be defrayed from the  
4 said sum of thirty thousand dollars hereinbefore mentioned, after  
5 defraying the ordinary current expenses of the year, the said common

6 council shall have power to call a special election; but before ordering  
7 such special election, they shall make an estimate of the sum necessary  
8 to be raised for such purposes, and shall state the amount and the objects  
9 for which it is required, together with the reasons for their opinions, and  
10 cause the statement to be published in one or more of the city papers two  
11 weeks successively preceding the day of such election. The common  
12 council may, after making and publishing such statement, give two weeks'  
13 notice of an election; and shall designate in said notice some convenient  
14 place in said city for holding the polls of said election, and the time when  
15 it shall be held. The common council shall choose two of their number  
16 to act as inspectors of said election. Every resident of said city, of the  
17 age of twenty-one years, whose name shall be in the assessment-roll made  
18 by the assessor or assessors of said city next preceding said special election  
19 and upon whose property or upon whom as the owner or possessor of  
20 property a tax shall be assessed or imposed in and by said roll, and no other  
21 person or persons whatever shall be entitled to vote at said special election.  
22 But every trustee, guardian or other person representing property mentioned or  
23 named in said roll as the possessor or representative of property assessed  
24 therein, shall, if a resident of said city, and twenty-one years of age, be  
25 considered a qualified voter as aforesaid in respect of the property so  
26 represented. The said assessment roll made by the assessor or assessors,  
27 or a copy thereof certified by the city clerk and the mayor of said city, shall  
28 be evidence of the names and assessments, as aforesaid. The polls of said  
29 special election shall be opened and closed in the some manner provided for  
30 holding city elections. On the ballots deposited on said special election shall  
31 be written or printed, or partly written or partly printed on the inside  
32 thereof, "for special tax," or "against special tax." The votes received at  
33 such special election shall be canvassed, and the result certified, and the  
34 certificates thereof filed, as prescribed by section eight of title two of this

35 act; and the common council at their next meeting after said election, shall  
36 cause the result, as appearing by said certificate, to be entered in their  
37 minutes; and if it shall appear that the whole number of votes received at  
38 such election "for special tax" shall exceed the whole number of votes  
39 "against special tax" it shall be the duty of the common council to cause  
40 the said sum of money so voted for, to be assessed, levied and raised in  
41 addition to the sum of thirty thousand dollars, and all other sums herein  
42 required to be raised or which are or may be required to be raised by any  
43 law of the State of New York, and said special tax may be included in the tax  
44 for the current year or for the next succeeding year or may be levied in three  
45 equal annual installments, in the same manner and with the same authority  
46 as herein conferred in reference to the said sum of thirty thousand dollars,  
47 provided always, that the total amount proposed to be raised, and to be  
48 voted for in any one year at special election or elections, shall not exceed  
49 ten thousand dollars. In case of a majority of voters "for special tax," the  
50 common council may thereupon proceed to authorize the expenditure  
51 of the amount thereof for the purposes specified in their published  
52 statement, and may borrow, if they shall deem it necessary to do so, the  
53 amount so voted in anticipation of the collection of said tax for a time not  
54 exceeding three years, payable in equal annual installments, if loan shall be  
55 made for more than one year, and the amount so borrowed shall be expended  
56 upon and for the purposes for which the special tax is raised, and shall be  
57 paid as soon as the same shall become due, from the avails of the tax. The  
58 moneys raised by any special tax shall be paid to, and kept by the treasurer,  
59 distinct from any other moneys and entered into a separate account.

#### TITLE VI.

##### STREETS, HIGHWAYS, BRIDGES AND PUBLIC IMPROVEMENTS.

1 SECTION 1. Said common council shall be commissioners of highways in  
2 and for said city and shall have all the powers of commissioners of highways

3 of the several towns of this state, subject to the provisions of this act, and  
4 they shall also have power to construct, regulate, repair, curb, straighten,  
5 widen, discontinue, alter and clean the streets, highways, alleys, bridges,  
6 side and crosswalks, drains and sewers in said city, and to prevent the  
7 encumbering and obstructing the same in any manner, and to protect the  
8 same from encroachment or injury.

1 § 2. The common council shall have power to cause such of the streets,  
2 lanes, alleys, highways and public squares in said city, or any part thereof,  
3 as shall have been heretofore laid out, but not recorded or sufficiently  
4 described, and such as shall have been used for twenty years, but not  
5 recorded, to be ascertained, described and entered on record in a book to be  
6 kept by the clerk of said city.

1 § 3. The common council shall have power, subject to the limitations  
2 imposed by the general laws of the state, to lay out, make and open streets,  
3 alleys, lanes, highways and public grounds, and may lay the same through  
4 any lands, building, garden, orchard or enclosure in said city.

1 § 4. The common council shall have power to fix, determine, change and  
2 regulate the grade and level of the streets in said city. They shall have  
3 power to cause any street, alley, lane or highway in said city to be graded,  
4 leveled, paved, repaired, curbed, macadamized, planked or graveled, and  
5 to cause crosswalks, drains, sidewalks, sewers, aqueducts and reservoirs  
6 to be constructed, made, relaid, amended or repaired in said city, and to  
7 determine, by a resolution to be entered in the minutes of the proceedings  
8 of the common council, what part or portion of the expenses of such  
9 improvement, if any, shall be defrayed by said city, and what part by  
10 assessments upon the persons or property benefited thereby, such  
11 assessments to be made by said common council after the completion of  
12 such improvement upon the owners or occupants of the premises benefited



13 thereby in the manner prescribed for making assessments in section nine,  
14 of this title. And such assessments shall be left with the clerk of said city,  
15 as provided for assessments in said section nine, and thereafter the same  
16 proceedings shall be had and taken concerning the same and the collection  
17 thereof as are provided for assessments in said section nine, so far as the same  
18 are applicable thereto. But no public improvement, the expense of which  
19 in whole or in part is to be defrayed by a local assessment, shall be made  
20 until first requested by a petition signed by at least a majority of the  
21 owners of property to be assessed for such improvement, or unless at least  
22 three-fourths of the common council shall concur in voting any improvement  
23 to be expedient, or in determining to make the same, in which case no  
24 petition or request shall be necessary.

1 § 5. Whenever any street, alley, lane or public ground is laid out, altered,  
2 widened or straightened by virtue of this act, or any local improvement is  
3 made under and by virtue of title three, section seven, sub-division eleven,  
4 or any other local improvement, which requires that private property shall  
5 be taken for public purposes, the common council shall in the first instance,  
6 and before making such improvement, give notice of their intention to take  
7 and appropriate the land necessary therefor, and to make such  
8 improvement, by publishing such notice for at least three weeks  
9 successively, specifying as near as may be, the lands to be taken, in one or  
10 more of the city papers, which notice shall also notify the owners of such  
11 lands that at any time within the said three weeks, they may file with the  
12 clerk of said city their claim or claims for damages by reason of such  
13 improvement; and that application will be made to a court of record to be  
14 designated in such notice, for the appointment of three commissioners  
15 residing in said city, to ascertain the damages so claimed, and to assess the  
16 expenses of such improvement or so much thereof as may be proper, upon  
17 the lands and premises to be benefited thereby; which notice shall also

18 specify the improvement to be made, the time when, and place where such  
19 application will be made. At the time and place so specified, the common  
20 council, by such person as they shall designate, shall make application to  
21 the said court for the appointment of such commissioners, and said  
22 claimants shall have the right to be heard thereon. The said court shall  
23 thereupon, by a rule to be entered in the minutes thereof, appoint said three  
24 commissioners to ascertain and assess the damages so claimed,  
25 and at the same time to determine what persons will be benefited  
26 by such improvement, and to assess the damages and expenses thereof upon  
27 the persons so benefited, in proportion, as near as may be, to the benefit  
28 resulting to each. The hearing of such application may be adjourned from  
29 time to time by said court. The commissioners shall be sworn by any person  
30 authorized to administer oaths, faithfully and impartially to execute their  
31 duty in making such assessments according to their ability; they shall view  
32 the premises, receive any legal evidence and may adjourn from day to day.  
33 They shall, before entering upon their duties, give notice to said claimants of  
34 the time and place of their meeting, at least five days before the time of such  
35 meeting, by publishing such notice in one or more of the city papers. They  
36 shall determine and award to the owner or owners of such lands so claiming  
37 damages, such damages as they will, in their opinion, sustain by the comple-  
38 tion of the improvements, after making due allowance for any benefit which  
39 said owner or owners may derive therefrom. They shall, at the same time,  
40 assess and apportion the said damages and expenses of such improvement on  
41 the real estate benefited thereby, as nearly as may be, in proportion to the  
42 benefits resulting therefrom, and shall briefly describe the real estate on  
43 which any assessment is made by them. If there be any buildings on the  
44 land taken for such improvement, the value of such buildings to be removed  
45 shall be ascertained in their assessment, and the owner thereof may remove  
46 the same in ten days, or in such other time as the common council shall

47 allow, after the confirmation of the return of the commissioners; if he shall  
48 so remove said building, the value thereof so ascertained, shall be deducted  
49 from the damages awarded to him. The determination and assessment of  
50 the commissioners, signed by them, shall be returned by them to the common  
51 council within thirty days after their appointment. The said court may, if  
52 sufficient objections are made to the appointment of said commissioners, or  
53 if any such commissioners shall refuse or be unable to serve, appoint others  
54 in their places, in the manner above provided; and the common council after  
55 the determination and assessment of the commissioners is returned to them  
56 shall give two weeks' notice in one or more of the city papers, that the same  
57 will, on a day specified in said notice, be confirmed, unless objections by  
58 some person or persons interested, are made thereto in writing and filed with  
59 the clerk. If no such objections are made as aforesaid, the determination and  
60 assessment shall be confirmed by the common council. If objections are so  
61 made, any person interested may be heard before the common council  
62 touching the matter, on the day specified in said notice, or on other days, as  
63 the common council shall appoint. The said common council shall either  
64 confirm such determination and assessment; or annul the same, and refer  
65 the same matter back to the same commissioners, or other commissioners to  
66 be appointed by said court for the like purpose. The commissioners shall  
67 proceed in all things in making and returning the second assessment, as in  
68 making and returning the first assessment, and the said common council shall  
69 proceed thereon as though it were an original assessment. In case the common  
70 council shall confirm the second assessment and determination, the same shall  
71 be final and conclusive on all persons interested; but, in case the common  
72 council shall annul the same, then all proceedings in relation thereto shall  
73 be null; but nothing herein contained shall authorize the common council to  
74 discontinue or contract any street or highway, or any part thereof without the

75 consent in writing of two-thirds of all persons owning lands adjoining thereto.  
76 On final confirmation of the report and assessment, the same, together with a  
77 copy of the order or resolution confirming the same, shall be filed with the  
78 city clerk. The county court of Tompkins county shall be deemed to be  
79 always open for the transaction of all business and the making of all  
80 applications contemplated by this title. The same proceedings may be had  
81 for the collection of any assessments under this section as are in this act  
82 provided in respect to other assessments.

1 § 6. In cases where the whole or any part of any real estate subject to any  
2 lease or other agreement, shall be taken by the common council under this  
3 title, all the covenants and stipulations contained in such lease or agreement,  
4 shall, upon final confirmation of the assessment thereof, cease, determine  
5 and be absolutely discharged; and in all cases where a part only of any real  
6 estate shall be so taken, the said covenants and stipulations shall be so  
7 discharged, only as to the part so taken; the county court of Tompkins  
8 county, may, on the application in writing of either or any party in interest  
9 to such lease or agreement, appoint three disinterested freeholders of the  
10 city; resident therein, to determine the rents, payments and conditions which  
11 shall thereafter be paid and performed under such lease or agreement, in  
12 respect to the residue of such real estate; and the report of such freeholders  
13 or any two of them, under their hands, on being confirmed by the court,  
14 shall be binding and conclusive on all persons interested in such real estate.

1 § 7. When the amount of any damages for taking lands as aforesaid shall  
2 be ascertained by a final confirmation of the report and assessment of the  
3 commissioners, the common council shall, within one year thereafter, pay or  
4 tender the amount of such damages to the owners of lands and tenements to  
5 whom the same shall have been allowed; and in case such owners shall  
6 refuse the same or be unknown, non-residents of the city, infants, lunatics,

7 or the rights and interests of the persons claiming the same shall be doubtful  
8 or in dispute, it shall, in such case, be lawful for the common council to pay  
9 the amount of damages into the office of the clerk of the supreme court in  
10 the county of Tompkins, accompanied by a statement of the facts and  
11 circumstances under which such payment is made, and describing the lands  
12 and tenements taken by the city for which such damages have been awarded.  
13 The damages so paid into the supreme court shall be invested and paid over  
14 by it in the same manner that other moneys are invested and paid over by  
15 said court. Until such damages shall be so paid or tendered it shall not be  
16 lawful for the common council to take or enter upon such lands or tenements  
17 for the taking of which any such damages shall be allowed. When such  
18 damages shall have been so paid or tendered, as aforesaid, the said common  
19 council may immediately enter and take possession of the lands, tenements  
20 or premises in respect of which such payment or tender was made, and do  
21 and perform the alterations or improvements or other work or thing for the  
22 purpose of which such lands, tenements or premises were required and  
23 taken.

1 § 8. Whenever any proceedings shall have been had under section five of  
2 this title, and the commissioners appointed as therein specified shall have  
3 made their estimate and assessment, and the same shall have been confirmed  
4 by the common council, if it shall then appear from such report that  
5 assessments for benefits are made against the owners of property therein,  
6 such assessments, from the date of confirmation of such report, shall be a  
7 lien on the lands in respect to which such assessment had been made, having  
8 preference over all other liens and incumbrances whatever, and such  
9 assessments shall be collected in all respects as provided in the next  
10 following section of this title for the collection of the assessments therein  
11 specified.

1 § 9. Whenever any of the improvements or repairs, or other acts herein  
2 authorized to be done by said common council, at the expense of persons in  
3 default shall have been made or done by said common council, and  
4 especially the improvements, repairs, acts, work and labor mentioned and  
5 specified in subdivisions eleven, fourteen, twenty-four, twenty-nine and  
6 thirty of section seven, title three, of this act, and in section four of  
7 this title, as chargeable upon owners or occupants, the expense thereof shall  
8 be assessed by said common council upon the owners or occupants of  
9 the lands or premises, upon, or for, or in respect to which such repairs,  
10 improvements, work or labor shall have been done; such expense to be  
11 assessed to such owners or occupants by name, when known by said  
12 common council, and when unknown, to the unknown owners of such lands  
13 and premises, describing the same. Such assessment shall be left with the  
14 city clerk, who shall give public notice in the newspaper or newspapers  
15 employed by said city that the same has been left with him, and that the  
16 common council will, on a certain day to be therein specified, which shall  
17 not be less than ten days from the first publication of said notice, proceed to  
18 confirm said assessment. During that period any person interested may  
19 appear before said common council and apply to have such assessment  
20 altered or corrected, as justice may require. The same may then be  
21 confirmed by them without further notice. All such assessments shall  
22 constitute a lien upon the lands and premises respectively upon, or for, or in  
23 respect of which they shall have been made. Within twenty days thereafter  
24 such assessment may be paid to the treasurer of said city. If any such  
25 assessment shall remain unpaid at the expiration of said twenty days the  
26 said common council shall issue their warrant to the collector of said city,  
27 under their hands and corporate seal, who shall proceed to collect the same  
28 out of the personal property of the persons so assessed, within sixty days  
29 after the receipt thereof by him. If the said collector shall return said

30 warrant, at the expiration of sixty days, unsatisfied for want of personal property  
 31 out of which he could satisfy the same, the said common council shall  
 32 proceed to collect such assessment by a sale of the premises in the manner  
 33 provided in section seven, title five of this act, for the collection of unpaid  
 34 taxes, and all the provisions of sections five, six, seven and eight, title five of  
 35 this act shall be in force and apply so far as the same may be applicable to  
 36 all proceedings for the collection of unpaid taxes, and the right and duties of  
 37 all persons concerned shall be the same as provided in said sections.

## TITLE VII.

### OF THE FIRE DEPARTMENT.

1 SECTION 1. All the powers and duties conferred upon the board of trustees  
 2 of the former village of Ithaca by the act of incorporation of the Ithaca fire  
 3 department, chapter two hundred and fourteen of the laws of eighteen  
 4 hundred and seventy-one and the amendments thereto, are hereby conferred  
 5 and imposed upon the common council of the city of Ithaca.

## TITLE VIII.

### MISCELLANEOUS PROVISIONS.

1 SECTION 1. No member of the common council shall be interested in any  
 2 contract to which the city shall be a party.

1 § 2. No person shall be an incompetent judge, justice, witness or juror, by  
 2 reason of his being an inhabitant or freeholder in the city of Ithaca, in any  
 3 action or proceeding in which the said city is interested.

1 § 3. The collector of the town of Ithaca shall pay into the treasury of the  
 2 city of Ithaca, one-half of all sums raised by or received by said town in  
 3 each year, for repairing or constructing bridges in said town, or for the  
 4 payment for such repairs or construction, and the same shall be expended

5 under the direction of the common council in repairing or building bridges in  
6 said city.

1 § 4. No person entitled to vote at any election held under this act, shall  
2 be arrested on any civil process within the said city on the day on which  
3 such election is held.

1 § 5. Every person now or hereafter elected or appointed under this act, to  
2 any office, who shall be sued for any act done or omitted to be done, under  
3 such election or appointment, and any person who shall be sued for any act or  
4 thing done by the command of any officer, shall, if any final judgment be  
5 rendered thereon, whereby any such defendant shall be entitled to costs,  
6 recover double costs, as defined by the revised statutes.

1 § 6. The mayor or acting mayor shall have power to cause buildings to be  
2 pulled down, blown up or removed for the purpose of arresting the progress  
3 of fires, and for the extinguishment of the same. In every case where a  
4 building shall be pulled down, blown up or removed under such authority  
5 for the purposes aforesaid, and said building shall be insured, the owner  
6 thereof shall be entitled to recover from the said city damages to the same  
7 extent as he would have been entitled to recover against the insurers, in case  
8 such building had been destroyed by fire.

1 § 7. If any person having been an officer in said city, shall not within ten  
2 days after notification and request, deliver to his successor in office all the  
3 property, papers and effects of every description in his possession or under  
4 his control, belonging to said city, or pertaining to his office, he shall forfeit  
5 and pay for the use of the city one hundred dollars, besides all damage  
6 caused by his neglect or refusal to deliver.

1 § 8. No suit shall be maintained upon any claim or claims, for injuries



2 resulting from negligence, unless the same shall be presented for payment to  
3 the common council of said city at some regular meeting thereof, and until  
4 thirty days after such presentation shall have been made, or unless claim has  
5 been made within sixty days and suit begun within twelve months after the  
6 claim has been disallowed by the common council.

1 § 9. The city of Ithaca shall succeed to and be vested with all the rights  
2 and property of the village of Ithaca, and shall succeed to and be liable for  
3 all the liabilities of said village, and every suit, prosecution or proceeding  
4 commenced by or against said village, may be continued by or against said  
5 city.

1 § 10. This act shall be deemed a public act, and the legislature may at any  
2 time repeal, modify or alter the same.

1 § 11. This act shall take effect thirty days after its passage.



# State of New York.

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No. 604.

Int. 931.

## IN ASSEMBLY,



March 15, 1888.

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Introduced by Mr. ENZ—read twice and, by unanimous consent, ordered to a third reading and printed.

### AN ACT

To provide for the establishment of a system of graded schools in the city of Ithaca.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

1 SECTION 1. All school districts and parts of school districts in the city of  
2 Ithaca, shall, for the purposes hereinafter mentioned, form one school  
3 district, to be called the union school district of the city of Ithaca. Said  
4 district shall not be altered except by legislative enactment.

1 § 2. The present commissioners of the union school district of the village  
2 of Ithaca, for the periods for which they were respectively chosen, or their  
3 successors in case of vacancies occurring before the expiration of such periods  
4 respectively, shall be commissioners of the union school district of the city  
5 of Ithaca, and the said commissioners and their successors to be chosen as  
6 hereinafter provided, are hereby constituted a body corporate, to be styled

7 the board of education of the city of Ithaca, which is hereby constituted the  
8 successor of the board of education of the village of Ithaca. A majority of  
9 the commissioners shall constitute a quorum.

1 § 3. There shall be elected annually at each general city election in said  
2 city, in the same manner as other general city officers are elected, and by vote  
3 of all the inhabitants qualified to vote at a district school meeting in this  
4 state, four commissioners, to fill the places of those whose terms of office  
5 expire on the second Tuesday of October next succeeding such election. The  
6 commissioners thus chosen shall hold their respective offices for the term of  
7 three years from the second Tuesday in October next succeeding their  
8 election, and until their successors shall be elected and enter upon the duties  
9 of their offices respectively. This act shall not be so construed as to  
10 disqualify any commissioner aforesaid for re-election. The collector of the  
11 city of Ithaca, shall be the collector ex-officio of the said union school district  
12 of the city of Ithaca, and his authority and jurisdiction shall extend to all  
13 taxes levied by the said board of education of the city of Ithaca during his  
14 term of office as such city collector, and shall continue until his final settle-  
15 ment with said board of education as required by section eleven of this act.

1 § 4. The commissioners elected by virtue of this, act, before entering  
2 upon the duties of their office, shall take the oath of office prescribed by the  
3 constitution of this state, before the clerk of the city of Ithaca, who is hereby  
4 empowered to administer said oath, and said clerk shall file the same among  
5 the records of the city. The board of education shall have power, and it  
6 shall be their duty, to fill all vacancies in the said board which may occur  
7 from any other cause than the expiration of their term of office. The  
8 commissioners so appointed shall hold their offices for the unexpired term of  
9 those to supply whose places they were appointed.

1 § 5. Any member of the board of education may, for neglect of duty, or

2 either immoral or official misconduct, be removed from office by the board,  
3 by a vote of two-thirds present at any regularly called meeting thereof; but  
4 before final action thereon, a written copy of the charges preferred against  
5 said member shall be served upon him, and he shall be allowed an oppor-  
6 tunity to explain or refute them. Any member of said board may resign his  
7 office by giving one month's previous notice, in writing, to the said board,  
8 who may, if they deem the reason sufficient, accept the same.

1 § 6. At each annual meeting of the board they shall elect one of their  
2 number president of the board, and whenever he shall be absent, or unable  
3 to act, they shall appoint a president pro tempore. The board shall fix the  
4 time for their annual meeting, and, unless changed by a resolution of the  
5 board, the time thus fixed shall be the time for future annual meetings. The  
6 board of education shall receive no compensation for their services.

1 § 7. The board of education shall meet for the transaction of business as  
2 often as once in each month, and may adjourn for any shorter time. Special  
3 meetings may be called by the president, or, in case of his absence or  
4 inability to act, by any member of the board, as often as necessary, by giving  
5 personal notice to each member of the board, or by mailing a written or  
6 printed notice to his address, at least twenty-four hours before the time for  
7 such special meeting.

1 § 8. The board of education shall appoint a secretary and librarian, who  
2 shall hold their offices during the pleasure of the board, and whose  
3 compensation shall be fixed by the board; and the same person may hold the  
4 office of secretary and librarian. The secretary shall keep a record of the  
5 proceedings of the board and perform such other duties as the board may  
6 prescribe. The librarian shall have full charge of the library or libraries of  
7 the district, and may appoint such assistants as may be necessary, from time

8 to time, and such assistants may be removed at any time by the board of  
9 education. The record of the board of education, or a transcript thereof  
10 certified by the secretary, shall be received in all courts as prima facie  
11 evidence of facts therein stated, and such record, the books, accounts,  
12 vouchers and papers of the said board shall at all times be subject to the  
13 inspection of the common council of the city, or any committee thereof, or  
14 any taxpayer, and a transcript thereof may be taken.

1 § 9. The board of education shall have power, and it shall be their duty,  
2 to raise, by tax to be levied upon all the real and personal estate in said  
3 union school district which shall be liable to taxation for city charges, such  
4 sums as may be determined upon to be necessary and proper, for any or all  
5 the following purposes, for the current year:

6 1. To purchase, lease or improve sites for school houses.

7 2. To build, purchase, lease, alter and repair school houses, out houses  
8 and appurtenances thereto belonging.

9 3. To purchase, exchange, improve and repair school apparatus and  
10 provide suitable and necessary text books for the pupils of the several  
11 schools under their care; provided, however, that it shall be optional with  
12 said board of education to provide suitable and necessary text books for the  
13 pupils attending the high school.

14 4. To procure fuel and defray the necessary expenses of keeping the  
15 school houses in order, exclusive of repairs, including insurance.

16 5. To defray the contingent expenses of the several schools and the  
17 district library or libraries including salary of librarian and superintendent.

18 6. To defray the contingent expenses of the board of education, including  
19 the salary of the secretary thereof.

20 7. To pay teachers' wages, after the application of the public money  
21 appropriated by law for that purpose.

22 8. To pay charges or expenses incurred by law, or necessary to carry this

23 act into effect, or to refund loans contracted by law, and to pay the interest  
24 thereon, or to pay such sums as shall be required to fulfill any contract duly  
25 made under the provisions of this act.

1 § 10. The tax aforesaid, and all of the taxes to be levied and collected by  
2 virtue of this act, shall be assessed and the tax-list made out and delivered  
3 to the proper officer for collection, within thirty days after the same shall  
4 have been voted, except as herein otherwise provided. The said tax-list or  
5 lists shall, in respect to manner, form and other particulars, be made out the  
6 same as school district tax-lists are required to be made by sections sixty-  
7 five, sixty-six, seventy, seventy-one, seventy-two and seventy-four of title  
8 seven of chapter five hundred and fifty-five of the laws of eighteen hundred  
9 and sixty-four, entitled "An act to revise and consolidate the general acts  
10 relating to public instruction." The valuations of taxable property shall be  
11 ascertained as far as possible from the last assessment-roll of the city after  
12 revision by the assessors. The board of education may amend and correct  
13 any tax-list when any error shall have been discovered. The board of  
14 education shall attach to said tax-list or lists their warrant for its collection,  
15 directed to the proper officer and signed by the president and secretary of  
16 the board. The said warrant shall be the same in form as a warrant issued  
17 by the trustees of a school-district of the state, and it shall have a like force  
18 and effect as are given to a warrant of the trustees of a school district by  
19 section eighty-one of title seven of the aforesaid law of the state. The board  
20 of education may renew, from time to time, as they shall deem proper any  
21 warrant issued for the collection of any tax assessed by them by virtue of this  
22 act. The board of education, upon delivering any tax-list and warrant to the  
23 collector, shall retain a copy of the same for themselves, and shall take a  
24 receipt from the collector for the said tax-list and warrant, which receipt  
25 shall specify the amount to be collected, and the return day of the said tax-

26 list. The board of education shall also, immediately upon the delivery of  
27 any tax-list to the collector, publish a notice thereof in two of the city  
28 papers, designating some convenient place where said collector shall attend  
29 on Monday and Saturday of each week, for four successive weeks next after  
30 the delivery to him of said tax-roll and warrant, from nine o'clock in the  
31 morning to eight o'clock in the evening, for the purpose of receiving said taxes.  
32 It shall be the duty of the collector before receiving any warrant for the  
33 collection of money, to execute a bond to the board of education, with two  
34 or more sureties to be approved by the said board, in such amount as they  
35 shall deem reasonable, conditioned for the due and faithful execution of the  
36 duties of his office.

1 § 11. It shall be the duty of the collector of the city of Ithaca, after  
2 receiving any tax list from the board of education, to attend at the time and  
3 place designated by the board in their published notice, as provided by  
4 section ten of this act, and receive such taxes as may be there and then  
5 tendered to him. He shall receive for his services on all sums paid in as  
6 aforesaid and all other sums paid before the expiration of four weeks after  
7 receiving such tax list and warrant one per cent; on all sums collected by  
8 him after the expiration of the time mentioned, he shall receive three per  
9 cent, and in case a levy and sale shall be necessarily made by said collector  
10 he shall be entitled to traveling fees at the rate of ten cents per mile, to be  
11 computed from the high school building of the city of Ithaca. All such  
12 percentages and fees he shall collect as above, in addition to the taxes so paid  
13 to or collected by him. It shall be the duty of the collector, before the  
14 expiration of his warrant, to pay over all moneys received by him by virtue  
15 of its authority, except his percentage of compensation to the treasurer of  
16 the city of Ithaca, whose receipt shall be his sufficient voucher therefor. He  
17 shall settle with the board of education at their first regular monthly



18 meeting after the final expiration of such warrant and shall account to them  
19 for all moneys received by him upon the tax list delivered to him. He shall  
20 also comply with section seventy-five, title seven of said chapter five hundred  
21 and fifty-five of the laws of eighteen hundred and sixty-four, the same as is  
22 required of the collector of any other school district of the State, in which  
23 case the board of education shall credit him with the amount to which he  
24 shall be entitled by virtue of the said section.

1 § 12 It shall be the duty of the board of education to proceed with the  
2 account of money so credited to the collector, the same as trustees are  
3 directed to do under like circumstances by section seventy-six, title seven,  
4 of the law aforesaid. And, further, all the provisions of sections seventy-  
5 seven, seventy-eight, seventy-nine and eighty of said title seven of the  
6 aforesaid law shall have the same application to the taxes of this union  
7 school district as to those of other school districts of the State. The board  
8 of education shall also have the same power to sue for and collect any tax as  
9 is given by section eighty-six of said title seven of the aforesaid law to  
10 trustees of school districts. In case the office of the collector shall become  
11 vacant by the death, resignation, refusal or inability of the incumbent to act  
12 the board, by appointment, may fill the vacancy for the unexpired term.

1 § 13. All moneys raised pursuant to the provisions of this act, and all  
2 school moneys by law appropriated to or provided for said union school  
3 district, shall be paid to the treasurer of the city of Ithaca, who, together  
4 with the sureties upon his official bond, shall be accountable therefor in the  
5 same manner as for other funds of said city, and the common council of said  
6 city, in fixing the amount of the treasurer's sureties, shall include the moneys  
7 received by virtue of this act. The said treasurer shall be liable to the same  
8 penalties for official misconduct in relation to said moneys, as for any similar  
9 misconduct in relation to other moneys of said city.

1 § 14. All moneys raised by virtue of this act, or received from any other  
2 source, for the use of the public schools in said district, shall be deposited  
3 with the treasurer for safe keeping thereof, to the credit of the board of  
4 education, until drawn as hereinafter provided for, and the said treasurer  
5 shall keep the account of the funds thus deposited with him separate and  
6 distinct from any other funds which he is or may be authorized to receive.

1 § 15. The treasurer of the city of Ithaca shall, at the proper time in each  
2 year, draw upon the county treasurer, or other proper officer, for all moneys  
3 appropriated to said union district from the common school, literature, or  
4 other funds of this state; and he is hereby authorized to receive the same for  
5 the said union district, as provided for in the preceding section.

1 § 16. The treasurer shall pay out the moneys received by him by virtue of  
2 this act only upon drafts drawn by the president and counter-signed by the  
3 secretary of the board of education, which drafts shall not be drawn except  
4 in pursuance of a resolution or resolutions of said board, and shall be payable  
5 to the person or persons entitled to receive the money thereon. The treas-  
6 urer, when required to do so by the board of education, shall make to them  
7 a written statement of the moneys received and disbursed by him on their  
8 account, together with the amount in his hands at the time of such state-  
9 ment. At the end of his official term he shall settle with the said board of  
10 education, and pay to his successor in office, to the credit of the said board,  
11 all moneys remaining in his hands subject to their order. His compensation  
12 for receiving and disbursing the moneys committed to his charge by virtue of  
13 this act, shall be determined by the board of education.

1 § 17. The board of education may cause a suit or suits to be prosecuted in  
2 their corporatename, upon the official bond of the treasurer or any collector of  
3 said city, for any default, delinquency or official misconduct in relation to the  
4 collection, safe-keeping and payment of any money in this act mentioned.

1 § 18. The said board of education shall have power, and it shall be their  
2 duty:

3 1. To organize, establish and maintain such and so many schools in said  
4 union school district, including the common schools and high school now existing  
5 therein, as they shall deem requisite and expedient, and to alter and  
6 discontinue the same.

7 2. To purchase and hire school houses and rooms, lots or sites for school  
8 houses, and to fence and improve them.

9 3. Upon the lots and sites owned by said board of education, to build,  
10 enlarge, alter, improve and repair school houses, out houses and  
11 appurtenances as they may deem advisable.

12 4. To purchase, exchange, improve and repair school apparatus, books  
13 for pupils (save as hereinbefore provided), furniture and appendages, and to  
14 provide fuel for the schools, pay the necessary insurance on buildings and  
15 school property and to defray the contingent expenses of the school library.

16 5. To have the custody and safe keeping of the school houses and all  
17 school property belonging to said union district, and to see that the  
18 ordinances of the board in relation thereto be observed.

19 6. To contract with, examine, license and employ all teachers in said  
20 schools, and at their pleasure to remove them.

21 7. To pay the wages of such teachers out of the money appropriated and  
22 provided by law for the support of common schools in said union district or  
23 by this act.

24 8. To defray the necessary contingent expenses of the board, including  
25 the annual salary of the secretary of the board.

26 9. To have in all respects the superintendence, supervision and  
27 management of the schools of said district, and, from time to time, to adopt,  
28 alter, modify and repeal as they may deem expedient, rules and regulations  
29 for their organization, government and instruction, and for the reception of

30 pupils, and their transfer from one class to another, or from one school to  
31 another, and generally for their good order, prosperity and utility.

32 10. To sell any of the school houses, lots or sites, or any of the school  
33 property now or hereafter belonging to the district, when authorized to do  
34 so by a majority vote at any regular or special election of the voters of the  
35 district, upon such terms as the board shall deem most advantageous; and  
36 the proceeds of all sales shall be paid to the treasurer of the city of Ithaca,  
37 and shall be by said board of education expended in the purchase, repairs or  
38 improvements of school houses, sites or appurtenances, furniture or  
39 apparatus.

1 § 19. Whenever in the opinion of the board of education, it shall become  
2 advisable to erect any school building, the estimated cost of which shall  
3 exceed three thousand dollars, they shall cause an estimate of the cost of  
4 such building to be made, and shall cause the question of raising the amount  
5 required by tax to be submitted to the decision of the voters of the union  
6 school district, in such manner as they deem best calculated to procure a  
7 fair expression from said voters. In case the tax shall be voted, the same  
8 may be raised by installments, the amounts of which, and the times of  
9 payment, shall be left optional with the board of education.

1 § 20. The academy, or high school, connected with the school system  
2 contemplated by this act, shall be recognized as one of the academies of this  
3 State, subject to the visitation of the regents, and shall be entitled to  
4 participate in the distribution of the income of the literature fund and other  
5 funds in the same manner and upon the same conditions as the other  
6 academies of the state; and the regents of the university of the state of  
7 New York shall pay annually to the board of education of Ithaca the  
8 distributive share of the said funds to which the said academy or high school,  
9 shall be entitled.

1 § 21. The board of education shall report annually the condition of the  
2 union school district of Ithaca to the school commissioner of the first district  
3 of Tompkins county in the same manner and to the same extent as other  
4 school districts are by law required to report. The school commissioners of  
5 Tompkins county in making apportionment of school money, shall designate  
6 the amount due said union district separate from other school districts in the  
7 town of Ithaca, and certify the amount due said district, to the treasurer of  
8 the city of Ithaca, and also to the treasurer of Tompkins county. The said  
9 treasurer of Tompkins county shall, upon the draft of the treasurer of  
10 the city of Ithaca, pay annually to him the sum thus certified as due the said  
11 union school district.

1 § 22. The schools organized under this act shall be free to all pupils  
2 between the ages of five and twenty-one years who are actual residents of  
3 said union school district. The board of education shall decide all questions  
4 of residence arising under this section. The said board may allow the children  
5 of non-residents to attend the schools of said district, and shall prescribe the  
6 rates for the tuition of such non-residents, payable always in advance.

1 § 23. The said board of education shall be the trustees of the school  
2 district library of said union district, and all the provisions of law which are  
3 now in force, or hereafter may be passed, relative to school district libraries,  
4 shall apply to said board of education in the same manner as if they were  
5 trustees of a school district. They shall be vested with the same discretion  
6 as to the disposition of moneys, appropriated by the laws of this state for  
7 the purchase of libraries, which is therein conferred on the inhabitants of  
8 school districts, and they shall have the power to purchase, exchange,  
9 repair or dispose of any books or other property of said library, or cause it  
10 to be done, and apply the proceeds to the purchase of other books or  
11 apparatus; also, to provide suitable rooms and furniture for said library; and

12 further they may appropriate for the benefit of said library, out of the  
13 moneys annually raised in said district by the school tax, an amount not  
14 exceeding one hundred dollars, in addition to the library money received  
15 from the state.

1 § 24. The title of the school houses, sites, furniture, books and all other  
2 school property now belonging to the union school district of the village of  
3 Ithaca or to the board of education of the village of Ithaca, is hereby vested  
4 in the board of education of the city of Ithaca; and the same while used or  
5 appropriated for school purposes, shall not be levied on or sold by virtue of  
6 any warrant or execution, or other process, nor be subject to taxation for any  
7 purpose whatever; and the said board of education of the city of Ithaca in  
8 its corporate capacity, shall be competent to take, hold and dispose of any  
9 real or personal estate transferred to it by grant, gift, bequest or devise, for  
10 the use of the common schools or academy of said union school district,  
11 whether the same be transferred in terms to said board of education by its  
12 proper style, or by any other designation, or to any person or persons, or  
13 corporation, for the use of said schools, or academy.

1 § 25. It shall be the duty of the board of education, between the first  
2 and fifteenth days of October of each year, to prepare and publish in one  
3 or more of the newspapers printed in the city of Ithaca, a true and correct  
4 statement of the receipts and disbursements under the provisions of this  
5 act, for the preceding year ending August thirty-first, in which account  
6 shall be stated under appropriate heads:

7 1. The money raised by the board of education and received by the  
8 treasurer of the city under the tenth section of this act.

9 2. The school moneys received by the treasurer of the city from the  
10 county treasurer.

11 3. All other moneys received by the said treasurer, subject to the order

12 of the board of education, specifying the sources from which they shall  
13 have been derived.

14 4. The manner in which such sums of money shall have been  
15 expended, specifying the amount under each head of expenditures, and  
16 the person or persons to whom the money has been paid.

17 5. Such other information as they shall deem proper in regard to the condition  
18 of the schools under their care.

1 § 26. The jurisdiction of the various school district officers over the  
2 territory hereby annexed to the union school district of the village of  
3 Ithaca shall terminate whenever this act shall take effect.

1 § 27. It shall be the duty of the clerk of the city, immediately after the  
2 election or appointment of any person to any office mentioned in this act,  
3 personally or in writing, to notify him of his election or appointment, and  
4 any person, who, without sufficient cause, shall refuse to serve therein shall  
5 forfeit the sum of ten dollars; and every person so elected or appointed, and  
6 not having refused to accept, who shall neglect to discharge the duties of  
7 such office, shall forfeit the sum of twenty dollars to said board of education.  
8 It shall be the duty of said board of education, forthwith, to prosecute for  
9 all forfeitures and penalties under this act, when voluntary payment is  
10 refused; and when received to apply the same to the purpose of education  
11 in said district. All officers mentioned in this act shall be deemed public  
12 officers, within the intent and meaning of section thirty-eight, of title six, of  
13 chapter one, part four of the revised statutes, and as such, liable to the  
14 penalties therein prescribed, in addition to the penalty in this section before  
15 provided.

1 § 28. The board of education may, when they shall deem it advisable,  
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2 appoint a superintendent of schools for the said union school district, who  
3 may ex-officio be secretary of said board. He shall be under the direction  
4 of the board of education, and they shall prescribe his general duties. In  
5 addition to such other duties as may be devolved upon him by the board in  
6 the visitation and superintendence of the schools, he shall examine the  
7 qualifications of teachers, and grant certificates in such manner and form as  
8 may be prescribed by the state superintendent, which shall not be in force  
9 longer than a year, and which may at any time be revoked by the board of  
10 education. He shall be paid a salary out of the general fund, to be fixed by  
11 the board of education, and may be removed from office by the vote of a  
12 majority of all the members of said board.

1 § 29. All former or existing acts, or parts of acts, conflicting or inconsistent  
2 with the provisions of this act, are hereby repealed, so far as they affect this  
3 act; but nothing in this act shall be so construed as to limit, restrain or  
4 annul the powers of the superintendent of public instruction. In all matters  
5 of dispute, which shall be referred to him by appeal, and which shall arise  
6 under and by virtue of this act, or under and by virtue of any other act  
7 which is now, or shall hereafter be applicable to the schools, school officers,  
8 or school property of or in said district, his decisions or orders shall be final  
9 and binding.

1 § 30. Chapter one hundred and twenty-five of the laws of eighteen hundred  
2 and seventy-four, entitled "An act to provide for the establishment of a  
3 system of graded schools in the village of Ithaca," and chapter forty-six of  
4 the laws of eighteen hundred and seventy-seven amendatory thereof, are  
5 hereby repealed, but the repeal of said act shall not be construed as in any  
6 way impairing the effect or validity of any acts or proceedings of the board  
7 of education of the village of Ithaca, prior to the time when this act shall  
8 take effect, and the board of education of the city of Ithaca shall succeed to



9 all the rights and liabilities of the board of education of the village of Ithaca,  
10 accrued or incurred prior to the time when this act shall take effect.

1 § 31. This act shall take effect at the same time that an act of the  
2 legislature of the present year, entitled "An act to incorporate the city of  
3 Ithaca," shall take effect.





