

AN ACT TO INCORPORATE THE CITY OF ROCHESTER.

Passed April 28, 1834.

- TITLE 1.**—Of the Boundaries and Civil Divisions of the City of Rochester.
TITLE 2.—Of the Officers of the City; their Appointment and Election.
TITLE 3.—Of the Common Council; its Powers and Duties, and the manner of Conducting its Proceedings.
TITLE 4.—Of the Officers of the City; their Powers and Duties.
TITLE 5.—Of the Assessment and Collection of Taxes for City Purposes, and of the Funds, Revenue, and Expenditure of the City, and of the Administration thereof.
TITLE 6.—Of Common and other Schools.
TITLE 7.—Of Streets, Highways, Bridges, and Publick Improvements.
TITLE 8.—Of the Prevention and Extinguishment of Fires.
TITLE 9.—Of the Support of the Poor, and of persons likely to become Chargeable to the City.
TITLE 10.—Of Courts of Justice and Proceedings therein.
TITLE 11.—Miscellaneous provisions.
-
-

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 of the City of Rochester.

SECTION 1. The district of country constituting parts of the towns of Brighton and Gates, in the county of Monroe, contained within the limits and boundaries hereinafter described, shall be a City, by the name of ROCHESTER.

Corporate name and general powers.

And the citizens of this state from time to time inhabitants within the said limits, shall be a Corporation by the name of "The Mayor and Common Council of the City of Rochester," and in addition to the powers hereinafter specially granted, shall possess all the general powers, and be subject to all the restrictions and conditions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, except the fifth and sixth subdivision of the first section, and the fifth, ninth, and tenth sections of the said title, which are hereby declared inapplicable to the corporation hereby created.

Boundary of
the City.

§ 2. The territory included within the following limits and boundaries, shall constitute the City of Rochester: Beginning on the bank of the Genesee River at the south-east corner of lot number twenty-four, on the four thousand acre tract, in the town of Gates, and running thence on the south line of said lot north, eighty-seven degrees west, seventy-four chains and sixty-three links, to a point on lot number twenty-three, on the said four thousand acre tract, where the east line of lot number one hundred and sixty-nine in township number one, west of the Genesee river, would, if continued, strike the same; thence north three degrees east, two hundred and eighty-four chains and ninety-five links, to the line between the towns of Gates and Greece; thence along the north line of the town of Gates south eighty-seven degrees east, to the middle of the Genesee river; thence northwardly down the middle of the Genesee river to a point where the line of the middle of the Ridge-Road on the east side of said river would, if continued on a course south sixty-six degrees and thirty minutes west, strike the same; thence north sixty-six degrees and thirty minutes east, to a point in the middle of Ridge-Road eight chains and seventy-five links distant from the top of the east high bank of the Genesee river; thence south four degrees and thirty minutes west, thirty-three chains, to a point on the north side of the road from Culver's to the village of Clyde, and on the east side of Elisha B. Strong's land; thence south forty-two degrees west, along the line between lands belonging to the State of

New-York and Elisha B. Strong and others, twenty-one chains and eighty-four links; thence south nine degrees and thirty minutes west, sixteen chains and sixty-one links, to the south corner of John T. Trowbridge's land; thence south forty-five minutes west, thirty chains and sixty-nine links, to the line between townships numbers thirteen and fourteen in the seventh range of townships of Phelps and Gorham's purchase; thence south eighty-nine degrees and thirty minutes east, along the north line of lots numbers seventy-two and seventy-one, and part of sixty-five in said township number thirteen, one hundred and nine chains and eighty links, to a stake on the north line of said lot sixty-five, marked "City"; thence south three degrees west, one hundred and thirteen chains and eighty-seven links, to the southwest corner of William Pitkin's farm on the north side of the Pittsford road; thence along the north side of the Pittsford road south sixty-eight degrees and thirty minutes east, twenty chains and sixty-seven links, to the west side of the Goodman road; thence south twenty-four degrees and thirty minutes west, one hundred and seven chains and sixty-five links, to the southeast corner of lot number sixty in township number thirteen aforesaid; thence south eighty-nine degrees and thirty minutes west, along the south lines of lots numbers sixty and nineteen in said township number thirteen, to the bank of the Genesee river; thence across said river to the place of the beginning; and the bed of the said Genesee river within the aforesaid boundaries.

§ 3. From and after the passage of this act, the territory described in the last preceding section, shall cease to form any part of the town of Gates or Brighton; and all the remaining parts of the said towns of Gates and Brighton respectively shall be and remain separate towns by the names of Gates and Brighton respectively.

Gates and
Brighton.

§ 4. The said City shall be divided into Five Wards, as follows:

Five Wards
and Bounda-
ries.

1. All that part of the said City bounded on the north by Mumford, Anne, and Allen-streets; west and south by the

1st Ward:

TITLE 2,

Erie Canal, and east by the centre of Genesee River shall constitute the First Ward.

2d Ward, 2. All that part of the said City lying west of the centre of the Genesee river, and north of the said First Ward and part of Buffalo-Street west of the said Erie canal, shall constitute the Second Ward.

3d " 3. All that part of the said City lying west of the centre of the Genesee river and south of the Erie canal and Buffalo-Street, shall constitute the Third Ward.

4th " 4. All that part of the said City lying east of the centre of the Genesee river and south of Main-Street, shall constitute the Fourth Ward.

5th " 5. All the remaining part of the said City lying east of the centre of the said Genesee river and north of Main-street, shall constitute the Fifth Ward.

When street &c. boundary. § 5. Whenever a Street, Canal, or River, is mentioned in this title, as a boundary of the said City, or of any Ward therein, the centre of such Street, Canal, or River, shall be deemed to constitute the boundary line.

Lamp and Watch District. § 6. The compact part of the City which is inhabited, shall constitute the Lamp and Watch District, and the limits thereof shall be declared by the Common Council, within one month after the first Monday in June next, and within one month after each annual election of Alderman and Assistants ; such declaration shall be entered on the Minutes of the Common Council, and shall be published for four weeks, once in each week, in two newspapers printed in the City.

School Districts. § 7. School Districts shall also be laid out and altered by the Common Council, as hereinafter directed.

TITLE II.

Of the Officers of the City, their Appointment, and Election.

Officers of the City. § 1. The Officers of the City shall be one Mayor, one Recorder, five Aldermen, five Assistant Aldermen, five Justices of the Peace, five Constables, three Supervisors, one

Assessor for each Ward, one or more Collectors of taxes and assessments, as the Common Council shall, from time to time, direct ; one Treasurer, one Clerk of the City, one Marshal, one Chief Engineer, and two Assistant Engineers of the Fire Department ; ten Fire Wardens, an Attorney and Counsel to the Common Council, one or more Inspectors of streets and highways, as the Common Council shall from time to time direct ; not exceeding twelve, and not less than five Inspectors of Common Schools ; one or more City Superintendents, and so many Surveyors, Measurers of cord-wood, fuel, coal, grain, and lime, Weighers of hay, Guagers, Common Criers, Keepers of Alms-house and Penitentiary, Examiners and Inspectors of weights and measures, Pound-masters, and Sextons or Keepers of burial grounds, as the Common Council shall from time to time direct.

§ 2. No person can be chosen Mayor, unless he be an elector and resident of the City ; and no person can be chosen Alderman, Assistant Alderman, Assessor, Constable, or Fire Warden, unless he be an elector and resident of the Ward for which he shall be elected.

Who eligible as Mayor, Aldermen, &c.

§ 3. The Mayor shall be elected by the Common Council, and shall hold his office until the first day of January succeeding his election, and until a new Mayor be chosen in his place, and shall have been duly qualified.

Tenure of Mayor's Office.

§ 4. At the meeting of the Common Council, at which the election of Mayor shall be had, the Recorder shall preside, who shall only have a casting vote, when the votes of the other members are tied. The election shall be by the votes of the Aldermen and Assistants, and the person having the greatest number of votes shall be deemed elected.

By whom elected.

§ 5. On the second Monday in June next, the persons who shall have been elected Aldermen and Assistants of the said City, together with the Recorder, shall assemble at the Court-House in Rochester, at twelve o'clock at noon, for the purpose of choosing a Mayor. The Common Council shall also appoint a Clerk to the meeting ; and being

When first elected.

thus organized, they shall proceed to ballot for a Mayor for the present year, who shall hold his office until the first day of January next, and until a new Mayor shall be chosen and qualified.

When annually elected.

§ 6. During the month of December in the present year, and in each succeeding year, the Common Council, at a meeting or meetings which shall have been previously appointed for that purpose, shall proceed to ballot for a Mayor for the ensuing year, and the person thus elected shall enter upon the duties of his office on the first day of January succeeding his election.

Recorder, how appointed to Office

§ 7. The Recorder shall be appointed in the manner provided in the Constitution for the appointment of Judges of County Courts; shall hold his office for the same term, and by like tenure, and shall be subject to removal in the same manner. By virtue of his office, he shall be Supreme Court Commissioner. He shall not, during his continuance in office, hold any office under the appointment of the Common Council. No person shall be appointed Recorder, unless a Counsellor of the Supreme court.

Aldermen etc. when elected, and tenure of Office.

§ 8. One Alderman, one Assistant Alderman, one Assessor, and one Constable shall be chosen by the electors of each Ward, on the first Monday of June next, and on the same day in each year thereafter. They shall hold their offices for one year.

Chief Engineer and two Assistants, how chosen.

§ 9. A Chief Engineer and two Assistant Engineers of the Fire Department, shall be annually chosen by the Fire Wardens, Firemen, Hook and Ladder men, Tub and Hose men then in office, at such time, and under such regulations as the Common Council shall by ordinance prescribe, who shall appoint Inspectors of such election, and direct the manner of certifying the result. The Chief Engineer and the Assistant Engineers, shall hold their offices for one year. Within ten days after such result shall be so certified, the Common Council may dissent from the same, either in whole or in part, and may direct a new election for such of the officers as shall not be affirmed, which shall be con-

the first election; and the result thereof shall, in like manner, be subject to the approbation of the Common Council. The Chief Engineer and the Assistant Engineers, who shall be so elected and affirmed, shall hold their offices for one year, and until others be chosen, affirmed, and qualified.

§ 10. Three Supervisors shall be chosen by the electors of the City at the same time provided for the election of Aldermen. They shall hold their offices for one year. Supervisors how elected

§ 11. A City Treasurer, and Attorney and Counsel to the Common Council, a Clerk of the City, a Marshal, one or more Collectors of taxes and assessments, one or more Inspectors of streets and highways; not exceeding twelve, and not less than five Inspectors of Common Schools, one or more City Superintendents, one or more City Surveyors, Measurers of cord wood, fuel, coal, grain, and lime, Weighers of hay, Guagers, Common Criers, Keepers of the Alms-House and Penitentiary, Examiners and Inspectors of weights and measures, Pound-masters, and Sextons or Keepers of burial grounds, and ten Fire Wardens, shall be appointed annually by the Common Council, and shall hold their offices during the pleasure of the Board. City Treasurer & other officers appointed by Common Council. Ten Fire Wardens.

§ 12. The Common Council shall appoint one Justice of the Peace in each Ward. They shall hold their offices for four years. Every Justice appointed for any Ward, shall reside and keep his Office in such Ward, and in that Ward only; and shall not be authorized to try any cause, or render any judgement in a civil action out of his Ward. But for all other purposes the said Justices shall be deemed Officers for the City of Rochester, in the same manner as if they had been elected by the whole City, and shall have the same jurisdiction in the said City, that Justices of Towns have by law, in respect to the Towns for which they have been elected. Justices of the Peace, how appointed, tenure of office, and jurisdiction.

§ 13. The present Trustees of the Village of Rochester, shall appoint the time, and a suitable place in each of the Wards of the said City, for the holding of Ward elections, Time and place of holding Elections and In-

spectors to be appointed by Trustees. and they shall also appoint three electors of each Ward, to be inspectors of the said elections in their respective Wards ; which appointment shall be published in at least two of the newspapers of the Village, once before the said elections.

Do. by Common Council.

§ 14. The Common Council shall at least ten days before the time of holding any Ward election, appoint a suitable place in each Ward, for the holding of such election, and shall, at the same time, choose from the Electors actually resident in each Ward of said City, three persons as Inspectors of such election, but no Alderman, Assistant Alderman, or any person holding any office under the Common Council, shall be chosen such Inspector. In case of the death or inability of either of such Inspectors to act, the Common Council may, thereafter, appoint another in his place. Notice of every such election shall be published in two of the newspapers of said City, at least once before such election.

Organization and powers.

§ 15. The Inspectors of elections so appointed, shall meet at the time and place appointed for holding Ward elections, and shall organize themselves as a board, in the manner prescribed in the fourth title of the sixth chapter and first part of the Revised Statutes. The Inspector first named in the order of appointment shall be Chairman.

Clerks of polls.

§ 16. The Inspectors shall appoint two Clerks of the Polls, who shall take the constitutional oath of office, to be administered by the Chairman.

Polls open one day.

§ 17. The Polls shall be kept open for one day only, between nine o'clock in the forenoon, and the setting of the sun, but may be closed at any time after three o'clock in the afternoon, if the Inspectors shall have given one hour's previous notice of the time when the same shall be so closed.

Ballot and endorsement.

§ 18. The Electors shall vote by ballot, so folded as to conceal the contents. On each ballot shall be written or printed the words "City Officers," or "Supervisors;" but no ballot found in the proper box shall be rejected for want of such endorsement.

Contents,
City Off-
cers.

§ 19. The ballot, endorsed " City Officers," shall contain the names of the persons designated by the Elector for the offices of Aldermen, Assistant Aldermen, Assessor, Constable, any or either of them, with the name of the office for which such person is designated.

§ 20. The ballot endorsed " Supervisor," shall contain the names of the persons designated by the Elector, for the office of Supervisors.

Supervisor.

§ 21. Every person, entitled to vote for members of assembly, in the Village of Rochester, when this act shall become a law, and every person so entitled to vote in those parts of the towns of Brighton and Gates which are included in the said City, and every person so entitled to vote in the City of Rochester at any Ward election thereafter, who shall have been a resident of the said Village, or said parts of Brighton and Gates, or City, for the last six months preceding such election, shall be entitled to vote in the Ward in which he resides, for all or any of the officers to be chosen at such Ward election.

Who entitled to vote.

§ 22. Persons offering to vote at such elections, may be challenged in the same manner as at a general election for state officers, and the same proceedings shall be had thereon as are prescribed by law in relation to such elections; and the same oath shall be administered to the person challenged, except that instead of swearing or affirming that he has been " for the last six months a resident of this county," he shall, at the first election under this act, swear or affirm that he has been for the last six months a resident of the Village of Rochester, or of the said parts of Brighton and Gates, and at any subsequent election, he shall swear or affirm that he has been for the last six months a resident of the City of Rochester.

Challenges.

§ 23. At the first and every subsequent Ward election under this act, the Inspectors shall provide, at the expense of the City, two boxes, one of which shall be entitled " the City officers' box," another, " Supervisors' box," which shall be constructed and provided with locks and keys, and sealed

Boxes.



at every adjournment of the election in the manner provided by law in respect to elections for state officers.

Elections, how conducted.

§ 24. Such elections shall be conducted in the manner prescribed by law for the election of state officers, and the Inspectors shall have the same authority in all respects as the Inspectors of such elections of state officers. They shall proceed in like manner to canvass the votes given at such elections, and therein shall be governed by the provisions of law respecting the elections of state officers, except that only one statement of the result of such election shall be drawn up and signed by the Inspectors, which at the first election to be held under this act, shall be immediately delivered to the Clerk of the Trustees of the Village of Rochester, to be filed by him, and at every subsequent election shall be immediately delivered to the Clerk of the City to be filed by him.

Canvass, when and how made.

§ 25. The present Trustees of the Village of Rochester, shall meet at the Court-house in that Village, on Tuesday next after the first Monday in June next, at four o'clock in the afternoon, to canvass and estimate the votes given at the different Ward elections in the said City on the said first Monday of June next.

Clerk to produce statements.

§ 26. The original statements of the votes filed with him by the Inspectors of elections, shall be produced by the Clerk of the said Trustees, and from them the said Trustees shall proceed to estimate and state the number of votes given at the said election for the different officers then to be chosen.

Statements, how to be made.

§ 27. In such statement the whole number of votes given, and the number of votes to each shall be written out in words at full length ; and the said board shall thereupon determine and certify what persons have, by the greatest number of votes, been duly elected to each of the offices mentioned in such statement ; which determination shall be expressed in such statement, and shall be certified and attested by the Trustees respectively who shall make such determination.

§ 28. Such statement and certificate shall be immediately filed in the Clerk's office of the county of Monroe, and a copy thereof shall be published in two newspapers of the City.

Statement to be filed and published.

§ 29. The persons so declared to be elected, shall, after taking the oath of office prescribed by the constitution, enter upon the duties of their respective offices, upon the second Monday of June next thereafter.

Officers when to enter upon their duty.

§ 30. The Common Council of the City of Rochester shall be the board of canvassers of all Ward elections, after the first election which shall be held under this act, and for that purpose shall convene on the day after every such election, and the statements of votes filed with the Clerk of the City by the Inspectors of election, shall be produced to the Common Council by the Clerk. The Common Council shall proceed to canvass and estimate the said votes in the same manner herein directed with respect to the first election; and shall in like manner make out and certify their determination which shall be signed by all the members concurring in the same, and shall be filed with the Clerk of the County of Monroe.

Com. Coun- to be Can- vassers.

31. If at the first, or any subsequent election authorized by this act, any officer shall not have been chosen, by reason of two or more candidates having received an equal number of votes, a special election shall be ordered by the Board of Canvassers authorized to determine on the election of the officers so omitted to be chosen.

Special elections if any Officers not chosen.

§ 32. Such Board shall without delay, appoint a time and place for the holding of a special election, which shall be not more than fifteen days nor less than five days from the time of such appointment; and they shall cause to be delivered to the Inspectors of the last preceding election, in the Ward where such Officer was omitted to be chosen, a notice signed by them specifying the officer to be chosen, and the day and place at which such election is to be held.

When to be held.

§ 33. Such notice shall also be published in two newspapers of the City at least once before such special election.

How published.

result of the election determined in the same manner as herein directed in the case of an annual election ; and the persons so elected, shall hold their Offices for the unexpired term of those who were first elected.

§ 39. In case any such vacancy shall occur in the said Offices of Alderman, Assistant Alderman, or Assessors, within three months before the first Monday in June in any year, it shall be optional with the Common Council to order a special election or not, as they shall deem expedient.

Where vacancy happens three months before election.

§ 40. In case a vacancy shall occur in the Office of Constable, or Fire Warden, in any Ward, by any of the means herein before enumerated, as producing a vacancy in the Office of Alderman, the Common Council may appoint suitable persons, being electors and residents of the Ward for which they shall be appointed to fill such vacancy.

Where Office of Constable vacant.

§ 41. Should a vacancy occur by any of the means aforesaid in the Office of Supervisor, the Common Council may in their discretion, direct a special election to be held in the several Wards to fill such vacancy.

Vacancy in Supervisor.

§ 42. The same proceedings for that purpose shall be had as in case of vacancy in the Office of Alderman : the election shall be conducted in each Ward in the same manner. The votes shall be canvassed, statements filed, and the determination of the results made known and certified in the same manner, and by the same persons, as at an annual election.

Special election for Supervisor.

§ 43. Upon the determination of the Board of Canvassers of the result of the election herein before directed to be held on the first Monday of June next being made, it shall be the duty of the Clerk of the Trustees of the Village of Rochester, immediately to notify every person elected of his election ; and upon the determination of the Board of Canvassers of the result of any subsequent election being made, it shall be the duty of the Clerk of the City, immediately to notify the persons so elected of their

Clerk to notify persons elected

election; and he shall in like manner notify the Chief Engineer and assistant Engineers of their election, and shall also notify all persons appointed to any Office by the Common Council of their respective appointments immediately on the same being made.

Mayor &c to file oath of Office.

§ 44. Every person elected or appointed to the Office of Mayor, Alderman, Assistant Alderman, Justice of the Peace, Assessor, Constable, Collector, Supervisor, Treasurer, City Clerk, or Marshal, in the City of Rochester, shall, before he enters on the duties of his Office, and within five days after being personally notified of such election or appointment, take the oath of Office prescribed by the Constitution of the State, before some Officer authorised to take affidavits to be read in Courts of Justice, and file the same with the Clerk of the Trustees of the Village of Rochester, or with the Clerk of the City of Rochester. Such of the said Officers as shall be elected or appointed before a Clerk of the said City shall have been appointed, shall file the said oaths with the Clerk of the Trustees. Those elected or appointed after the appointment of a City Clerk, shall file such oaths with the Clerk of the City.

Engineer, etc. to file acceptances

§ 45. Every person chosen or appointed to the Office of Chief Engineer, Assistant Engineer, Fire-Warden, Attorney and Counsel to the Common Council, Inspector of streets and highways, Inspector of common schools, or any other Office to which he shall be appointed by the Common Council of the said City, except those enumerated in the last section, before he enters on the duties of his Office, and within five days after being personally notified of his election or appointment, shall cause to be filed in the Office of the City Clerk, a notice in writing, signifying his acceptance of such Office.

Neglect to file, deemed refusal.

§ 46. If any person chosen or appointed to any Office specified in the last two sections, shall not take and subscribe the oath of Office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, such neglect shall be deemed a refusal to serve.

§ 47. Every person appointed collector, before he enters on the duties of his Office, and within ten days after being notified of his appointment, shall execute to the Mayor of the City, and lodge with said Mayor, a bond with two or more freeholders of lands in the County of Monroe, as sureties to be approved of by such Mayor in such penalty as the said Mayor shall direct, conditioned for the faithful execution of his duties as such Collector, and before any warrant for the collection of taxes that shall have been issued by the Board of Supervisors of the County of Monroe shall be delivered to any such Collector, he shall execute an additional bond to the Supervisors of the said City, with two or more sureties to be approved by them, in a penalty double the amount of the taxes directed to be collected by such warrant, conditioned that he will faithfully collect such taxes and pay over the same according to law, which bond shall be delivered to one of the said Supervisors.

Collector to
give bond to
Mayor.

Ib. to Super-
visors.

§ 48. The Mayor and Supervisor to whom such bond shall have been delivered, shall, within six days thereafter, file the same, with the approbation herein required endorsed thereon, in the Office of the Clerk of the County of Monroe.

Bonds to be
filed.

§ 49. The said Clerk shall cause an entry of such bond to be made in the book provided for entering the bonds of Town Collectors, and in the same manner, and every such bond shall be a lien on the real estate of the said Collector and his sureties, in the same manner, and to the same extent as provided by law in relation to the bonds of Town Collectors; and in case of any breach of the conditions of such bonds, or either of them, suits may be maintained thereon, in the name of the Mayor, to whom they were given, or of his successor in office, and by the Supervisors to whom they were given, or their successors in office.

Entry
thereof.

§ 50. Such Collector and sureties shall also be liable to the same proceedings to enforce the payment of money collected on any warrant issued by the Supervisors of the County, as are provided by law in respect to Town Collectors.

Collector
and sureties
how liable.

Neglect to give bonds deemed a refusal.

§ 51. In case such Collector shall refuse or neglect for ten days after being notified of the amount of taxes directed to be collected by the warrant of the Supervisors of the County, to give the bond herein required, such neglect or refusal shall be immediately reported by the Supervisors of the City to the Common Council, who shall immediately remove such Collector from office, and appoint another in his place.

1b.

§ 52. If such Collector shall neglect to execute the bonds herein required, within the time limited for that purpose, such neglect shall be deemed a refusal to serve,

Constable's security.

§ 53. Every person chosen or appointed to the office of Constable in the said City, before he enters upon the duties of his office, and within ten days after he shall have been notified of his election or appointment, shall execute, in the presence of the Mayor of the City, and one of the Aldermen thereof, with two or more sureties, to be approved by the said Mayor and Alderman in writing, an instrument in writing by which such Constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said Constable may become liable to pay on account of any execution or distress warrant which shall be delivered to him for collection.

How approved.

§ 54. Such instrument, with the approbation of the said Mayor and Aldermen endorsed thereon, shall be filed with the Clerk of the City; and a copy thereof certified by such Clerk, shall be presumptive evidence of the execution thereof by such Constable and his sureties.

Proceeding thereon.

§ 55. The same proceedings shall be had on such instruments by any persons entitled to prosecute the same, and within the same time as provided by law in respect to similar instruments executed by Constables of Towns.

Bond of Marshal.

§ 56. Every person appointed to the Office of Marshal of the said City, before entering on the duties of his Office, and

within ten days after being notified of his appointment, shall execute with two or more sureties to be approved by the Mayor of the said City, a joint and several bond to the people of this state in the penal sum of five thousand dollars, conditioned for the faithful execution of the duties of the said Office by such person during his continuance in the same.

§ 57. At the time of the execution of such bond, the said Mayor shall administer to each of the said sureties an oath that he is a freeholder of lands in this state, and is worth such sum as shall be ascertained by dividing the penalty of such bond by the number of sureties bound thereby, over and above all debts whatsoever owing by him, which oath shall be endorsed on said bond, and subscribed by such sureties in the presence of the said Mayor, who shall notwithstanding, judge of and determine the competency of such sureties.

Sureties to justify.

§ 58. If such sureties are approved by the said Mayor, he shall make an endorsement to that effect on the said bond, and shall file the same with the Clerk of the City.

To be filed.

§ 59. Proceedings for the prosecution of any such bond, may be had in the cases and the manner directed by law in respect to official bonds of Sheriffs, except that application for that purpose may be made to the Mayor's Court of the City of Rochester, and each suit may be brought in such Court, who shall proceed therein in the manner directed by law in respect to suits on Sheriff's bonds.

How prosecuted.

§ 60. Every person appointed to the office of Treasurer of the said City, before entering upon the duties thereof, and within ten days after being notified of his appointment, shall execute a bond to the Mayor and Common Council of the City of Rochester, with two or more sureties, being freeholders of lands within the county of Monroe, to be approved by the Mayor of the City, in such penalty as shall have been directed by the Common Council of the said City, conditioned for the faithful execution of the duties of his office, and that he will pay over according to

Bond of Treasurer.

law, and the ordinances of the said Common Council, all moneys which shall come to his hands as such Treasurer, and render a just and true account thereof to the said Common Council when thereunto required.

To be filed. § 61. Such bond, with the approbation of the said Mayor endorsed thereon, shall be filed with the Clerk of the said City.

Constables etc, neglect to give bond refusal. § 62. If any Constable, Marshal, or Treasurer of the said City, shall neglect to execute any bond or other instrument herein required, within the time for that purpose limited, such neglect shall be deemed a refusal to serve.

Penalty on officers elected for refusal. § 63. If any person chosen to any one of the following offices shall refuse to serve, he shall forfeit to the Mayor and Common Council the following sums :

1. If chosen to the office of Alderman or Supervisor, he shall forfeit twenty-five dollars by such refusal.

2. If chosen to the office of Assistant Alderman, or Assessor, he shall forfeit by such refusal, ten dollars.

lb. on officers appointed § 64. If any person, appointed to any one of the following offices, shall refuse to serve therein, he shall forfeit to the Mayor and Common Council of the said City, the following sums :

1. If appointed Inspector of common schools, Inspector of streets and highways, Fire-Warden, Inspector and Examiner of weights and measures, he shall forfeit by such refusal, ten dollars.

2. If appointed to any other office than such as are herein before enumerated, he shall forfeit, by such refusal, five dollars.

List of officers to be made by Clerk of Village. § 65. On the second Monday of June next, the Clerk of the Trustees of the Village of Rochester shall deliver to the Common Council, who shall have been elected as herein provided, a list of all the persons who shall have been elec-



ted to any office in the City of Rochester, specifying the offices to which they shall have respectively been elected, and designating those who have filed with him the oath of office prescribed by law, and those who have neglected to file such oath, to the end that the Common Council of the said city may take the measures necessary to supply any vacancies occasioned by such neglect.

§ 66. At the expiration of ten days after any election or appointment of any officer or officers in the said City, the Clerk of the said City shall in like manner, deliver to the said Common Council a list of the persons elected or appointed, and of the offices to which they are chosen, therein specifying such as shall have filed with him the oath of office required by law, and such as shall have omitted to file the same within the time herein prescribed, to the end that the necessary measures may be taken to fill the vacancies occasioned by such omission.

Ib. by City Clerk.

§ 67. The Mayor shall report to the Common Council the names of such Collectors and Constables as shall have neglected to give the bond and security required by law.

Mayor to report delinquents.

§ 68. It shall be the duty of the Common Council to direct suits to be brought for the recovery of all penalties incurred by the refusal of any person to serve in any office to which he shall have been elected or appointed in the said City.

Suits to be brought

§ 69. Resignation by any officer authorized to be chosen or appointed by this act, shall be made to the Common Council of the City, subject to their approval and acceptance: and if not approved by them, the person so resigning any office, shall be liable to the same penalty herein before prescribed for refusing to serve in such office.

Resignations

§ 70. The Common Council shall have power at any time to remove any officer appointed by them, and to appoint another in his place; and they shall also have authority to remove any Constable elected to office, for misconduct in the same, after giving to the person accused notice of the charge against him, and an opportunity of being heard in his defence.

Officers appointed may be removed.

TITLE III.

Of the Common Council; its Powers and Duties, and the manner of conducting its Proceedings.

Who constitute the Common Council § 1. The Mayor, Recorder, Aldermen, and Assistants of the said City shall constitute the Common Council. They shall meet at such times and places as they shall from time to time appoint, and on special occasions whenever the Mayor or Recorder, (in case of vacancy in the office of Mayor, or of his absence from the City, or inability to officiate,) shall by written notice appoint, and which shall be served on the members in such manner and for such time as the Common Council may by ordinance direct.

Mayor or Recorder to prescribe. § 2. The Mayor, when present, shall preside at the meeting of the Common Council; in his absence the Recorder shall preside.

Who may vote. § 3. In the proceedings of the Common Council, each member present shall have a vote, except the Mayor or Recorder, when presiding, who shall only have a casting vote, when the votes of the other members are tied.

Sittings publick, etc. Minutes. § 4. The sittings of the Common Council shall be publick; and minutes of the proceedings shall be kept by the Clerk, which shall be open to publick inspection.

Votes when to be entered at large. § 5. Whenever required by two members, the votes of all the members of the Common Council in relation to any act, proceeding, or proposition had, at any meeting, shall be entered at large on the minutes; and such votes shall also be so entered, in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing the citizens of the said City, or involving the appropriation of publick moneys.

Quorum etc. may prescribe rules. § 6. A majority of the Common Council shall be a quorum for the transaction of business; and the board shall prescribe the rules for its proceedings.

No member to receive appointment § 7. No member of the Common Council shall, during the period for which he was elected, be appointed to, or be com-

petent to hold, any office, of which the emoluments are paid from the City Treasury, or paid by fees directed to be paid by any act or ordinance of the Common Council, or be directly or indirectly interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the Common Council ; but this section shall not be construed to prevent the Mayor from receiving any salary which may be fixed by the Common Council, nor to deprive any Alderman or Assistant of any emoluments or fees to which he may be entitled by virtue of his office.

or interested in contract.

§ 8. The Common Council shall have power to pass and enact such by-laws and ordinances for the good government and order of the City, for the preservation of peace and good order, for the suppression of vice, and for the benefit of the trade, and commerce, and health thereof, as they shall judge expedient, not repugnant to the general laws of the State ; and for those purposes shall have authority,

Powers of Com. Coun.

1. To make such orders, regulations, and provisions concerning the corporate property of the City, its publick buildings, and its rights and interests, as they shall deem expedient and necessary for the preservation and maintenance thereof; to regulate the Police of the City; to preserve the publick peace, and prevent riots, disturbances, and disorderly assemblages; to appoint Watchmen, to prescribe their powers and duties, and to prescribe fines and penalties for their delinquencies; to restrain vagrants, mendicants, and other persons soliciting alms or subscriptions for any purpose whatever; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments for gaming; to prevent the vending of liquors to be drank on any Canal boat, or other place not duly licensed; to prevent and punish immoderate riding or driving in any street; to abate or remove nuisances; to prohibit bathing in any publick water within the City; to prevent the incumbering of the streets, side-walks, walls, alleys, or slips, in any manner whatever; to provide for clearing the Genesee River of drift-wood, and other obstructions; to regulate the keeping and carrying of gun-powder and other combustibile materials.

Property.

Police.

Watchmen.

Vagrants.

Gaming houses. Vending liquors.

Driving in Streets. Nuisances.

Incumbrances in Streets.

Markets etc.

2. To establish, alter, and regulate Markets ; to regulate the vending of meats, vegetables, and fruits, pickled and other fish, and to prescribe the time and place of selling the same, and of weighing and selling hay ; and to regulate the measuring, weighing, and sale of coal, cord-wood, and other fuel, lumber, shingles, salt, lime, fish, iron, or any other commodity exposed or intended to be exposed to sale in the said City ; to provide for and regulate the gauging of all casks and other vessels containing liquids sold, or intended to be sold in the said City.

Pounds.

3. To establish and regulate one or more Pounds, and to restrain and regulate the running at large of horses, cattle, dogs, geese, and swine, and to impose taxes on the owners of dogs.

Cartmen.

4. To regulate Cartmen and cartage, Porters, Hackney carriages, and their Drivers, to limit their fees and compensation ; to prevent runners, stage-drivers, and others

Runners,

from soliciting passengers and others to travel in any boat or stage ; to regulate Pawn-brokers ; to light the streets of the City ; to establish and preserve wells and cisterns, and prevent the waste of water.

**Pawn-Brokers,
Lights,
Wells.**

**Burial of the
dead.**

5. To regulate the burial of the dead, and to compel the keeping and return of bills of mortality.

**Bonds and
sureties.**

6. To prescribe the bonds and securities to be given by the Officers of the City for the discharge of their duties, in cases where no provision for that purpose is made by law.

**To establish
Streets.**

7. To ascertain, establish, and settle the boundaries of all Streets and Alleys in the said City, and to prevent and remove all encroachments thereon.

**Highways,
Schools,
Fires, etc.**

8. To exercise all other powers conferred on them by this act, in relation to Highways, Common and other Schools, the prevention of fires, the levying of taxes, the supplying of the City with water, and other subjects of municipal regulations.

**Penalties
may be im-
posed, and
imprison-
ment.**

§ 9. Where, by the provisions of this act, the Common Council have authority to pass ordinances on any subject, they may prescribe any penalty, not exceeding fifty dollars,

for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the Penitentiary, or County Jail, for any term not exceeding thirty days, which penalties may be sued for and recovered, with costs, in the name of the Mayor and Common Council of the City of Rochester. And the Common Council may subject the parent or guardian of any minor, or the master or mistress of any apprentice or servant, to any such penalty for any such offence committed by such minor, apprentice, or servant.

§ 10. No ordinance of the Common Council, imposing a penalty, shall take effect until the expiration of at least three days after the first publication thereof in a newspaper in the said City. A record or entry made by the Clerk of the said City, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of such first publication.

Ordinance,
when to
take effect.

Entry, evi-
dence there-
of.

§ 11. The Common Council may authorize the Mayor or any other proper Officer of the Corporation, to grant licenses to tavern-keepers, grocers, and keepers of ordinaries, or victualing houses, to sell wine and liquor, in the manner prescribed by the Revised Statutes of this State, and may direct the manner of issuing, countersigning, and registering such licenses, and may fix the fee to be paid therefor, at any sum not less than five dollars, nor more than fifty dollars; and the sum to be paid to the Mayor or other Officer, for granting such license, not exceeding one dollar. The bonds to be taken on granting such licenses, shall be the same as are prescribed by the ninth title of the twentieth chapter of the first part of the Revised Statutes: they shall be filed: may be prosecuted, and the moneys collected shall be applied as directed in that title: and the persons receiving such licences shall be in all respects subject to the provisions of the said title.

Excise li-
cences.

§ 10. The Mayor, together with any Alderman of the City, may hear, in a summary way, any complaint against any person to whom a license may have been granted, to sell wine, or liquor, for any violation of the laws of the State,

May annual
license.

or the ordinances of the Corporation, and may compel the attendance of witnesses in the hearing of such complaint, in the same manner as Justices of the Peace in the trial of civil causes, and on such hearing may annul such license, or suspend the same for any certain time.

Notice of
complaint to
be served.

§ 13. At least twenty-four hours' notice of the time and place of hearing such complaint shall be served on the person complained of; and such person may appeal from the determination of the Mayor and Alderman within forty-eight hours after the same shall have been made, to the Common Council, who shall have power to reverse or affirm the same; but such appeal shall not suspend, or in any manner affect such determination, until the decision of the Common Council thereon.

Appeal.

Determina-
tion to be
filed.

§ 14. Every determination on such complaint shall be forthwith filed with the Clerk of the City, who shall serve a certified copy thereof, on the person holding a license, affected by such determination, either personally, or by leaving the same at his or her usual place of abode; and from the time of such service, such license shall be deemed to be annulled or suspended, according to the tenour of such determination, until the same shall be reversed by the Common Council.

Cartmen etc.
to be li-
censed.

§ 15. The Common Council may authorize the Mayor to license Cartmen, Hackney carriages, Truckmen, Porters, and Chimney-sweeps, and may prescribe the terms and conditions on which such licenses may be granted, and when and how forfeited, and may prescribe the fees to be paid into the City Treasury on the granting of such licenses.

Markets and
Butchers'
licenses.

§ 16. The Common Council shall establish and keep as many Markets in the said City as they shall deem expedient, and shall regulate the same by ordinances, and prescribe the number of Butchers to be licensed by the Mayor, the terms on which the same shall be granted, and by what Officers, and in what cases they may be revoked or suspended.

Bridewell.

§ 17. The Common Council may establish a Bridewell, or House of correction in the said City, and may pass all

necessary ordinances for the regulation thereof; may appoint a Keeper, and as many Assistants as shall be necessary, and shall prescribe their duties and compensation, and the securities to be given by them.

§ 18. In the said Bridewell, or House of correction, shall be confined all rogues, vagabonds, stragglers, idle, or disorderly persons, who may be committed thereto by the Mayor, or any Alderman as Justice of the Peace in the said City; and all persons sentenced by any criminal Court in the said City, or by the Court of Oyer and Terminer, or General Sessions of the Peace of the County of Monroe, for any assault and battery, petit larceny, or other misdemeanour, punishable by imprisonment in a County Jail, shall be kept therein, in the same manner as prisoners of that description are required to be kept in County Jails.

Who confined therein

§ 19. The Common Council may appoint one or more Sealers of weights and measures for the said City, who shall possess the like powers, and be subject to the like obligations as the Sealers of the several Towns of this State; and to whom on application for that purpose, the County Sealer of weights and measures for the County of Monroe, shall furnish copies of the standards in his Office at the expense of the said City.

Sealer of Weights etc.

§ 20. The Common Council may, by ordinance, require every merchant, retailer, trader and dealer in merchandize, or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the City Sealer, and to be subject to his inspection, and may impose penalties for any violation of any such ordinances.

Merchants etc. required to have weights sealed.

§ 21. The number of Notaries Publick to be appointed in the said City, shall be determined by the Common Council, in the manner prescribed in the first title of the fifth chapter, part first of the Revised Statutes, and a copy of such determination, shall be transmitted, and such appointments shall be made in the manner prescribed in the said title in respect to those Officers in Cities. The first

No. of Notaries.

determination shall be made on or before the first day of January, eighteen hundred and thirty-five, and the subsequent determinations shall be made once at the end of every two years thereafter.

Com'rs. of Deeds how appointed and powers.

§ 22. Two Commissioners of Deeds shall be appointed in the said City in the same manner that Commissioners of Deeds are now required to be appointed in other Cities of this State, by the Revised Statutes, and shall hold their Offices for two years, and shall possess all the powers, and authority of Commissioners of Deeds appointed in the Towns of this State by the Judges of County Courts and the boards of Supervisors, and may be removed in the same manner.

No. of Auctioneers.

§ 23. The Common Council shall in like manner determine annually the number of Auctioneers to be appointed in the said City, and shall transmit such determination to the Governour, and no appointment of Auctioneers for the said City shall be made, beyond the number expressed in such determination.

Salaries of Mayor and other Officers.

§ 24. The Common Council shall determine the salaries or compensation to be given to the Mayor, Treasurer, and Clerk of the City, and of any other Officer appointed by them, and at what times the same shall be payable; and they shall fix the compensation of the Collectors of taxes in the said City, for collecting the County as well as the City taxes and assessments.

Inspectors of State Elections.

§ 25. The Common Council shall appoint, at least three Inspectors in each Ward, designating which of the said Inspectors shall be Chairman, to hold and conduct general and special elections, for State and County Officers, elective by the people, and for members of Congress, and electors of President and Vice-President, at least ten days before any such election; which Inspectors shall possess all the powers, perform all the duties, and be subject to all the obligations of Inspectors of elections in Towns; and for the purposes of such election, the different Wards of the said City, shall in all respects be deemed Towns; and



the expenses of such elections shall be City charges, and defrayed in the same manner as other contingent expenses of the City.

§ 26. No ordinance of the Common Council shall be binding or have effect for any longer period than three years from the passage thereof.

Ordinances
binding only
3 years.

TITLE IV.

Of the Officers of the City, their Powers and Duties.

§ 1. It shall be the duty of the Mayor, to take care that the laws of the state, and the ordinances of the Common Council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate Officers, and to receive and to examine into all complaints against them for neglect of duty; to recommend to the Common Council such measures as he shall deem expedient; to expedite all such as shall be resolved upon by them, and in general to maintain the peace and good order, and advance the prosperity of the city.

Duties of
Mayor.

§ 2. The Mayor shall have the custody of the Common Seal of the City, and authenticate such acts of the Common Council as shall require it.

Has custody
of seal,

§ 3. The Mayor and Aldermen of the said City, by virtue of their Offices, shall have and exercise all the power and authority of Justices of the Peace in criminal cases, and in enforcing the laws of this State relating to the Police thereof, but shall have no jurisdiction in civil cases, other than such as by this act shall be expressly conferred upon them.

Powers of
Mayor and
Aldermen.
as Justices.

§ 4. The Assistant Aldermen shall have all the powers of Justices of the Peace, for the purpose of preserving the publick peace, by suppressing riots, dissolving unlawful and tumultuous assemblages, and directing the arrest of persons engaged in breaches of the peace, or about to commit any offence.

Ib. of Assis-
tants.

§ 5. The Supervisors elected as herein before provided, shall have and exercise all the powers, authority, and func-

Duties of
Supervisors

tions, of Supervisors of Towns, except as herein otherwise provided, and shall be members of the Board of Supervisors of the County of Monroe.

Ib. of Asses-
sors.

§ 6. The Assessors elected in the different Wards of the City, as herein provided, shall perform all the duties hereinafter specified, in relation to the assessment of property within the City, for the purpose of levying the taxes, imposed by the Common Council thereof. And in their respective Wards, they shall perform the duties of Assessors of Towns, and shall proceed therein in the manner prescribed by law respecting Town Assessors, and shall possess all the powers and authority of such Assessors, except as hereinafter specified.

To meet
and give no-
tice.

§ 7. On completing their Assessment Rolls, the Assessors of the different Wards shall meet together and make out a fair copy of the Assessment Roll of all the Wards, which shall be left with one of their number; and they shall give the like notice required by law to be given by Town Assessors; and at the time and place specified in such notice, all the Assessors of the different Wards shall meet together to review their Assessment, and shall proceed in the manner prescribed by law in respect to the Assessors of a Town: and having completed and subscribed the Assessment Roll, shall deliver the same to one of the Supervisors of the said City, to be by him laid before the Board of Supervisors of the County of Monroe.

Jury lists.

§ 8. The Supervisors of the said City, with the Assessors of the several Wards, shall make out and return to the County Clerk of the County of Monroe, a list of persons to serve as Petit Jurors, and as Grand Jurors in the several Courts held in the County of Monroe, at the same time and in the same manner as prescribed by law in relation to the Supervisors, Assessors, and Town Clerks of the several Towns of this State, and for that purpose, they shall assemble at such place as the said Supervisors shall appoint, and duplicates of the returns of Jurors made by them, and duly certified by them, shall be filed in the Office of the Clerk of the City within ten days after such returns are made out.

§ 9. The Clerk of the City shall keep the minutes of the Common Council, and all papers and documents belonging to the City, except such as shall appertain to the other officers of the City; and shall be regulated in the performance of the duties of his office by the ordinances of the Common Council. It shall be his special duty to publish, for at least three weeks, in one of the newspapers printed in the City, all laws and ordinances passed by the Common Council, and all votes and resolutions, directing the payment of money, of which the first publication shall be made within eight days after the passage of such law, ordinance, vote, or resolution.

Duty of Clerk.

§ 10. The Clerk shall countersign all licences of every description granted by the Mayor, pursuant to the ordinances of the Common Council, and shall enter in appropriate books the name of every person to whom a license is granted, the purpose for which granted, the date, the time during which it is to be in force, and the sum paid for each license; and no license for any purpose granted by the Mayor, shall be valid until countersigned by the Clerk.

To countersign Licences, &c.

§ 11. The Clerk shall, annually, before the first day of October in each year, certify and deliver to the Supervisors elected in the said City, a list of the names of the Assessors and Collectors in the said City, to be laid before the board of Supervisors of the county of Monroe.

To furnish Supervisors names of Assessors and Collectors.

§ 12. The City Treasurer shall receive and keep the money paid into the City Treasury, which he shall deposit in such bank or banks as the Common Council shall direct, to his credit in his official capacity. He shall keep regular accounts of all the moneys received and disbursed by him, in books to be provided by the Common Council, in such form as they shall direct; but the name of every person to whom money shall be paid by the Treasurer, shall in all cases be entered at length, and on what account the same was paid; which books and entries shall, at reasonable hours, be open to the inspection of any elector of the said City desiring the same.

Duty of City Treasurer.

ib. of atty.
& counsel.

§ 13. The Counsel and Attorney of the City shall perform such duties as shall be assigned to him by the Common Council, and shall receive therefor such compensation as the said Common Council shall provide.

ib. of Mar-
shal.

§ 14. The Marshal of the said City shall possess the powers and authority of a Constable at common law, and under the statutes of this state, except in relation to the service of process issued by justices of the peace in civil cases. The Marshal shall also perform such duties as shall be prescribed by the Common Council, for the preservation of the public peace, and the maintenance of the police regulations of the said City.

ib. of Super-
intendents.

§ 15. The City Superintendents shall have charge of the streets, squares, alleys, lanes, and bridges of the City, and shall perform such other duties as shall be assigned them by the Common Council, with such powers and authority, and subject to such regulations and restrictions as the Common Council may provide.

TITLE V.

Of the Assessment and Collection of Taxes for City Purposes, and of the Funds, Revenue, and Expenditures of the City, and the Administration thereof.

Com. Coun.
to allow ac-
counts.

§ 1. The Common Council shall examine, settle, and allow all accounts chargeable against the City, as well of its officers as of other persons, and shall have authority to direct the raising of such sum as shall be necessary to defray the same, and the contingent expenses of the said City, subject to the limitations and restrictions hereinafter contained.

ib to raise
by tax \$1500
for lighting
streets;
\$3000 for con-
tingent ex-
penses.

§ 2. For the purpose of defraying such expenses, the Common Council may raise annually a sum not exceeding one thousand five hundred dollars, to be appropriated to the lighting of the City, and for the support of a night watch, and a further sum, not exceeding three thousand dollars, to defray all other charges against the City, for the general

contingent expenses thereof, besides such sums as may be raised for the support of common schools, and exclusive of assessments for highway labour, and for opening, working, paving, repairing, or altering streets, and exclusive of the sums authorized to be raised by the seventh section of the eighth title of this act, and by the second section of the seventh title of this act. And whenever the Common Council shall determine to purchase any lot or lots of ground for the burial of the dead, or for erecting a penitentiary, or bridewell, or alms-house, and shall determine to erect such penitentiary, or bridewell, or alms-house, (being authorized thereto by the electors of the said City as hereinafter provided,) they may direct the raising of the sums necessary for such purpose in such instalments as they may deem expedient, in the manner and under the restrictions in the three succeeding sections contained.

§ 3. Whenever the Common Council shall deem it expedient to purchase a lot or lots, and to erect a penitentiary, or bridewell, or alms-house, they shall cause an estimate of the expense thereof to be made, and determine the number of annual instalments by which the amount of such expense should be raised, and shall cause a statement of such estimate, and the number of such annual instalments to be published in a newspaper printed in the said City, once in each week, for at least four weeks preceeding the next annual election of Aldermen and assistants in the said City.

Bridewell expenses of, to be estimated

§ 4. The Common Council at any time during the year ensuing such election, by a vote of two-thirds of all the members thereof, may direct the raising of the amount of such estimated expense, and by such number of instalments as is expressed in the statement to be published in the manner aforesaid.

Expense may be raised.

§ 5. Whenever the sums so raised shall be ascertained to be insufficient for the purpose for which the same were raised, the Common Council may direct the raising of such additional sum as may be necessary, not exceeding two thousand dollars; and whenever the deficiency shall exceed two thousand dollars, they shall cause an estimate of

Additional sum may be raised.

such deficiency to be made, determine the number of instalments by which the amount of such estimated deficiency should be raised, and proceed in all other respects as prescribed in the two preceding sections.

Taxes on
Lamp and
Watch Dis-
trict.

§ 6. The aggregate of the sums to be raised to defray the expenses of lighting the City, and compensating watchmen, and the prevention and extinguishment of fires, shall be separately stated, distinct from the other contingent charges, and shall be assessed on all the real and personal estate within the Lamp and Watch District, according to the valuation of the same in the last preceding assessment roll, which shall have been designated as herein before provided.

Other Taxes
on City at
large.

§ 7. All other sums so directed to be raised by the Common Council, shall be assessed on all real and personal estate within the said City, according to the valuation of the same in the last preceding assessment rolls, which shall have been returned by the assessors of the different Wards and filed in the office of the Clerk of the City.

Assessment
when made.

§ 8 The said assessment shall be made by the Common Council at some meeting thereof during the month of November in each year, in the same manner in which County taxes are directed by law to be assessed by the Board of Supervisors, and the Assessment Rolls with the amount of taxes therein specified to be paid, shall be delivered to the Collector or Collectors of the said City, on or before the fifteenth day of December in each year, with warrants annexed thereto under the hand of the Mayor and Clerk of the City, commanding such Collector to collect from the several persons named in the Assessment Roll, the several sums mentioned in the last column of such roll opposite to their respective names ; and in case any such person shall refuse or neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person, and after deducting from the amount so collected, the compensation so allowed to such Collector, to pay the residue into the City Treasury, on or before the first day of February ensuing after the date of the said warrant.

Collectors'
Warrants.

§ 9. A separate column shall be provided in the said Assessment Rolls, in which shall be inserted by the Common Council, the amount of tax assessed upon the real estate being within and upon the personal property of the inhabitants residing within the Lamp and Watch District, to defray the expense of lighting the said City and compensating Watchmen, and for the prevention and extinguishment of fires ; which tax shall be assessed upon the valuations of the real and personal estate of the said freeholders and inhabitants, according to the last preceding Assessment Rolls as aforesaid, at the same time, and in the same manner as the general tax is herein before directed to be assessed.

Separate column for Lamp and Watch District.

§ 10. Duplicates of the said Assessment Rolls, verified by the signatures of the Mayor and Clerk of the City, shall be deposited with the City Treasurer, with a receipt thereon from the Collectors who shall have received the originals, specifying that he has received an original of which the same is a copy, for the purpose of collecting the taxes therein directed to be collected.


Duplicate Assessment

§ 11. The Collector to whom any such Assessment Roll and Warrant shall be delivered, shall proceed to collect the sums therein specified, together with such fees on the moneys collected by him as shall have been allowed by the Common Council, in the same manner as provided by law in respect to the collection of County taxes, and shall have and possess all the power and authority conferred by law on the Collectors of County taxes, and shall in like manner make returns to the City Treasurer, of the amount collected and of the taxes remaining unpaid : and upon making oath before the City Treasurer, which oath he is hereby authorised to administer, similar in all respects to the oath required by law of Collectors of County taxes, he shall be credited by the City Treasurer, with the amounts so remaining due and unpaid.

Taxes how collected.

§ 12. When any tax or assessment imposed by the said Common Council pursuant to law shall be returned as unpaid, or shall not be paid within the time required by law, the said Common Council may maintain an action therefor

Action may be maintained.



in the name of the Corporation of the City, against the person liable for the payment of the same, either as owner or occupant of the real estate, or as owner of the personal property charged with such tax or assessment, in any Court having cognizance thereof, and shall recover the same with interest from the time such tax was returned unpaid; and in every such action, the Assessment Roll, wherein such owner or occupant, shall be assessed, and the return thereof unpaid by the Collector, shall be presumptive evidence of the indebtedness of such owner or occupant, and of its amount.

**When un-
paid land to
be sold.** § 13. When any tax or assessment charged upon any real estate within the said City, shall be returned as unpaid, by the Officer authorized to collect the same, the Common Council may direct the City Treasurer to advertise and sell such real estate as hereinafter provided.

**Treasurer to
advertise.** § 14. The City Treasurer shall cause a notice to be published in a newspaper of the said City for six successive weeks, describing the real estate charged with such tax or assessment remaining unpaid, and stating the amount of such tax or assessment then due, and notifying all persons concerned, that unless the said tax or assessment with the costs and expenses of advertising the same, shall be paid before the time of sale in such notice specified, he will, on a day and place therein to be stated, expose the said real estate to sale at publick auction. The costs and expenses for advertising and selling land under this section, shall be the same as are provided by law on the sale of mortgaged lands by advertisement.

**To sell and
give and file
certificate.** § 15. If such tax or assessment and the expenses afore-said, be not paid by the said time of sale, the said Treasurer shall proceed to sell the same for the shortest time any bidder will take such premises and pay the said tax or assessment, and the expenses of such sale; and on such sale he shall execute to the bidder a certificate of sale in which the property purchased shall be described; the amount of tax or assessment and expense of such sale, and the time for which the premises were purchased shall be specified; also the time when the purchaser will be entitled to receive



the lease hereinafter mentioned : said Treasurer shall cause a copy of said certificate to be filed in the Clerks Office of said City of Rochester.

§ 16. The grantee in such certificate shall, at the expiration of two years after said sale, be entitled to a lease of said premises for the term he so bid off the same, which term shall commence at the day of the date of said lease ; said lease to be given by the Mayor of said City, under the corporate seal of said City, which lease shall be presumptive evidence in all courts and places, that such tax and assessment was legally imposed, and that the proceedings to authorize such sale were correct ; and such grantee may obtain possession thereof in the manner prescribed by law in relation to persons holding over demised premises, after the expiration of their terms, without the consent of their landlords ; and shall have, hold, and enjoy the said premises, during the term for which the same were granted to him, free and clear from all claim and demands of any other owner or occupant of the same, but subject to any taxes or assessments that may be charged thereon during the said term, and, at the expiration of such term, such grantee, his heirs, or assigns may remove any building or fixture that may have been erected on the said premises during the said term.

Mayor to give Lease after two years.

§ 17. Any owner or claimant of the premises so sold, may, within two years after such sale, redeem the same by paying to such grantee, his heirs or assigns, or into the City Treasury for his benefit, the amount paid by him with the addition of ten per cent per annum on such amount, and on such payment being made, the title of such grantee shall absolutely cease and determine.

Owner may redeem.

§ 18. The Mayor, by the direction of the Common Council, may renew any warrants that may be lawfully issued for the collection of any tax or assessment, from time to time, as often as any tax or assessment shall be returned uncollected, or shall not be returned collected ; or may issue a new warrant for the collection of such tax, and in such warrant, shall specify the time when the same shall

Warrant may be renewed.

be returned, and the same proceedings shall in all respects be had on such renewed warrants, or new warrants, as are herein authorized upon the first warrant.

If Collector neglect to pay, warrant to be issued to Marshal.

§ 19. If any Collector shall refuse or neglect to pay over to the City Treasurer, the sums required by his warrant so to be paid over, or to account for the sums so unpaid, as required by law, the City Treasurer may issue a warrant under his hand and Seal, directed to the Marshal of the City, commanding him to the same effect, as in the warrant authorized by law to be issued by a County Treasurer against any delinquent Collector, upon which the Marshal shall proceed as Sheriffs are required by law to proceed upon such warrant issued by County Treasurers; and if any moneys shall remain uncollected on such warrant, the City Treasurer shall immediately give notice thereof to the Mayor of the City, whose duty it shall be to cause the bond of such Collector to be prosecuted, and the moneys collected in such suit, shall be paid to the City Treasurer.

Attachment against Marshal.

§ 20. The same proceedings by attachment may be had against any Marshal for neglecting to return such warrant, as are provided by law in cases of Sheriffs receiving similar warrants by County Treasurers.

Proceedings against Collector same as in towns.

§ 21. For any neglect of any Collector to pay over moneys, or to render an account upon any warrant issued by the Supervisors of the County, the same proceedings may be had as against Collectors of towns in similar cases.

Accounts to be audited, and statement to be published.

§ 22. Within four weeks, and not less than two weeks before the annual election of Aldermen and Assistants, the Common Council shall audit and settle the accounts of the City Treasurer, and the accounts of all other Officers and persons having claims against the City, or accounts with it; and shall make out a statement in detail of the receipts and expenditures of the Corporation, during the preceding year; in which statement shall be clearly and distinctly specified, the several appropriations made by the Common Council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount



of taxes raised for the general contingent expenses, the amount raised for lighting and watching the City, the amount of highway taxes and assessments, the amount of assessments for opening, paving, repairing, and altering Streets, and for building and repairing Bridges, the amount borrowed on the credit of the Corporation, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the City.

§ 23. The said statement shall be signed by the Mayor and Clerk, and filed with the papers of the City : and the same shall be published by the Clerk, at the expense of the City, in some newspaper thereof; at least one week before the annual election of Aldermen and Assistants.

Statement
to be filed.

§ 24. The Common Council shall not borrow any money on the credit of the Corporation, unless authorized by this act, or by a special act of the Legislature, except in anticipation, and not exceeding the amount of the revenue of the year in which such loan shall be made.

Not to bor-
row money
except.

§ 25. No money shall be drawn from the City Treasury, unless it shall have been previously appropriated to the purpose for which it shall be drawn; and all ordinances, resolutions, and orders directing the payment of money, shall specify the object and purpose of such payment, and shall be certified by the Clerk of the Common Council to the City Treasurer, before any payments shall be made by him.

How money
drawn from
Treasury.

§ 26. The City Treasurer shall keep two separate bank books, with every bank in which any money of the City shall be deposited, in which shall be entered all sums received by such bank, to the credit of the Treasurer, and all sums paid out on his checks and drafts, which books shall be written up, and the balance stated, on the last day of each week, and at any other time when the Mayor shall so direct; one of the said books shall be kept by the Treasurer, and the other shall be deposited with and kept by the Clerk of the City, who shall retain the same in his custody at

Bank books.

all times, except when the same is left at the Bank for the purpose of having entries made therein, and shall be at all times open for the inspection of any member of the Common Council. And every member of the Common Council shall be entitled, during usual banking hours, to inspect the account of the Treasurer with any bank in which deposits of money are paid.

Bank checks

§ 27. No money placed to the credit of the Treasurer

Copy of this section given to Cashier.

in any bank, shall be drawn out, unless by a check signed by the Treasurer, and countersigned by the Clerk, or such other Officer or person as the Common Council shall appoint for that purpose; of which appointment notice shall be given to the banks in which such deposits shall be made, and a copy of this section shall be delivered to the Cashier of every such bank, before making deposits therein.

Clerk to countersign checks.

§ 28. The Clerk or other person authorized to countersign such checks, shall keep, in a book to be provided for that purpose, regular entries of Checks countersigned by him; shall not countersign any check without having evidence before him that the same is authorized by some ordinance or resolution of the Common Council.

TITLE VI.

Of Common, and other Schools.

Mayor, Aldermen, and Assistants Commissioners of Schools.

§ 1. The Mayor, Aldermen, and Assistants of the City of Rochester, shall, by virtue of their offices, be Commissioners of Common Schools in and for the said City, and in Common Council shall perform all the duties of such Commissioners, and shall have and possess all the rights, powers, and authority of Commissioners of Common Schools in the several towns of this State. The Clerk of the City shall be the Clerk of the said Commissioners, and shall perform all the duties enjoined by law upon the Clerks of Commissioners of Common Schools, in the several towns of this State.

Moneys raised by tax & paid to Treasurer.

§ 2. The moneys required by law to be raised by tax for the support of Common Schools, shall be levied and raised in the City of Rochester, by the Supervisors of the County



of Monroe, in the same manner as such taxes are directed to be raised in the several towns in the County of Monroe ; and the amount raised in the said City shall be paid to the Treasurer thereof: and directions to that effect shall be given in the warrants delivered to the Collectors in the said City, and the sum apportioned to the said City, by the Superintendent of Common Schools, shall be paid to the Treasurer of the said City, by the Treasurer of Monroe County.

§ 3. The Common Council shall have the same power to raise any additional sum for the support of Common Schools, as is given by law to the towns of the State; which shall be assessed, levied, and collected, and paid into the City Treasury, in the same manner as the sums raised to defray the general expenses thereof.

Com. Coun:
to have
same pow-
ers as towns

§ 4. The moneys so paid into the City Treasury, shall be distributed among the several School Districts therein by the Common Council, in the same manner prescribed by law in relation to the distribution of Common School moneys among the districts of towns, and the said Common Council shall receive and make the several returns and reports required by law of Commissioners of Common Schools in towns, and the members thereof shall be individually liable for any neglect of duty in the premises, in the same manner as town Commissioners of Schools.

Money to be
distributed
among Dis-
tricts.

§ 5. The Common Council shall annually appoint a number of Inspectors of Common Schools in the said City, not exceeding twelve, and not less than five, who shall possess all the powers and authority of Inspectors of Common Schools elected by any town, and shall be subject to the like duties and obligations. In case of the refusal of any person so appointed to serve, or in case of a vacancy in the office, the Common Council shall, from time to time, appoint others, who shall have the like powers and be subject to the same duties.

Inspectors
of Common
Schools.

§ 6. The freeholders and inhabitants of any School District in the said City, may, by a vote of two-thirds of the per-

Districts
may be uni-
ted.

sons present, and entitled to vote at any meeting of such District, convened after notice of the object of such meeting shall have been published for one week in some newspaper of the said City, and after the said notice shall have been served on every such freeholder or inhabitant, by reading the same to him, or in case of his absence, by leaving the same at his place of residence, at least five days previous to such meeting, determine, either separately, or in conjunction with any other School District or Districts in the said City, to have a High School created for such District or Districts as shall so agree to unite for that purpose; and may vote a sum, not exceeding five thousand dollars, to be raised for erecting a building for such High School, and on evidence of such vote, and of such notice having been published and served as above provided, being presented to the Common Council, they may, in their discretion, authorize the erection of a High School in such District, or may authorize the several Districts so agreeing to be erected into one District, which shall thereafter form one School District; and all the property, rights, and interests of the several Districts so united shall belong to, and be vested in, the Trustees of the said united Districts; and the Trustees thereof shall have all the powers of Trustees of School Districts; shall be elected in the same manner, and shall be subject to all the duties and obligations of Trustees of Common School Districts.

May vote money for high school house.

Com. Coun. may direct the raising such money.

§ 7. Upon such authority being given, the Trustees of such District shall proceed to raise the sum which shall have been voted at such District meeting or meetings for the erection of a building, in the same manner that moneys voted by School Districts to build School-houses, are directed by law to be raised; and the same proceeding shall be had in all respects; and the moneys so raised shall be expended by the Trustees and accounted for by them to the Common Council.

United Districts to have same rights.

§ 8. Such School District shall have all the rights, privileges, and benefits of a Common School District, and the freeholders and inhabitants thereof may vote a sum not ex-

ceeding seventy-five dollars in each year, to be raised for the purpose of keeping such building in repair, which shall be assessed and collected in the same manner as sums voted by District meetings for the repair of School-houses, are directed by law to be raised and collected.

§ 9. The last three preceding sections shall not extend to any School District in which there is now a High School, or which is attached to the Rochester High School. Not to apply to present High School.

§ 10. It shall be the duty of the Trustees of the Rochester High School to make the reports and returns, which by law they are required to make, as Trustees of a School District to the Common Council, as Commissioners of Common Schools. Trustees of high school to report.

§ 11. The Common Council shall annually publish in some newspaper of the City a statement of the number of High Schools and Common Schools in the said City, the number of pupils instructed therein, the year preceding; the several branches of education pursued by them; and the receipts and expenditures of each School, specifying the sources of such receipts, and the objects of such expenditures. To publish accounts & statement.

TITLE VII.

Of Streets, Highways, Bridges, and Publick Improvements.

§ 1. The Common Council shall be Commissioners of highways for the said City, and shall have the care and superintendence of the highways, streets, bridges, lanes, alleys, and publick squares therein, and it shall be their duty, Com. Coun. Com's. of highways.

1. To give directions for the repairing and preservation of such highways, streets, bridges, alleys and publick squares, and to cause them to be repaired, cleansed, improved, and secured from time to time, as may be necessary. to direct repairs.

2. To regulate the roads, streets, lanes, and alleys already laid out, or which shall be hereafter laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions herinafter contained. To regulate streets.

3. To cause such of the streets and roads as shall have To record streets.



been used for six years past as are not sufficiently described, or have not been duly recorded, to be ascertained, described, and entered of record in the City Clerk's Office; and the recording of such roads, streets, lanes, alleys, or publick squares, so ascertained and described, or which shall hereafter be laid out by the said Common Council, in books kept by the Clerk of the said City, by order of the said Common Council, shall be evidence of the existence of such roads, streets, alleys, lanes, and squares, as therein described.

To make
road dis-
tricts.

4. To divide the said City from time to time, into so many districts as they shall judge expedient, by an ordinance to be entered in their minutes: and,

To appoint
Inspectors.

5. To appoint and assign to each of the said districts, so many Inspectors of streets, as they shall from time to time deem proper, who shall give security, if required, for the faithful performance of their duties, and assign to them such duties in relation to the opening, laying out, making repairs, and preservation of the said streets, roads, lanes, alleys, and squares, as they shall think fit, and the said Inspectors shall possess all the powers of Overseers of highways in Towns, and be subject to all their duties and obligations, so far as the same may be applicable to the said City.

Highway
fund of
\$2,000.

§ 2. The Common Council may annually raise by tax on the real and personal estate within the said City, such sum as they shall judge necessary to constitute a general fund for the construction and repair of highways, streets, alleys, lanes, and publick squares, and other publick buildings and improvements belonging to the said City, and for the construction and repair of wells, pumps, aqueducts, and cisterns of water, not exceeding in any one year, the sum of two thousand dollars, which sum shall be assessed, raised, levied, and collected in the same manner, and at the same time, as the taxes for the contingent expenses for the said City, and shall in like manner be paid into the City Treasury, subject to the order of the Common Council.

District

§ 3. Whenever the Common Council shall deem it ex-

highway labour.

pedient to assess highway labour upon any district of the said City, for the opening, working, or repair of highways or streets therein, they may direct the Inspector or Inspectors, of such district, to furnish a list of the names of all persons owning or occupying land in the said district, or owning land therein, although not residing therein, and of all male inhabitants of the age of twenty-one years, residents of such districts; and a statement of the contents of all lots, pieces, or parcels of land within the said district, not occupied by residents thereof, and the value of all such lands, as the same were assessed in the last preceding assessment roll of the City; which lists and statements shall be returned to the Clerk's Office of the said city, and there filed of record.

§ 4. The City Clerk shall publish for at least one week in some newspaper printed in the City, a notice that such lists and statements are returned to his Office, and all persons interested may examine the same, with a view to apply to the Common Council for the correction of any error therein.

Notice of lists to be published.

§ 5. The Common Council shall assign a day to hear applications to correct the said lists and statements, which shall be at least ten days after the first publication of the said notice, and shall be specified in such notice, when they shall proceed to hear and determine the said applications, and therein shall receive in evidence, the oath of the party, to be administered by the Mayor or Clerk of the said City.

Lists corrected.

§ 6. After correcting the said lists and statements, the Common Council shall determine the whole number of days' works which will be necessary for the ensuing year for opening, working, and repairing the streets, and highways in the said district, over and above what the Common Council shall have appropriated from the general fund for that purpose, or may thereafter appropriate, and shall assess the same as follows:

Assessment how made.

1. Every male inhabitant of the age of twenty-one years, excepting ministers and priests of every denomination,

Pol.



paupers, idiots, and lunatics, shall be assessed at least one day's work.

Property.

2. The residue of the said estimated days' works shall be apportioned on the real estate within the said district, and on the personal estate of residents therein, and upon each tract of land of which the owners are non-residents, contained in the lists made and corrected as aforesaid, as the same shall appear by the last assessment roll, and if the value of any lot or tract of land cannot be ascertained from such assessment roll, then according to the value thereof, to be assessed by the Assessor of the Ward in which such lot may be situated.

**Days work
how estimat-
ed.**

§ 7. A days's work shall be estimated at fifty cents, and the Common Council shall make out a list of the persons assessed and of the lots and tracts belonging to non-resident owners of lands assessed, with the number of days' work apportioned to each person and lot, and the amount of such days' works estimated at fifty cents for each day; and shall annex thereto a warrant directed to the Collector of the wards in which such district may be situated, commanding him to collect the said amount in money, in the same manner as the taxes for contingent expenses of the said City are herein directed to be collected, and to return the said Warrant and pay over the money collected to the City Treasurer, at such times as shall be appointed in said Warrant.

**Assessments
how collec-
ted.**

**Warrants,
proceedings
on.**

§ 8. The Collector to whom such list and Warrant shall be directed, shall proceed in the collection of the same, in the same manner in all respects as herein before provided in relation to the taxes of the said City, and shall be entitled to the same fees on moneys collected, and shall possess the same powers, and shall in like manner make return of the amount collected, and of the amount remaining unpaid; and the same proceedings shall be had to collect the highway tax so assessed on real estate, as are herein before provided in relation to other taxes on real estate; and the same may be sold with the like effect and with the like rights to the purchaser.

§ 9. The Common Council may authorize the Inspector of such district to agree with any person so assessed, to receive the amount assessed to such person for highway labour in work, by teams, horses, or men, by a certain time therein to be specified; and on any such agreement being made by such Inspector, he may give a certificate thereof to the person so assessed, and on leaving the same with the Collector, it shall suspend the collection of the amount so assessed to such person until the time specified therein, at the expiration of which time, the said assessment shall be collected, unless the person liable therefor shall produce to the Collector a receipt of the Inspector of the district for the amount of labour so agreed to be performed, which receipt shall be taken and received by the Collector, and returned by him to the City Treasurer, who shall allow the same to such Collector.

Inspectors
may be au-
thorized to
agree for
labour.

§ 10 The Common Council shall have power, subject to the restrictions and limitations hereinafter contained,

Com. Coun.
powers &c.

1. To cause common sewers, drains, and vaults, arches and bridges, wells, pumps, and reservoirs to be made in any part of the City.

To sewers
etc

2. To cause the pitching, raising, levelling, repairing, cleansing, amending, covering with broken or pounded stone, and paving any of the streets, alleys, lanes, roads, squares, highways, and walks in the said City.

To paving.
etc

3. To lay out, make, and open any street, alley, square, road, highway, or walk in the said City, and to cause any street, alley, square, road, highway, or walk, already laid out, or that may hereafter be laid out or used as such, to be opened or altered by widening or altering the course of the same whenever they shall judge the publick good requires the same to be done.

To laying
out streets.

§ 11. But the said Common Council shall not lay out any street, alley, square, road, highway, or walk, or alter any such as may already be laid out or used, so as to run across or over the site of any building at the time actually erected, which shall be of the value of five hundred dollars, without

Restrictions



having obtained the consent of the owner of such building in writing, or without having purchased such building.

Description
of Land to
be entered

§ 12. Whenever the Common Council shall determine to make any of the improvements aforesaid, and that the lands of any person will be necessary for such purpose, they shall enter in their minutes a description of the land so deemed necessary, with the like certainty as is required by law in writs of *ad quod damnum*, and may purchase the same of the owner, and make him such compensation as they shall judge reasonable, and thereupon shall take from such owner a conveyance of such land to the said City.

If no agree-
ment, pre-
cept to sum-
mon free-
holders.

§ 13. In case any such agreement cannot be made, the Mayor of the City may issue his precept to the Marshal thereof, describing the land which the Common Council shall have deemed necessary to be taken for any purpose aforesaid, and commanding him to summon twelve freeholders of the City, not interested in the land through which the proposed street or road is to be laid out, or in the land upon which any such publick improvement is proposed to be made, and not of kin to any such owner, to inquire whether the person or persons owning such land, or occupying any tenements thereon, will sustain any and what injury, by reason of the taking of such premises for the use of the said City; and that he notify such owners in the manner required by law, of the time and place of making the said inquiry; and that he return the said precept with the finding of the said jury thereupon to the Mayor's court of the said City at some term thereof, not less than three weeks nor more than ten weeks after the date of such precept.

May
describe
Lands.

§ 14. Such precept may describe the lands of as many owners as the Mayor shall think proper.

Map and sur-
vey to be
made

§ 15. Previous to issuing such precept, the Common Council shall cause a survey and map to be made of the street, alley, square, or other publick improvement intended to be made, designating on such map the lots, tracts, and parcels of land which are deemed necessary to be taken, and showing the commencement and termination of the road, street, or alley proposed to be laid out, which map



shall be authenticated by the signature of the surveyor making the same, and shall be attached to the said precept.

§ 16. Upon such precept being delivered to such Marshal, ^{Marshal to give notice.} he shall give at least ten days' notice of the time and place of executing the same to the owners of the premises described in the said precept, or to the occupants of the said premises, and in case of their not being residents of the said City, to their usual agents and attorneys who shall have heretofore had charge of such lands, by delivering a written notice to them personally, or leaving the same at their dwelling houses or places of abode; and if any of the owners of such lands are unknown, or are infants, maniacs, married women, or non-residents of the City, such notice may be served by publishing the same for two weeks in a newspaper printed in the said City. In his return to such precept, the Marshal shall specify the persons upon whom such notice has been personally served, and the manner of serving it upon other persons.

§ 17. The Marshal shall summon twelve jurors, as herein ^{to summon freeholders} before directed, to appear at the time and place specified in such notice, and shall have power to inquire of them on their oaths, respecting their interests in the lands described in the precept, and respecting their being of kin to any persons so interested. To each of the jurors found free from all exception, the Marshal shall administer an oath that he will diligently inquire concerning the matters specified in the said precept, and will give a true verdict according to the best of his judgement, without favour or partiality.

§ 18. After being sworn, the Jury shall proceed on that ^{Jury to examine and return inquisition.} day, and on such other days as the inquiry shall be adjourned to by the Marshal, to view all the lands and tenements specified in the said precept, and may examine witnesses on oath, to be administered by the said Marshal, and shall proceed to assess the damages which the owner, or, if there be several, which the respective owners of such lands and tenements, or if there be any occupants who are not owners, which such occupants will severally sustain by being deprived thereof; and in making such assessment

they shall not advert to or take into consideration, any benefit or advantage which such owner or occupant will receive by reason of such proposed publick improvement being made in the enhancement of the value of any real estate owned or occupied by him, or for any other reason. They shall make an inquisition to be signed by them and the Marshal, in which they shall set forth the names of the several owners of the lands and tenements in question, and the rights of such owners respectively as far as the same can be ascertained by them, and the names of any occupants of the said lands or tenements, not being owners, who will sustain any damage by being deprived of the same, together with the amount of the damages sustained by each of them, and the sum of money, which should be paid to such owners and occupants for their said damages, which inquisition the Marshal shall return, with his precept, to the said Mayor's Court on the return day specified in such precept.

Mayor's
Court to ex-
amine in-
quisition.

§ 19. The said Mayor's Court shall examine the inquisition so returned, and shall hear the allegations and proofs of the Attorney and Counsel of the said City, and of any person interested in the lands and tenements described in such inquisition, or his Agent or Attorney in relation to the amount of damages therein assessed, and shall cause such proofs to be reduced to writing, and filed with the Clerk of the said Court, and such Court may adjourn the hearing of such allegations and proofs as often as may be necessary, and may set aside the said inquisition in whole or in part, and may direct a new inquisition to supply its defects, upon which the same proceedings shall be had as herein directed upon the precept issued by the Mayor, or the said Court may confirm the said inquisition in whole or in part, and thereupon enter an order that the Mayor and Common Council of the City of Rochester shall be entitled to take the lands and tenements specified in such inquisition, or such part thereof, in respect to which such inquisition shall have been confirmed, for the purposes of the publick improvements so proposed to be made, on paying the amount of damages assessed to the owners and occupants thereof

as prescribed by law, and that on making such payment, the Mayor and Common Council shall be entitled to, and have, an absolute estate in such lands and tenements for which such damages shall be paid, as fully and effectually as if the same had been conveyed in fee to the said corporation by the owners of the said lands and tenements.

§ 20. Any person conceiving himself aggrieved by any part of such inquisition, that shall have been confirmed by the said Mayor's Court may, within three months after such confirmation, give notice to the Common Council of the said City, of his intention to apply to the Supreme Court for the appointment of Commissioners to review and correct the said inquisition, and shall accompany such notice with a bond, executed to the Mayor and Common Council of the said City, by such person, and one or more sureties to be approved by the Mayor, any Alderman of the said City, or any Judge of the County Courts of the County of Monroe, or executed by any two sufficient persons, and approved of as aforesaid, in the penalty of two hundred and fifty dollars, conditioned for the diligent prosecution of the said application, and for the payment of all costs and charges which may be incurred by the said Mayor and Common Council, in resisting the same and defending the said inquisition, in case the said inquisition shall be confirmed.

Appeal from Inquisition to Supreme Court.

§ 21. The giving of such notice and delivering such bond, shall suspend all further proceedings of the Common Council, in relation to the taking of the lands and tenements which shall be the subject of such notice, until a decision thereon, as hereinafter provided.

Suspends proceedings

§ 22. At the next term of the Supreme Court, or at the next term of the said Court held for hearing non-enumerated motions, which shall be held after such notice shall have been served eight days, or on any day of such term which shall be eight days after the service of such notice, and which day shall be specified therein, the Supreme Court, by rule of Court, shall appoint three reputable and

Supreme Court to appoint three electors.



disinterested electors to examine and review such part of the said inquisition as shall have been complained of by the person or persons giving such notice.

Commissioners to review inquisition.

§ 23 The said commissioners, so appointed, shall be sworn by an officer authorized to take affidavits to be read in courts of record, faithfully and impartially to examine and review the said inquisition in the parts complained of, and make such correction thereof as shall be just and equitable. They shall appoint a time and place of meeting, of which the like notice as of hearing before referees, shall be given to the Mayor of the said City, and shall possess all the powers of referees in suits pending in courts of record, and shall be subject to the same obligations and duties, and may be compelled to report in like manner, and they shall be entitled to the same fees and expenses as referees, to be paid in the first instance, by the applicants.

To report to Sup. Court.

§ 24. After hearing the allegations and proofs of the parties, the Commissioners, or any two of them, shall report to the Supreme Court at the next term after the hearing before them, the corrections which should justly and equitably be made in any assessment contained in such inquisition, which shall have been so complained of, and the said Supreme Court shall proceed to consider the same, and for that purpose shall give the said report a preference over any enumerated or non-enumerated motion at such term, and shall confirm, annul, or modify such report, as the said court shall deem just, and the decision of the said court thereon shall be final and conclusive, except that in case of annulling the said report, the said court may direct a re-hearing before the said Commissioners, or before any others that the said court may appoint, and in such case the same proceedings shall be had for the examination, correction, and review of the said inquisition, as herein before provided on the first appointment of Commissioners.

When costs to be paid

§ 25. In case the said inquisition shall be confirmed, the obligors, in the bond given to the Common Council, as before provided, shall be liable to pay all the taxable costs necessarily incurred, and in case the said inquisition shall be

corrected or modified, the Supreme Court shall determine under the circumstances of the case whether the applicant shall be entitled to his cost and expenses, and if the same be awarded to such applicant, they shall be paid on taxation by the Common Council of the said City, as part of the contingent expenses thereof.

§ 26. Whenever the amount of any damages for taking any lands as aforesaid shall be finally ascertained, and fixed, either by the confirmation of the Mayor's court as aforesaid, and no notice and bond being given within the time above prescribed, or by the report of commissioners and the confirmation thereof by the Supreme Court, the Common Council shall, within sixty days thereafter, pay the amount of such damages to the owners and occupants of lands and tenements to whom the same shall have been allowed; and in case such owners shall be unknown, non-residents of the said City, married women, infants, idiots, or lunatics, or the rights and interests of persons claiming the same, shall, in the opinion of the Common Council, be doubtful, it shall be lawful for the said Common Council, in any such case, to pay the amount of such damages into the office of the Clerk of the Court of Chancery, which shall be in or nearest to the said City, accompanied by a statement of the facts and circumstances under which such payment is made, and describing the lands and tenements taken by the said City, for which such damages have been awarded.

Damages when to be paid.

§ 27. Until such damages shall be paid as aforesaid, it shall not be lawful for the said Common Council, or any of their officers or agents, to take or enter upon any lands or tenements, for the taking of which any such damages shall have been allowed.

To be paid before Land taken.

§ 28. Upon such damages being paid into the Court of Chancery, the said court shall take order for the investment thereof, and of the interest arising thereupon; and shall cause the securities taken on such investments to be transferred, and the money on hand to be paid over to the owners of such lands entitled to such damages, their guardians, or legal representatives, in the manner prescribed by

To be paid into Court of Chancery when owner unknown.



law respecting damages assessed on writs of *ad quod damnum*, and the same proceedings in all respects shall be had to ascertain the rights and interests of the owners of such lands.

Expenses
how defrayed.

§ 29. The expenses of any publick improvement herein authorized, may be defrayed by the Common Council out of the fund herein before prescribed for repairing streets, or the same may be defrayed partly out of the said fund, and partly by assessment on the owners and occupants of houses and lands that may be benefitted thereby; or the same may be wholly defrayed by assessments on such owners and occupants.

Property to
be specified.

§ 30. Whenever the Common Council shall determine that the whole, or any part of the expense of such publick improvement should be defrayed by an assessment on such owners and occupants, they shall declare the same by an entry in their minutes, and shall direct estimates of such expenses to be made and laid before them by such officers or citizens as they shall appoint for the purpose, and after correcting such estimates as they shall think proper, and including therein the damages sustained by any owner or occupant of lands and tenements that shall be necessarily taken for such purpose, or an estimate of such damages, they shall declare by an entry in their minutes what portion thereof shall be assessed upon the owners and occupants of lands and houses that will be benefitted thereby, specifying the sum to be assessed, and the portion or part of the said City which will be benefitted by such improvements. The costs and expenses of the inquisition, of appeals therefrom, and of making the assessments, and the Collector's and Treasurer's fees, shall be deemed a part of the expense of such publick improvement.

Order for as
essment.

§ 31. The said Common Council shall thereupon make an order reciting the publick improvement intended to be made, the amount of expense to be assessed, as aforesaid, and the portion or part of the City on which the same is to be assessed, directing the assessors of the different wards



of the said City, not interested in any of the property so benefitted, and not of kin to any person so interested, to make an assessment upon all the owners and occupants of lands and houses within the portion, or part so designated, of the amount of such expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by the making of such improvements; which order shall be certified by the Clerk of the City, and delivered to some one of the said assessors, together with a map or profile of the proposed improvement, in cases where the same shall be applicable.

§ 32. It shall be the duty of the Assessors of the said City, to meet together at such time and place as shall have been appointed by the Common Council, or by the Assessor to whom the said order shall have been delivered, and shall ascertain such of them as are not interested in the premises, and are not of kin to any person so interested, by the oath of any Assessor who shall be questioned by any other Assessor, which oath may be administered by any officer authorized to take affidavits to be read in Courts of Record; and the said Assessors so found to be indifferent, shall take an oath before some officer authorized to take affidavits as aforesaid, faithfully and impartially to discharge the duty imposed upon them by the said order.

Assessors to meet.

§ 33. If there shall not be at least five Assessors found indifferent as aforesaid, the Common Council shall appoint such number of Commissioners, not exceeding five, not interested, and not of kin as aforesaid, to act with the Assessors so found indifferent, or in case no Assessor shall be found indifferent, then to act separately, who shall be sworn as aforesaid.

If not indifferent, new ones to be appointed.

§ 34. The Assessors or persons thus sworn, shall proceed to make an assessment according to the said order, and shall make out an Assessment Roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, and the amount assessed to them respectively; and in case any lots or parts

Assessment how made.

of lots shall be unoccupied, belonging to any person residing in the City of Rochester, such person shall be assessed for the same, and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident or owner unknown, the same shall be entered accordingly, with such a description of such lots as is required by law in assessment rolls made by town assessors, with the value thereof, and the amount assessed thereon; which assessment roll shall be subscribed by them, or a majority of them, who acted in the premises, and returned as speedily as may be to the Common Council of the said City.

Fees of Assessors.

§ 35. The said Assessors and persons shall receive such compensation for their services as shall be allowed by the Common Council, to be paid out of the contingent funds of the said City, not exceeding two dollars per day for each.

Notice of assessment how published.

§ 36. Upon such return being made and filed, the Clerk of the City shall cause notice of the same being returned to his office, to be published in a newspaper of the said City for at least two weeks, and that the Common Council will, on such day as they shall have appointed, proceed to hear any appeals from the said assessment.

Appeals to be heard.

§ 37. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the Common Council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list, in whole or in part, or may set the same aside and direct a new assessment, either by the same persons and Assessors, or by such other persons as the Common Council shall appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment; or the said Common Council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Assessment how confirmed.

§ 38. Every assessment so ratified and confirmed by the Common Council, shall be final and conclusive.

Warrant.

§ 39. The Mayor of the said City shall make out a transcript of the assessment roll so confirmed, containing the amount assessed to each person and lot, and shall annex thereto a warrant to be signed by him, and directed to the Collector or Collectors of the Ward or Wards in which the said lots may be situated, commanding them to collect the several amounts therein specified according to law, together with the fees allowed by the Common Council to such Collectors, and to pay the amount so collected, exclusive of the said fees, to the Treasurer of the said City, by such day as shall be therein appointed.

Proceedings
on warrant.

§ 40. Every Collector to whom such assessment roll and warrant shall be delivered, shall proceed to collect the same in the manner herein before prescribed in relation to the collection of taxes in the said City, and shall have like power and authority, and shall in like manner make returns and payment to the Treasurer of the City, and shall be credited with amounts uncollected, upon the like affidavit, and the same proceedings shall be had in all respects, to collect the amount of any assessment remaining unpaid, which shall have been made on any lands, lots, or parcels of land, or tenements, as are provided herein before, in respect to taxes and assessments; and a sale of such lands, lots, and tenements, and tracts shall be made in like cases and with like effect in all respects.

Landlord or
owner lia-
ble.

§ 41. In all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law, the person who ought to bear and pay every such assessment made for the expense of any publick improvement in the said City.

Person pay-
ing may sue.

§ 42. Where any such assessment shall be made upon, or paid by any person, when by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for the one so paying, to sue for and recover of the person bound to pay the same, the amount so paid, with interest, in an action for money paid, laid out, and expended for the benefit of such defendant.

Not to affect
rights of
landlord and
tenant.

§ 43. Nothing herein contained shall impair, or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

If too much,
to be refunded.

§ 44. If upon the completion of any such improvement, for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the Common Council shall apportion such excess among the persons and property assessed, in proportion to the amount collected of them, and shall pay the same to such persons, and the owners of such property, entitled thereto on demand.

If not
enough, new
assessment.

§ 45. If it shall appear that a greater sum of money has been expended in the completion of such improvements than was estimated as aforesaid, the Common Council may pay the same, or any part thereof, out of the fund for publick improvements herein before provided, or may direct the assessment of the same, or any part thereof, on the owners and occupants of houses and lands benefitted by such improvement, in the same manner as herein directed, and the same proceedings in all respects shall be had thereon.

Tax or as-
sessment to
be lien.

§ 46. Every tax or assessment for highway labour, for publick improvements, or for other purposes authorized by this act, assessed upon any lands, tenements, or real estate, shall be and remain a lien on such lands, tenements, and real estate, until the same be paid or satisfied.

Side-walks
may be made
by ordinan-
ces.

§ 47. Whenever the Common Council shall deem it expedient to construct any side-walk, or pavement within the said City, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining such street, to lay such side-walk, or construct such pavement to the centre of the said street, in front of his or her lot or house; or they may direct such side-walks and pavements to be made according to the provisions of this title.

Owners may
be sued for
expense.

§ 48 Whenever the owner or occupant of any lot or house, shall refuse or neglect within such time as the Common



Council shall have appointed, to conform to any regulation made by the said Council, for widening streets, or for any other purpose, it shall be lawful for the said Common Council to cause such regulation to be enforced at the expense of the City, and to recover the amount of such expenses with damages, at the rate of ten per cent, with costs of suit from the owner or occupant of such lot or house, whose duty it was to conform to such regulation.

§ 49. The Mayor and Common Council of the said City may hold, occupy, and enjoy any real estate, or any rights or appurtenances to real estate, which shall be granted, leased, or otherwise conveyed to them, for the purpose of maintaining bridges, roads, streets, markets, or any other publick improvement, and on obtaining the consent and license of the owners of the bed of the Genesee river, may erect and maintain any markets over the said river, and may let the stalls, rooms, and shops in such market ; and all such rights as have been acquired by the Trustees of the Village of Rochester, shall be transferred to, and vested in the said Mayor and Common Council, who may exercise all the powers and authority given by this section, in respect to any erections made by the Trustees of the said Village over the Genesee river, by the consent of the owners of the bed thereof.

Com. Coun.
to hold real
estate.

TITLE VIII.

Of the Prevention and Extinguishing of Fires.

§ 1. For the purpose of guarding against the calamities of fire, the Common Council may from time to time, by ordinance, designate such portions and parts of the said City, as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof and the size of the chimneys therein ; and every person who shall violate any such ordinance or regulation, shall forfeit to the Mayor and Common Council of the City, the sum of one hundred dollars.

Fire limits,
no wooden
buildings.

And every building erected contrary to such ordinance, is hereby declared to be a common nuisance, and may be abated and removed as such by the Common Council.

Scuttles.

§ 2. The Common Council may, by ordinance, require the owner and occupants of houses and other buildings, to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance, the Common Council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs, or ladders to be constructed, and may recover the expense thereof, with ten per cent in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Firebuckets

§ 3. The Common Council may, by ordinance, require the inhabitants of the city to provide such and so many fire buckets for each house or tenement therein, within such time as they shall prescribe; and may require such buckets to be produced at every fire.

**Fire places,
ashes, etc.**

§ 4. The Common Council may regulate and direct the constructions of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stove-pipes, and all other conductors of smoke; and upon neglect of the owner or occupant of any house, tenement or building of any description, having therein any chimneys, flues, stove-pipes, or other conductors of smoke, to clear the same, as shall have been directed by any ordinance, the Common Council may cause the same to be cleaned, and may collect the expense thereof, and ten per cent in addition, from the owner or occupant, whose duty it was to have the same cleaned.

**Lights in
stables etc.
and gun-
powder
etc.**

§ 5. The Common Council may regulate the use of lights and candles in livery stables, and other buildings, in which combustible articles may be deposited, and may prescribe the use of lanterns or safety-lamps in such building, and may regulate the transporting, keeping, and deposit of gun-



powder, or other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactories, dangerous in causing or promoting fires, and may authorize and direct the removal of any hearth, fire place, stove pipe, flue, chimney, or any other conductor of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, that shall be considered dangerous, and liable to cause or promote fires; and generally, may adopt such other regulations for the prevention and suppression of fires as may be necessary.

§ 6. For the purpose of enforcing such regulations, the Common Council may authorize any of the Officers of the said City, and may appoint persons at all reasonable times, to enter into and examine all dwelling houses, buildings, and tenements of every description, and all lots, yards, or enclosures, and to cause such as are dangerous to be put in a safe condition; and may authorize such Officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or any other conductor of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally, with such other powers and duties as the Common Council shall deem necessary to guard the City from the calamities of fire.

Officers may enter premises to examine.

§ 7. The Common Council may procure, own, build, erect, and keep in repair, such and so many fire-engines, with their hose and other apparatus, engine-houses, ladders, fire-hooks, and fire-buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many publick cisterns, wells, reservoirs of water, and engine-houses, as they shall from time to time judge necessary; and may raise annually, a sum not exceeding one thousand and five hundred dollars,

Fire Engines, houses etc.

\$1500 Tax.

to defray the expense thereof, by tax on the real estate within the said City, and the personal property of the inhabitants thereof.

Fire depart-
ment.

§ 8. The Common Council may organize a fire department for the said City, to consist of one Chief Engineer, two Assistant Engineers, twice the number of Wardens that there are Wards in the said City, a proper number of Firemen, not exceeding thirty to each Engine, such number of hook and ladder men, and such number of tub and hose men as the Engineers and Fire Wardens may at any time recommend. The said firemen, hook and ladder men, and tub and hose men, to be appointed by the said Common Council, and to hold their appointments during the pleasure of the board. But the fire companies and firemen now existing in the Village of Rochester, shall continue until others shall have been appointed in their places by the Common Council.

Firemen
how ap-
pointed.

Their duties
to be pre-
scribed.

§ 9. The Common Council may make rules and regulations for the government of the said engineers, wardens, firemen, hook and ladder men, and tub and hose men; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

Duties of
Engineers
and War-
dens.

§ 10. The engineers and fire-wardens under the direction of the Common Council, shall have the custody and general superintendence of the fire-engines, engine-houses, hooks, ladders, hose, publick cisterns, and other conveniences for the extinguishment and prevention of fires; and it shall be their duty to see that the same are kept in proper order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook and ladder men, and tub and hose men, to the Common Council at stated periods, to be prescribed by the said Council, and to make such reports to the Mayor of the said City, whenever required by him; and for any neglect or violation of duty imposed upon them by law, or by the



ordinances of the Common Council, in addition to any penalties that may be imposed, they may be removed from Office by the Common Council, after having had notice of the charges against them, and an opportunity of being heard in their defence.

§ 11. The said engineers, wardens, firemen, hook and ladder men, and tub and hose men, during their continuance in the said Offices and appointments, shall respectively be entitled to a deduction of two days in each year from their assessment for highway labour, and shall be exempt from serving in the militia except in case of war, invasion, or insurrection, and from serving on any jury; and the certificate of the Clerk of the said City, dated within two months of the time when the same may be exhibited, stating that any person holds such Office or appointment, shall be evidence in all courts and places of such exemption.

Privilege of
Engineers,
Firemen etc

§ 12. Every person who shall have served as a fireman, hook and ladder man, or tub and hose man, in the said City, under the appointment of the Common Council, for seven years, after he shall have arrived to the age of twenty-one years, shall forever be exempt from serving in the militia, except in case of war, invasion, or insurrection, and the certificate of the Clerk of the City to such fact, shall be evidence of such exemption in all courts and places.

Exemption
of

§ 13. The Common Council may, by ordinance, direct the manner in which the bells in the City shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or an alarm of fire.

Fire bells.

§ 14. The Common Council may provide suitable compensation for any injury that any fireman, hook and ladder man, or tub and hose man may receive, either in his person or property, in consequence of his exertions at any fire.

Compensation to Firemen injured.

§ 15. The Common Council may, by ordinance,
1. Prescribe the duties and power of the engineers and

Com. Coun.
may pre-
scribe duties



of Engineers and Wardens at fires, and in cases of alarms of fire, and may and Wardens at fires, vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires.

1b. Mayor, Alderman and Assistants.

2. Prescribe the powers and duties of the Mayor, Aldermen and Assistants at such fires and in cases of alarm, but in no case shall the Mayor, or any Alderman or Assistant, control or direct the Chief Engineer or his Assistant, during any fire.

1b. to remove idle persons.

3. Provide for the removal and keeping away from such fires, of all idle, disorderly, or suspicious persons, and may confer power for that purpose on the Engineers, Fire-Wardens, or Officers of the City.

1b. to compel the bringing of fire buckets, etc.

4. Provide for compelling persons to bring their fire-buckets to any place of fire, and to aid in the extinguishment thereof, by forming lines or ranks for the purpose of carrying water, and by all the proper means, and to aid in the preservation, removal, and securing of property exposed to danger by such fire.

1b. to compel Marshal etc. to attend fires.

5. To compel the Marshal, Constables, and Watchmen of the City, to be present at such fire, and to perform such duties as the said Common Council shall prescribe.

Persons refusing may be arrested.

§ 16. Whenever any person shall refuse to obey any lawful order of any Engineer, Fire-Warden, Mayor, Alderman, or Assistant, at any fire, it shall be lawful for the Officer giving such order, to arrest, or to direct orally the Marshal, Constable, Watchmen, or any citizen, to arrest such person and confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such Officers, or any of them, may arrest, or direct the arrest and confinement, of any person at such fire, who shall be intoxicated or disorderly.

Building may be pulled down.

§ 17. When any building in the said City shall be on fire, it shall be the duty and be lawful for the Chief Engineer, with the consent of the Mayor, or any Alderman, or for the Mayor, with the consent of any Alderman, or for any two Aldermen, to order and direct such building, or any



other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed.

§ 18. For the purpose of supplying the said City with water for the extinguishment of fires, and for other purposes, the Common Council may construct aqueducts from the Genesee River, or from any other permanent source, and may lay pipes in the streets and through the land of any person, doing as little damage as may be, and may thereby supply the publick cisterns and reservoirs, and also any of the inhabitants of the said City with water, at such rates as may be agreed upon by them and the Common Council ; and if, for such purpose, the Common Council shall deem it necessary, they may create a stock, to be denominated " The Hydraulic Stock," not exceeding twenty thousand dollars, in such shares, and bearing such interest, as they may think proper ; and may provide for the payment of such interest, and the re-imbursement of such stock, by the sums which may be received for the use of such water ; and the Common Council may make all necessary provisions to carry into effect the authority hereby granted them.

Water how furnished.

Hydraulic stock.

TITLE IX.

Of the Support of the Poor, and of persons likely to become chargeable to the City.

§ 1. The Mayor and Aldermen of the said City, by virtue of their offices, shall be Overseers of the Poor for the said City, and shall possess all the powers and authority of Overseers of the poor, in the several towns in this State, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who or whose parents shall become chargeable to the said City, or to the County of Monroe, in the said City ; the safe keeping and care of lunaticks ; the care of habitual drunkards ; the binding out and contracting for the service of disorderly persons ; the support of bastards, and proceedings to charge the fathers and mothers of such bastards ; and all such other

Mayor and Aldermen Overseers of the poor.



powers as are conferred on Overseers of the poor in the respective towns, and shall be subject to the same duties, obligations, and liabilities.

Poor supported as they now are in the County.

§ 2. Until provision shall otherwise be made, as hereinafter authorized, the indigent persons and such others as shall be entitled to relief under the laws of this State, who are, or shall become chargeable, or likely to become chargeable to the said City, being in the said City, shall continue to be supported and relieved in the manner provided by law in respect to the County of Monroe.

Alms-house, and commissioners thereof.

§ 3. Whenever the Common Council shall deem it expedient, they may cause an alms-house to be erected in the said City, being authorized thereto as hereinafter provided, and may appoint so many Commissioners to take charge thereof as they shall judge necessary, and may raise the expense thereof, and of the maintaining of the said alms-house by a tax or taxes on the real estate within the said City, and on the personal property of residents therein, in the same manner as herein before provided in respect to taxes for the general expenses of the said City. And the same proceedings for that purpose shall be had in all respects.

Other Officers thereof, and regulations.

§ 4. The Common Council may appoint such other Officers and servants for the government and management of the said alms-house as they shall deem necessary, and they, together with the said Commissioners, shall hold their appointment during the pleasure of the Common Council, and the Common Council shall make such regulations as they think necessary for the government, management, support, and good order of the said alms-house, its tenants, officers, keepers, and servants.

Com. Coun. appoint Overseers of the poor.

§ 5. The Common Council may also appoint the said Commissioners, or any other citizens of the said City, not exceeding five, Overseers of the poor, who shall hold their offices at the pleasure of the Common Council, and who shall thereupon possess all the powers and authority of such Overseers, and be subject to all the duties, liabilities, obli-



gations, and penalties herein conferred on the Mayor and Aldermen of the said City; and the said Mayor and Aldermen shall thereupon cease to possess any such powers as Overseers of the poor, and shall be discharged from all the duties and obligations of such office.

§ 6. The persons appointed Commissioners and Overseers as aforesaid, shall take the same oath of office, and within the same time shall file the same with the Clerk of the City as herein before provided respecting Supervisors of the said City, and a neglect therein shall be deemed a refusal to serve.

Oath of Overseers &c.

§ 7. The Common Council may provide a reasonable compensation for the services of the said Commissioners and Overseers, and for such other officers and servants as they may employ in the alms-house, and may require from them such bonds for the faithful discharge of their duties, with such penalties and sureties as they may deem expedient.

Compensation of, &c.

§ 8. The Common Council may cause such labour in manufactures or otherwise, to be performed by the tenants of such alms-house as they shall prescribe, and may provide the materials and implements therefor at the expense of the City, and they may also erect in the said alms-house, proper cells and rooms for the confinement and care of lunatics and idiots, and may provide for them, and for the cure of such lunatics, and may contract with the Supervisors of the county of Monroe, and with any person for the support and care, and medical and surgical attendance of any lunatics, idiots, insane, sick, diseased, or maimed persons.

May require tenants of alms-house to labour.

§ 9. All moneys that shall be raised in the said City by licenses to grocers and tavern keepers to sell liquors and wines, and for penalties for the violation of the excise laws of this state, that shall be paid into the City treasury, shall belong to and constitute a part of the funds of the said City, for the support of the poor therein, and shall be deposited by the Treasurer, and accounts thereof shall be kept, and the same shall be drawn in the manner herein before prescribed in relation to the funds of the said City.

Excise money to belong to poor fund.

TITLE IX.

00

Poor fund
may be
loaned.

§ 10. The Common Council shall have the power to loan such portion of the funds for the support of the poor in the said City, not necessary for immediate use, upon such security and for such period not exceeding three years, as they may deem proper ; but no loan for any longer period than one year shall be made without security by bond and mortgage on real estate.

TITLE X.

Of Courts of Justice and Proceedings therein.

Mayor's
court, by
whom, and
when held.

§ 1. The Recorder of the City of Rochester alone, or with the Mayor, or with any two or more Aldermen thereof, and the Mayor with any two or more Aldermen of the said City, shall hold a court of Common Pleas, to be called "the Mayor's Court of the City of Rochester," which shall be a court of record, and shall be held six times in each year, commencing on the first Tuesday of every alternate month, and may continue and be held for five days ; and the first term thereof shall be held on the first Tuesday of July eighteen hundred and thirty-four : and shall have power to hear, try, and determine according to law, all actions arising within the said City, and not elsewhere ; and also all transitory actions against persons who shall have been inhabitants of the said City for six months next before the commencement of the suit ; and all suits brought for penalties in the name or for the use of the Mayor and Common Council of the said City ; and shall have jurisdiction in all cases of appeal from and certioraris on judgements rendered by justices of the peace of the said City.

Powers.]

§ 2. The said court shall possess all the powers and authority of courts of Common Pleas of the several counties of this state in relation to civil actions, and the process and proceedings therein ; and all laws regulating the practice of the said courts, conferring judicial powers on them, authorizing the commencement of suits therein, regulating the removal of such suits, and authorizing the issuing of process, shall be applicable to and binding on the said Mayor's court.

Clerk how appointed, & duties.

§ 3. The Clerk of the said court shall be appointed by said court, and shall provide, at the expense of the said City, such seal as the Common Council shall devise and direct, which shall be the seal of the said court; and also such necessary books as may be required for the discharge of his duties as such Clerk.

Marshal and Constables to attend court.

§ 4. The Marshal of the said City, and so many Constables of the said City, as shall be directed by the Mayor and summoned by the said Marshal, shall attend the sittings of the said court, and shall receive the same compensation therefor as are by law allowed to Constables for attending courts of Common Pleas.

Criminal jurisdiction as special sessions.


§ 5. The said Mayor's court shall also have criminal jurisdiction as a court of special sessions of the peace, in the same manner and to the same extent as any three justices of the peace, under the provisions of the first article of the second chapter of the fourth part of the Revised Statutes; and shall proceed therein in the manner prescribed in the said article and in the third article of the same chapter, except as herein otherwise provided: and the said first and third articles, and the fourth article of the same chapter shall be applicable to and control and regulate the jurisdiction and proceedings of the said court, so far as the same may be applicable.

Magistrate to certify charge.

§ 6. Whenever any person charged in the said City of Rochester with any offence triable in the said Mayor's Court, shall request to be tried by the said Court, it shall be the duty of the Magistrate before whom such person shall have been brought, to certify such charge and request to the said Mayor's Court under his hand, particularly specifying the offence charged, and to file the same with the Clerk of the said Court, and to bind over the witnesses in support of such prosecution to appear at the next term of the said Court, and also to take a recognizance of the person so charged, with sufficient sureties for his appearance at the said Court, in case he offers the same.

ib.

§ 7. Whenever any person charged in the said City of Rochester, with any offence triable in the said Mayor's



Court, requests to be tried by the ordinary Court of Special Sessions, or shall not make any request on the subject, or after having been required by the Magistrate, shall omit for twenty-four hours to give bail for his appearance at the next Court of General Sessions or Court of Oyer and Terminer to be held in and for the said County of Monroe, the said Magistrate may in like manner certify the said charge and the facts of the case to the said Mayor's Court, and file the same in the Office of the Clerk thereof, and in like manner bind over the witnesses to appear in the said Court.

Trial.

§ 8. The said Court shall thereupon cause the prisoner or person so charged, to be brought before them, and the charge against him as contained in the warrant of arrest or commitment, or as certified to the said Court, shall be read to him, and he shall be required to plead thereto.

To be conducted as in the General Sessions.

§ 9. The said Court shall proceed on such plea in the same manner as Courts of General Sessions of the peace in indictments before them, and if an issue shall be joined, shall try the same by the Jury returned to the said Court; but no bills of exception shall be allowed, and the said Court shall have the same powers and authority in all respects in relation to the said charge, and the proceedings thereon, as are conferred by law on Courts of General Sessions of the peace, and shall make up and file with the Clerk of the Court, a record of conviction in the manner directed by law in respect to Courts of Special Sessions, held in any other County than New York.

Indictments may be tried in Mayor's Court.

§ 10. When any indictment shall be found in the Court of General Sessions or Court of Oyer and Terminer of the County of Monroe, triable by a Court of Special Sessions for any offence committed in the City of Rochester, and the trial of the same shall be postponed, if any defendant in such indictment shall be in actual custody, the said Court of General Sessions or Court of Oyer and Terminer may order the said indictment to be transmitted to the Mayor's Court of the City of Rochester, and shall bind over the witnesses to appear at the said Court at the next term



hereof : and the said Mayor's Court shall proceed thereon in the same manner as the said Court of General Sessions might have done, and the proceedings thereon shall in all respects be the same as on indictments in the said Court of General Sessions.

§ 11. Whenever any indictment shall be found in the said Court of General Sessions, or Court of Oyer and Terminer, for any offence committed in the said City of Rochester, triable in the said Mayor's Court, when certified by a Magistrate, as herein before provided, the said Court of General Sessions, or Court of Oyer and Terminer, may direct the same to be transmitted to the said Mayor's Court, who shall proceed thereon as provided in the last preceding section.

§ 12. From the duplicate lists of petit jurors, returned by Supervisors and Assessors of the several districts of the City, and filed in the office of the Clerk thereof, as herein before directed, the said Clerk shall write on separate pieces of paper, the names of the persons contained in the said lists, with their additions and places of residence, and deposite the same in a box to be provided for that purpose ; and fourteen days before the holding of any term of the Mayor's Court of the said City, the said Clerk, in the presence of the Marshal of the said City, or one of the Aldermen of the said City, shall draw out the names of twenty-four persons to serve as Petit Jurors at such Court, without any previous notice for that purpose.

Names of
Jurors.

§ 13. The said drawing shall be conducted in the manner prescribed by law in relation to the drawing of petit jurors by clerks of counties, and a list of the names of the persons so drawn, certified by the Clerk and the attending officer, shall be delivered to the Marshal, who shall summon the persons so named, in the manner sheriffs are required to summon petit jurors to attend courts of common pleas, and shall in like manner return the said list to court, specifying who were summoned and the manner in which each person was notified.

How drawn
and sum-
moned.

May be fined, etc.

§ 14. The said Court shall possess the same powers to fine any of the persons so summoned as jurors, and to excuse and discharge them in like cases, and in default of jurors, to order by-standers to be summoned, as are vested by law in other courts of record ; and the clerk of the said court shall make the same disposition of the ballots containing the name of the jurors who shall have served, and of those who did not appear, and of those who were discharged, as is provided by law in respect to other courts of record.

When venire to issue

§ 15. Until jury lists shall be returned to the clerk's office by the supervisors and assessors, as herein before provided, the clerk of the said Mayor's Court shall, at least eight days before the sitting of any such court, issue a venire under the seal thereof, to the Marshal, commanding him to summon twenty-four persons, inhabitants of the City of Rochester, qualified by law to serve as jurors, to attend such court as petit jurors, for the trial of all issues joined therein ; by virtue of which the said Marshal shall summon twenty-four persons, inhabitants of the said City, qualified to serve as jurors as aforesaid, in the same manner as herein before provided in respect to lists of jurors delivered to him by the said Clerk, and shall return the said venire with a list of the persons so summoned, specifying the manner of notifying them, upon which the same proceedings shall be had as herein before provided.

When Jury not summoned.

§ 16. If at any time there shall not be a notice of trial in any civil cause, left with the clerk of the said court at least eight days previous to any term thereof, and there shall not be filed any charge for any criminal offence with such clerk as herein before provided, eight days before such term, and there shall not be any indictment pending in the said court transmitted as aforesaid, the said clerk shall not issue any venire as above provided ; and he shall certify to the Marshal, that there is no such notice of trial, charge, or indictment, which certificate shall prevent the said Marshal from summoning any jurors pursuant to any venire or any list of jurors delivered to him as aforesaid.



§ 17. The jurors who shall attend the said Mayor's court shall receive twenty-five cents each for every civil cause in which they may be empanelled as jurors. Juror's fees

§ 18. The District attorney of the county of Monroe shall prosecute all indictments which shall be transmitted to the said Mayor's court, in the same manner, and shall receive the same fees, to be paid in the same manner, as if such indictment had been tried in the court of general sessions, and shall have the same power in all respects. Dis. Att'y.
to prosecute
indictment.

§ 19. The Common Council may direct the attorney and counsel for the corporation to conduct criminal prosecutions in the said Mayor's Court, upon charges for offences filed therein, as herein provided, and may make such provision for their compensation as may be just. City counsel
to prosecute
offences.

§ 20. In conducting such prosecutions, such City Attorney or Counsel shall possess all the powers and authority of a District Attorney. City Coun-
sel powers.

§ 21. The Recorder of the said City shall be entitled to a fee of seventy-five cents, on the first motion that shall be made in the said court in any civil cause, and the Counselors, Attorneys, and inferiour officers of the said court, shall be entitled to the same fees and compensation for services rendered therein; and for attendance at the terms of the said court, as are provided by law for similar services in, and attendance on courts of Common Pleas, and General Sessions of the peace, in Counties of this State, and such of the said fees and compensation as are charges against the publick, shall be paid by the Common Council of the said City. Fees of Re-
corder.

§ 22. Persons convicted of any criminal charge on conviction, or upon charge or conviction for violation of the laws of this State, in the said City, shall be confined in the County jail of the County of Monroe, in the same manner as when committed by the Justices of any town in the said County, until the Common Council shall erect a penitentiary therein, when such persons as shall not be committed Criminals
convicted
may be
committed
to Jail.

to such penitentiary, shall be committed to, and confined in the said jail.

Penitentiary when to be erected, to be submitted to electors.

§ 23. Whenever the Common Council shall be of opinion that a penitentiary, or bridewell, or alms-house in the said City is necessary, they shall ascertain the opinions of the electors of the said City on the subject, by ballot at the annual election, and if approved by the electors, may direct the construction of a penitentiary, or bridewell, or alms-house and purchase a site therefor, and for those purposes may cause the necessary sums to be levied and raised by tax upon the real estate within the said City, and on the personal property of the inhabitants thereof, in the same manner in all respects as herein before provided in relation to other taxes of the said City, and shall proceed in like manner, and with like effect.

To be under control of Com. Coun.

§ 24. Such penitentiary, or bridewell, or alms-house shall be subject to the control and regulation of the Common Council, who shall appoint the necessary officers therefor, and prescribe their duties and powers, and the expense thereof shall be defrayed as part of the contingent expenses of the said City.

Police Justice.

§ 25. The Common Council may appoint any Justice of the peace in the said City, police Justice thereof, and prescribe his duties in relation to the preservation of peace and good order, the prevention of offences and the punishment of offenders, and may direct the Marshal of the City to attend such Justice and execute his orders and process, and may make provision for compensating such Justice and Marshal.

Expenses of apprehending offenders county charges.

§ 26. The expense of apprehending, examining, and committing offenders against any law of the State in the said City, and of their confinement, shall be audited, allowed, and paid by the Supervisors of the County of Monroe, in the same manner as if such expenses had been incurred in in any town of the said County.

Marshal to execute process.

27. The Marshal of the said City shall execute all process issuing out of the Mayor's court of the said City, in



the same manner as provided by law in respect to the execution by sheriffs of process issued by the court of Common Pleas of the County of Monroe, and shall be liable for any delinquency or neglect therein, in like manner.

28. Suits brought to recover any forfeiture or penalty for the violation of any ordinance of the Common Council of the said City, shall be prosecuted under the direction of such officer as the Common Council may direct; and whenever such penalty or forfeiture amounts to twenty-five dollars or more, a suit for the recovery thereof, may be brought in the Mayor's court of the said City, but in such cases no greater amount of costs shall be taxed in any event, than could have been recovered by either party if such suit had been brought before a Justice of the Peace.

Suits for penalty may be brought in Mayor's Court.

§ 29. In any suit to recover any penalty or forfeiture for the violation of any ordinance of the Common Council, the first process shall be a warrant or summons at the option of the plaintiffs, if before a justice, and by writ requiring bail if the Mayor's Court; and the plaintiff may declare generally in action of debt or assumpsit and give the special matter in evidence; and the defendant may plead the general issue, and give the special matter in evidence without any further notice for that purpose: and no inhabitant, freeman, or freeholder of the said City, shall be disqualified for that cause from acting as a Judge, Justice, or Juror, in the trial or other proceedings in such suit, nor from being a witness, or serving any process, or summoning a Jury in such suit, or from acting in any such capacity, or being a witness in the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest, or investigation, the Mayor and Common Council of the said City are a party, or in which they are interested.

First process for penalties, and other proceedings.

§ 30. Every execution for any penalty or forfeiture recovered for the violation of any ordinance of the Corporation, shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to

Form of execution.

omit the defendant to the County jail or City penitentiary for such time as shall have been directed by the Common Council.

Extra ex-
penses how
paid.

§ 31. The Common Council may direct any moneys that may have been recovered for penalties or forfeitures, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits.

TITLE XI.

Miscellaneous Provisions.

Repeal of
village char-
ter.

§ 1. The act to incorporate the Village of Rochester, passed April 10, 1826, and all acts supplementary or amendatory thereof, are hereby repealed from and after the first Monday of June, 1834, but the Trustees of the said Village may, and all officers appointed by them shall continue to exercise and discharge their functions and duties as such Trustees and officers until a Common Council shall be organized under this act; and the ordinances and by-laws of the said Trustees shall remain in full force until the same shall be repealed by the Common Council, and the terms "Village," "Trustees of the Village of Rochester," and all other terms in such by-laws and ordinances relating and applicable to the Village incorporation and its officers shall be deemed to mean and apply to the City of Rochester, the Common Council thereof, and to the officers of the said City, as far as may be applicable; but all rights acquired by the "Act in relation to the Firemen of the Village of Rochester," passed March 24, 1831, and by the "Act in relation to the Firemen of the Village of Rochester," passed April 27, 1829, shall not be affected by this repeal; and the said act shall be in full force and effect in all respects, except as modified and controlled by the provisions in this act contained; and the act to regulate auction Criers in the Village of Rochester, passed April 20, 1830, shall be and remain in full force and effect, and shall be applicable



to the City of Rochester; and the licenses therein required to be given by the Trustees of the Village of Rochester, shall be deemed and taken to be required to be given by the Common Council, and the penalty and forfeitures therein given, shall be deemed to belong to the Mayor and Common Council of the said City, and shall be sued for, and recovered thereon.

§ 2. The repeal of this act of any statute, shall not affect any act done or right accrued or established, or prosecution had or commenced, nor any offence committed or penalty or forfeiture incurred; but all prosecutions for any such offence, penalty, or forfeiture, shall proceed in all respects as if such statute had not been repealed, except that such prosecutions and proceeding shall be conducted by or under the direction of the Common Council or the officers of the said City, as shall be provided by the Common Council; and all penalties and forfeitures heretofore incurred, when collected, shall be paid into the City Treasury for the benefit of the said City.

Not to affect any act or right.

§ 3. The money, funds, effects, and property of every description belonging to the Trustees of the Village of Rochester, shall belong to and be vested in the Mayor and Common Council; and debts and demands against the said Trustees, shall be valid and subsisting debts and demands against the said Mayor and Common Council, and shall be paid by them in the same manner as the said Trustees were liable to pay the same.

Property of Village to belong to City and to be liable for debts.

§ 4. When the Clerk of the said City shall be duly appointed and qualified, he shall demand of the Clerk of the Trustees of the Village of Rochester, the papers, books, accounts, documents, and other property and effects belonging to the said Trustees in his hands, which shall thereupon be delivered to him by the Clerk of the said Trustees; and in case of refusal or neglect, the delivery thereof may be enforced in the manner provided by law in respect to the delivery of papers by an Officer to his successor.

Village Clerk to deliver papers to City Clerk.

§ 5. The Justices of the Peace heretofore elected for the Towns of Brighton and Gates respectively, and the Com-

Justices of the Peace to

continue to
act.

missioners of Deeds heretofore appointed for the said towns residing in the City Rochester, may continue to discharge the duties of their several Offices, and to exercise all the power and authority conferred on them by law, during the terms of their respective Offices; but no election shall be had or appointment made to fill the said Offices after the expiration of their present terms; and Auctioneers and Notaries Publick residing in the said City, and now in Office, shall in like manner continue to discharge the duties of their several Offices, during the terms of their respective appointments.

Town Off-
cers.

§ 6. The Supervisors, Assessors, Constables, Collectors, and other Town Officers of the Towns of Brighton and Gates, shall continue to exercise the duties of their Offices respectively in the said Towns, as the same exist after the passage of this act, but they shall not exercise any of the powers or duties of their respective Offices within the City of Rochester, after the first Monday of June 1834, except such powers and duties as may by law be exercised and discharged in any other Town than that for which such Officers were elected.

Civil juris-
diction of
Justices
Peace.

§ 7. The Justices of the Peace in the said City, exercising civil jurisdiction shall be subject to the general laws of the State in relation to civil causes before Justices of the Peace: and appeals from their judgements, and certioraris thereon, may be made to and returnable at the said Mayor's Court, or the Court of Common Pleas of the said County, in the same manner as appeals and certioraris upon Justices' judgements in Towns are made to Courts of Common Pleas.

Com. Coun.
to serve no-
tices on Su-
pervisors
and Over-
seers.

§ 8. Whenever the Common Council of the said City shall be elected and organized as herein before provided, they may at any time cause a notice in writing to be served on the Supervisor and Overseers of the poor of the Town of Brighton, requiring them to meet the said Common Council at such time and place as shall be specified in such notice, not less than three days from the service thereof, in



order to divide the moneys, property, and effects belonging to the said Town of Brighton ; and in the same manner as similar notice may be given to the Supervisor and Overseers of the poor of the Town of Gates.

§ 9. The said Supervisors and Overseers, respectively, shall meet according to such notice, and shall proceed to apportion the money, property, and effects between the said Towns respectively, and the portions of the said Towns included in the City of Rochester, according to the amount of taxable property in the said Towns, and portions respectively to be ascertained by the last assessment lists of the said Towns, and the proportion belonging to the said portions included in the said City of Rochester, shall be paid over and delivered to the Treasurer of the said City on demand, by the Officers respectively in whose hands the same shall be.

To meet and divide property.

§ 10. In case of neglect or refusal by the Officers of the towns of Brighton and Gates, or of any or either of them, to attend a meeting according to such notice, or to make such apportionment, the Court of Chancery shall make such apportionment, and compel the payment and delivery of the proportion belonging to the said City of Rochester.

When Chancery may apportion.

§ 11. The Legislature may at any time alter, modify, or repeal this act or any of its provisions.

Act may be repealed.