

L A W S
OF THE
STATE OF NEW YORK

PASSED AT THE
ONE HUNDRED AND FIFTH SESSION

OF THE
LEGISLATURE.

BEGUN JANUARY THIRD AND ENDED JUNE SECOND, 1882,
IN THE CITY OF ALBANY.

Vol. I.



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CHAP. 119.

AN ACT to amend chapter three hundred and sixty-six of the laws of eighteen hundred and sixty-four, entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in the county of Onondaga."

PASSED May 2, 1882.

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

SECTION 1. The first section of an act, entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in the county of Onondaga," is hereby amended so as to read as follows:

§ 1. Any person who shall, in pursuance of any contract, express or implied, either with the owner of the property or any contractor, perform any labor or furnish any materials in building, altering or repairing any house or other building, or appurtenances to any house or other building, in the county of Onondaga, to the amount of ten dollars or over, or any person who has made a contract for the same, shall, until the end of three months after the performance of such labor or furnishing materials, be deemed to have an equitable lien for the same upon such house or building or appurtenances, and the land upon which the same may be situated.

Equitable
lien of
persons
perform-
ing labor
or furnish-
ing mate-
rials.

§ 2. This act shall take effect immediately.

CHAP. 120.

AN ACT to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "an act to amend and consolidate the several acts in relation to the charter of the city of Rochester," as amended and established by chapter fourteen, laws of eighteen hundred and eighty, and the several acts amendatory thereof and supplementary thereto.

PASSED May 2, 1882; three-fifths being present.

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

SECTION 1. The charter of the city of Rochester, as amended and established by chapter fourteen of the laws of eighteen hundred and eighty, entitled "An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city," and by the several acts amendatory thereof and supplementary thereto, is hereby further amended in the following particulars:

§ 2. Section sixteen of said chapter fourteen of the laws of eighteen hundred and eighty is hereby amended so as to read as follows:

§ 16. The electors shall vote by ballot, and each person offering to

Electors

to vote by
ballot.

Ballot,
description
of.

vote shall deliver his ballot, so folded as to conceal the contents, to one of the inspectors in the presence of the board. The ballot shall be a paper ticket which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen, but no ballot shall contain a greater number of persons designated for any office than there are persons to be chosen at the election to fill such office. On the outside of each ballot, when folded, there shall appear, written or printed, one of the following words: "ward," "city," and "school commissioner," but no ballot found in the proper box shall be rejected for want of such indorsement.

§ 3. Section seventeen of said chapter fourteen is hereby amended so as to read as follows:

Ibid.

§ 17. The ballot indorsed "city" shall contain the names of persons designated as officers for the city. The ballot indorsed "ward" shall contain the names of persons designated as officers for a ward or election district. The ballot indorsed "school commissioner" shall contain the name of the person designated as commissioner of common schools. The common council shall provide three boxes for each ward or election district with locks and keys, in which these three kinds of ballots shall be deposited separately.

§ 4. Subdivision seven of section forty of said chapter fourteen is hereby amended so as to read as follows:

Cumber-
ing of
streets,
etc.

7. To prevent the cumbering of streets, avenues, walks, public squares, lanes, alleys, bridges, aqueducts, wharves, basins or slips in any manner whatever, and to cause all buildings, dwellings or business places to be numbered or renumbered on any and all streets, squares, avenues, parks, places, courts and alleys in said city at the cost and expense of the owner thereof."

Subdivision nineteen of said section forty of said chapter fourteen is hereby amended so as to read as follows:

Regulat-
ing
markets,
etc.

19. To establish, order and regulate markets to regulate the vending of wood, coal, or other fuel, meats, vegetables, fruit, fish, poultry, milk and provisions of all kinds, and to prescribe the time and place for selling the same, and for ascertaining the weight or other quality thereof and to prescribe the fees to be paid for license for the sale of the aforesaid commodities, and the common council may, if in the judgment thereof the public health shall require, appoint from time to time a competent person and fix his salary whose duty it shall be to test and inspect such articles of food whenever the sale thereof is regulated by license or ordinance for the purpose, and to the end only that unwholesome, impure or adulterated meats, vegetables, fruit, fish, poultry, milk and food and provisions of any kind, shall not be sold or exposed for sale, provided that nothing herein contained shall authorize the common council to prevent the sale of fresh and wholesome meats by the quarter, within the limits of said city by farmers who have raised or fattened the same upon their own farms.

§ 5. Section eighty-five of said chapter fourteen is hereby amended so as to read as follows:

Tax for
benefit of
water-
works
fund.

§ 85. In addition to other taxes directed by law to be assessed upon the property of the city, the common council shall, in the month of June, in each year, assess, for the benefit of the water-works fund, three cents on each lineal foot front of each city lot located on any avenue, street, park, court, alley and lane in which the city water mains are laid and in use, in all cases in which no water rents have

accrued or been paid to the city of Rochester, during the calendar year preceding the date of the assessment, but such assessment shall be made on one frontage only of each of said lots. As a basis for such assessment the executive board, or its successor in charge of the Rochester water-works, shall, on or before the first day of May in each year, make and furnish to the city assessors a complete statement of each and every city lot situate on the streets, avenues, parks, courts, lanes and alleys in said city, in which city water mains are laid and in use, and on which lots water rents have not accrued or been paid during the preceding calendar year; said statement shall contain the name of the owner of the lot and the frontage to be assessed, or such description as is now required by law to identify the same. And also, in all cases in which water rents have accrued during the preceding calendar year aforesaid, on a city lot exceeding two hundred feet frontage; and said water rents shall not aggregate an amount equal to, at least, three cents in each lineal foot of the whole frontage of said lot, then said excess over two hundred feet shall be subject to said tax of three cents on each foot of frontage the same as if no water rates had accrued on any part of said lot. The common council shall, during the month of June, in each year, assess the city taxes, including those required to be assessed by the foregoing provisions of this section, in the same manner in which the county taxes are by the law to be assessed by the board of supervisors, which taxes shall be by the assessors inserted in the assessment-rolls, reported by the assessors as before provided, and such rolls, with taxes inserted therein, shall be delivered by said assessors to the treasurer of said city. After said assessment-rolls have been confirmed by the common council, it shall not be lawful for said common council to hear complaints or allegations from persons assessed thereon, who may claim any exemption from taxation in any way, under any law of the state of New York relating to the national guard or military of said state, but as to all such persons such confirmation shall be final and conclusive.

Executive board to make statement of lots, etc.

City taxes, assessment of.

§ 6. Section one hundred and four of said chapter fourteen is hereby amended so as to read as follows:

§ 104. Whenever any lands in said city shall have been sold for taxes and bid off to said city, and notice to redeem shall have been served, as provided in the last section, for more than thirty days, and such lands have not been redeemed as before provided, the mayor of said city shall execute a certificate of the fact of such sale having been made and the lands struck off to the city, and that the same has not been redeemed, which certificate shall be acknowledged as deeds, to be entitled to be recorded, and shall be recorded in Monroe county clerk's office; such certificate, or the record thereof, or a copy of such record, duly authenticated, shall in all courts and places be prima facie evidence that the tax or assessment was legally imposed, or the regularity and legality of all proceedings prior to such sale, and of such sale, and that notice has been given to redeem, and that such lands have not been redeemed. Upon the recording of such certificate, the said city or its assigns shall acquire an absolute title to such lands in fee, and clear from all claim or demand of any owner thereof, or any person having any lien thereon, or interest therein; but the equity of redemption in such lands struck off to said city shall only be barred as hereinafter provided. At any time after such certificate is executed, the equity of redemption of all persons having any lien or interest in said lands may be foreclosed by an action to be brought by said city, in a court of record or court having equity jurisdiction,

Certificates of sale, when to be issued by mayor.

Foreclosure of equity of redemption.

Municipal
court to
have juris-
diction.

Judgment-
rolls, etc.,
to be filed
in county
clerk's
office.

Costs.

in which action the same proceedings shall be had as nearly as may be, as on the foreclosure of mortgages, and judgment of strict foreclosure, or of foreclosure and sale, may be had therein, as the court may direct. The municipal court of said city is hereby declared a court of record for the purpose of foreclosing the equity redemption of all lands sold for taxes and bid in by said city as herein provided; and all actions therefor shall be commenced by the service of a summons in the same manner, and of the form prescribed in section four hundred and eighteen of the code of civil procedure; and the proceedings and practices therein shall conform, as near as may be, to proceedings for the foreclosure of mortgages in the supreme court, except as may be herein modified or changed; and all costs and disbursements shall be allowed, taxed and adjusted by the clerk of the county of Monroe, and entered into and become a part of the judgment; and sections sixteen hundred and seventy, sixteen hundred and seventy-one, sixteen hundred and seventy-two, sixteen hundred and seventy-three, and sixteen hundred and seventy-four, of the code of civil procedure shall apply to all notices of the pendency of actions commenced under this act. And all pleadings, papers, orders, reports, judgment-rolls and decrees shall be filed, docketed and entered in the clerk's office of the county of Monroe, and such judgments and decrees shall have the same force and effect as judgments of the supreme court, and all appeals therefrom shall be to the supreme court at general term, in the first instance, and in the manner now provided by the code of civil procedure; and the said municipal court shall acquire jurisdiction in the same manner and to the same extent as other courts of record in actions for the foreclosure of mortgages; but in no action for such foreclosure, where judgment is taken by default, shall there be costs taxed to exceed ten dollars, exclusive of disbursements, except when the amount of tax for which said certificate was given, including interest, shall exceed twenty-five dollars, in which case the plaintiff shall be allowed to tax as additional costs at the rate of ten per centum and the expenses thereof. When such an action, however, is settled before judgment, there shall be allowed as costs to the plaintiff only one-half of the above prescribed sum and rates. Where an action commenced under this section has been settled and the tax-lien paid, an order may be made and entered in said Monroe county clerk's office, directing the said county clerk to make a suitable and appropriate record thereof, upon the original record in his office of said mayor's certificate; and upon such record being so made, the premises mentioned therein shall be discharged of said tax-lien. In an action in said municipal court, where a defense by answer or demurrer shall be interposed, the same may be brought to trial by either party, on five day's notice, and in addition to disbursements, costs shall be allowed therein to the prevailing party as follows:

To the plaintiff: For all proceedings before trial, ten dollars.

To the defendant: For all proceedings before trial, five dollars.

To either party: For a trial of an issue of law, five dollars.

For the trial of an issue of fact, ten dollars.

In addition to the above, there shall be allowed to the plaintiff, if judgment is rendered or decreed in his favor, five per cent on the amount found due, and for which judgment is rendered or decree made as additional costs; and it shall be the duty of the city attorney, after the expiration of the time for redemption, to bring actions for the foreclosure of all liens for taxes bid off by said city.

§ 7. Section one hundred and twenty-seven of said chapter fourteen is hereby amended so as to read as follows :

§ 127. The said commissioners shall appoint a city superintendent of common schools, in the month of June, in the year eighteen hundred and eighty-two, and in every second year thereafter, who shall be competent to instruct in any and all of the grades of the city schools who shall hold his office for two years from and including the fifteenth day of July next after his appointment, and whose compensation shall be paid by said board. The said superintendent of public schools shall have charge of the school system and methods of instruction, and the power to suspend teachers for incompetency or inefficiency, subject to the action of the board of education, and he shall have the recommendation of the number of teachers necessary for each of the several schools. He shall also collect and pay into the city treasury monthly all tuition fees, and he shall annually report to the common council in the month of May of each year the amount of money required for building school-houses and for repairs of each school building, specifying the particular building or buildings and the amount to be expended thereon respectively, for the ensuing year. The said superintendent shall officiate as clerk of the board, and shall keep a record of the proceedings of the board, and shall perform such other service and duty as the board shall, from time to time, direct. The said record or transcript thereof, certified by the president and clerk, shall be received in all courts as prima facie evidence of the facts therein set forth, and such records and all the books, accounts, vouchers and papers of said board shall at all times be subject to the inspection of the common council and of any committee thereof.

Superintendent of schools.

Duties and powers of.

To collect tuition fees.

§ 8. Section one hundred and twenty-eight of said chapter fourteen is hereby amended so as to read as follows :

§ 128. The said commissioners may appoint a policeman who shall hold his office during the pleasure of said board, and whose salary shall be fixed and paid by the board of education from the funds raised for its use, and who shall have the same powers as the other policemen of said city, and shall perform such duties as said board of education may impose.

Policeman.

§ 9. Subdivision six of section one hundred and twenty-nine of said chapter fourteen is hereby amended so as to read as follows :

6. The amount to be raised for teachers' wages and contingent expenses in any one year shall not be less than six dollars nor more than fourteen dollars per capita, based on the average number of resident pupils enrolled in the several public schools of said city, for the school year ending on the first day of May next preceding the levying of the general city taxes in each and every year. A sworn statement of such number of pupils so enrolled shall be made by the superintendent of schools according to the verified monthly reports of the principals of said schools. Nor shall the amount to be raised in any one year to lease, alter, improve and repair school-houses, and their out-houses and appurtenances, exceed ten thousand dollars. Nor shall the amount raised in any one year to purchase and improve sites, and build or enlarge school-houses, exceed fifteen thousand dollars; and the common council of said city are authorized and directed, when necessary, to raise by loan, in anticipation of the taxes, the money to be raised, collected and levied as aforesaid.

Amount to be raised for teachers' wages and contingent expenses.

§ 10. Subdivision three of section one hundred and thirty-one of said chapter fourteen is hereby amended so as to read as follows :

Repair of school houses, etc.

3. To alter, enlarge and improve and repair school-houses and appurtenances as they may deem advisable. Whenever such board shall build, enlarge, repair or furnish a school-house or school-houses or make any improvement or repairs, the cost of which will exceed two hundred and fifty dollars, the board shall proceed as follows:

Advertisement for bids for making repairs, etc.

1. Said board shall advertise for bids for the period of two weeks, at least twice in each week, in two newspapers published in the city of Rochester, and which resolution providing for the same shall be entered in full by the clerk on the record of the proceedings of said board.

2. The bids duly sealed up shall be filed with the clerk by twelve o'clock noon of the last day as stated in the advertisement.

3. The bids shall be opened at the next meeting of the board and publicly read by the clerk.

What bids to contain.

4. Each bid shall contain the name of every person interested in the same, and shall be accompanied by a sufficient guarantee of some disinterested person, that if the bid is accepted, a contract will be entered into and the performance of it properly secured by bonds duly approved.

5. If the work bid for embraces both labor and materials, each must be separately stated, with the price thereof. The board may, in its discretion, accept any bid for both labor and material which shall be most advantageous to the city, or it may reject any and all bids as the interest of the city may require.

§ 11. Subdivision eleven of section one hundred and thirty-one of said chapter fourteen is hereby amended so as to read as follows:

To report to common council ordinances, etc.

11. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe-keeping, care and preservation of the school-houses, lots and sites and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations, and annually, on or before the sixteenth day of May in each year, to determine and certify to said common council the sums, in their opinion, necessary or proper to be raised for the several purposes hereinbefore mentioned, specifying the sums required (for the year commencing on the first Monday of September thereafter) for each of the said purposes, including the sums necessary for the payment of teachers' wages and also for contingent expenses, and the reasons therefor.

§ 12. Section one hundred and thirty-four of said chapter fourteen is hereby amended so as to read as follows:

Trustees of school libraries.

§ 134. The said board of commissioners shall be trustees of the school library or libraries in said city, and all the provisions of the law, which are now or hereafter may be passed relative to the district school libraries, shall apply to the said commissioner. They shall also be vested with the same discretion as to the disposition of all moneys appropriated by any laws of this state for the purchase of libraries which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide for the safe-keeping of the library or libraries. The superintendent of schools shall be the general librarian, who shall have the care of the books and supervise the letting out and return thereof, and the said board, or the general librarian under the direction or by the resolution of said board, may make all purchases of books and exchange, have bound, or cause to be repaired, the damaged books belonging thereto, and to sell any books which may be deemed useless, applying the proceeds as ordered by resolution of the board.

§ 13. Section one hundred and thirty-seven of said chapter fourteen is hereby amended so as to read as follows:

§ 137. It shall be the duty of the common council, within fifteen days after receiving the certificate of the board of education, hereinbefore required, of the sum necessary or proper to be raised for school purposes, to determine and certify to said board of education the amount that will be raised by them for the year, commencing on the first Monday of September thereafter, for the purposes mentioned in said certificate, distinguishing between the amount to be raised for teachers' wages and contingent expenses; and the amount to be raised for the repair of school-houses shall constitute four separate and distinct funds, namely: teachers' fund, contingent fund, building fund and repair fund; and in case the common council shall neglect or fail to certify to the board of education the amount that will be raised by them, within thirty days, as above specified, then the said common council shall raise the several amounts embraced in the certificate of the board of education, as specified therein, which amounts shall be subject to the disposal of the board of education.

To certify amount that will be raised for school purposes.

§ 14. Section one hundred and thirty-eight of said chapter fourteen is hereby amended so as to read as follows:

§ 138. All moneys required to be raised by virtue of this act, or received by the said city, for or on account of the common schools, shall be deposited for the safe-keeping thereof with the city treasurer of said city, to the credit of the board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by draft drawn by the president and countersigned by the clerk of said board, payable to the order of the person or persons entitled to receive such money, and every draft so drawn shall designate the particular fund from which it shall be paid, and said city treasurer shall keep the funds authorized by this title to be received by him separate and distinct from any other fund which he is or may be authorized to receive.

Moneys to be deposited with city treasurer and drawn on warrants.

§ 15. Section one hundred and forty of said chapter fourteen is hereby amended so as to read as follows:

§ 140. No member of the board of education shall vote for the payment of any money out of any of the funds authorized to be raised by this title of the city charter, knowing that such fund is without money to pay the same, or by vote or otherwise create any debt or liability beyond the amount of any particular fund, for the then current fiscal year. And any person violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the Monroe county penitentiary for the period of ten days. And the district attorney of the county of Monroe is hereby specially directed, and it shall be his duty, to prosecute all persons violating this provision, upon the complaint of any tax-payer of said city.

No debt to be created.

§ 16. Subdivision one of section one hundred and sixty-eight of said chapter fourteen is hereby amended to read as follows

1. To make or cause to be made sewers, tunnels, drains and vaults, arches and bridges, wells, pumps and reservoirs in any part of the city. And also whenever for the purpose of drainage, sewerage, or to promote the public health, it shall deem and declare it necessary, to extend said sewers, tunnels, drains, vaults and arches to and beyond the limits of said city, and across private lands or highways in any adjoining towns. And to make such ordinances for the regulation, protection and preservation of the same as may be deemed advisable.

Sewers, etc.

§ 17. Section one hundred and seventy of said chapter fourteen is hereby amended so as to read as follows :

To determine what portion of expense of improvement shall be a charge on public treasury, etc.

§ 170. Whenever by order of the common council any new street or alley shall be laid out, opened or worked in said city, or any sewer, tunnel, drain, vault or bridge shall be extended to and beyond the city limits, or any other public improvement is to be made, it shall be the duty of the common council to determine what portion, if any, of the expense thereof ought to be paid from the public treasury, and what portion, if any, ought to be paid by a local assessment, and to direct that the whole expense to be paid by a local assessment be assessed upon all the lots and parcels of land to be benefited thereby in proportion to the benefit which each will derive therefrom. The common council may maintain, improve, embellish and protect any public park, square or area in said city, and grade, sewer and pave the street and alleys, and make, grade and improve sidewalks about the same, or any part thereof. And they may cause the whole expense thereof to be assessed upon all the lots and parcels of land where the parks, squares or areas are situated in proportion to the benefit which each lot or parcel will derive therefrom.

Section* 18. Section one hundred and seventy-two of said chapter fourteen is hereby amended so as to read as follows:

Estimate of cost of improvements to be made.

Notice to be published.

Hearing before common council.

Advertisement for proposals for making improvements, etc.

§ 172. Before the common council shall determine to make any such public improvement, they shall cause an estimate thereof to be made, and shall, by an entry in their minutes, describe the portion and part of the city which they deem proper to be assessed for the expense of such improvement. In case where the taking of land is necessary it shall not be necessary to include the damages and charges therefor in the estimated expense. They shall cause a notice to be published daily in at least two of the daily newspapers printed in the city of Rochester for four days, which notice shall specify such improvement, the estimated expense thereof, the amount, if any, to be paid from the public treasury, and the portion or part of city to be assessed for the rest of the expense, and shall require all persons interested in the subject-matter of such improvement to attend the said council at the time appointed in such notice. At the time appointed in such notice the said council shall proceed to hear the allegations of the persons interested in the subject-matter of such improvement, and after hearing the same shall make such further order in respect to such improvement as they shall deem proper. The executive board is hereby directed to cause a notice to be published in one or more of the daily papers of said city, at least ten days before the letting of any contract for sealed proposals therefor, each to be accompanied by a bond signed by at least two responsible sureties, conditioned that the person making such bid, if it is accepted, will perform the work mentioned in such proposals and fulfill any contract that may be made with him ; such bids shall be opened on the day named in such notice. Said board may let any contract as it deems for the best interest of tax-payers, but it shall publish all bids received by it, and the persons to whom contracts are awarded. Neither the principal or sureties on any bid or bond shall have the right to withdraw or cancel the same until the board shall have let the contract for which such bid is made and the same shall have been duly executed. No contract shall be let for any improvement at a price greater than the estimate thereof made as aforesaid.

* So in original.

§ 19. Section one hundred and seventy-five of said chapter fourteen is hereby amended so as to read as follows :

§ 175. The common council shall cause to be published for ten days, in a daily newspaper, published in said city, a notice specifying and describing the lands necessary for such improvement, and the portion of the city deemed to be benefited by reason thereof, and then an application will be made to the county court of the county of Monroe, or to a special term of the supreme court, to be held in the seventh judicial district at a time to be specified for the appointment of commissioners, to inquire into and determine what damages and compensation the owner or owners, tenants or occupants of such land and buildings to be taken will be entitled to for the same. The common council shall also, at least ten days before the time named for such application, cause a notice to be served on each of the owners of the premises to be taken, who are residents of the said county, or upon the occupants of such premises, either personally or by leaving the same at their several places of abode, and upon the agent of any non-resident owner, provided such agent can then be found in said city, and his name shall have been entered in a book to be kept by the city clerk for that purpose.

Proceed-
ings to
assess
damages,
etc.

§ 20. Section one hundred and seventy-seven of said chapter fourteen is hereby amended so as to read as follows :

§ 177. The said commissioners so appointed shall be sworn faithfully to discharge their duties according to the provisions of this act, without favor or partiality. They shall give public notice, by a notice published daily for ten days, in at least one of the newspapers authorized to publish corporation notices, of the time when, and place where, they shall meet, to enter upon their duties. At the time appointed, or any other time or times to which they may adjourn, they shall proceed to view the lands and premises proposed to be taken, and they may examine witnesses on oath to be administered by either of them, and shall appraise the damages which the owner or owners, and if there be any occupants or tenants who may have a leasehold interest in the premises to be taken for such public improvements, will severally sustain by being deprived thereof, and the compensation which they severally receive therefor.

Duty of
commis-
sioners.

§ 21. Section one hundred and seventy-eight of said chapter fourteen is hereby amended so as to read as follows :

§ 178. The said commissioners shall, as soon as convenient, make their report under their hands, or a majority of them, to the common council of the said city, in which report they shall describe, with all practicable certainty, the several pieces and parcels of land and the premises to be taken for such improvement, and the names and residences of the owner or owners thereof, respectively, and the right of such owners, so far as can be ascertained, and the amount of damages or compensation which should be paid to each of said owners and occupants. They shall also file duplicate copies of their report, one in the office of the city clerk and one in the office of the clerk of Monroe county. They shall be entitled to the sum of three dollars each as their compensation for each day on which they are actually and necessarily employed.

Report of.

§ 22. Section one hundred and eighty-two of said chapter fourteen is hereby repealed.

§ 23. Section one hundred and ninety-eight of said chapter fourteen is hereby amended so as to read as follows :

§ 198. Whenever the common council shall determine that the whole

Proceed-

ings of
common
council
to deter-
mine
amount on
real estate.

When
expense
assessed
to be
paid.

Discount
to be
made in
certain
cases.

Warrant
for col-
lection of
assess-
ment.

Preven-
tion of
fires, etc.

or any part of the expenses of any improvement not requiring the taking of any land by said city shall be defrayed by an assessment on the real estate to be benefited thereby, they shall declare the same by an entry in their minutes; and after ascertaining, as they think proper, the estimated expense of such improvement, they shall declare whether the whole, or what portion thereof, shall be assessed on such real estate, specifying the estimated expense and the portion of the city which they deem will be benefited by the improvement. When the estimate of the expense of such improvement to be assessed shall exceed, in the aggregate, the sum of two thousand dollars, the expense of such improvement to be assessed may be paid one-third in cash and the balance in the city's note at one and two years with interest not exceeding six per centum, payable annually, and the city may get its notes discounted for a period not exceeding one year with which to make such first payment when such improvement is completed. The entire expense thereof and connected therewith shall be ascertained by the city treasurer, together with the interest paid on the orders or notes issued by the city to pay the expense of such improvement; and interest on such sum shall be reckoned to the time the last installment of such assessment shall become due. The aggregate amount shall thereupon be reported to the common council, they to adjust and report to the assessors the amount to be assessed upon the property benefited, as hereinafter provided, and it shall meet for that purpose. Persons so assessed, who shall make any payment previous to the maturity of said last installment therein, shall be entitled to a discount at the same rate as is paid on the city's note issued to pay for such improvement. The common council may determine, at the time of fixing such amount to be assessed, if the sum shall exceed two thousand dollars, that the tax-payers pay their assessment in not more than three equal payments, one-third within thirty days of the time that the treasurer shall advertise the same, as hereinafter provided, one-third within one year, and one-third within two years from the confirmation of such roll; and in case the amount to be assessed, ascertained as aforesaid, shall exceed ten thousand dollars, the common council may determine, as aforesaid, that the tax-payers may pay their assessments in not more than five equal payments, one within thirty days from the time that the treasurer shall advertise the same, as hereinafter provided, and the balance within one, two, three and four years, respectively, after such confirmation. The city treasurer may, in his discretion, issue his warrant for the collection of any part of such assessment that may have become due.

§ 24. Section two hundred and twenty-two of said chapter fourteen is hereby amended so as to read as follows:

§ 222. The common council may prevent or regulate the carrying on of manufactories calculated to cause or promote fires, and may require the owners or occupants of all buildings wherein manufactories are conducted to construct suitable fire escapes therefrom and may regulate the construction of safe deposits for ashes, the removal of any hearth, fire-place, stove, grate or other apparatus in which fire may be used, or any chimney, flue or other conductor of smoke that may be considered likely to cause or promote fire, and may compel the cleaning of chimneys, flues and all other conductors of smoke; and upon the neglect of any owner or occupant of any building to clean the chimneys, flues or other conductors of smoke therein, or to construct such deposits or fire escapes, or to make the removals as hereinbefore mentioned, he shall forfeit the sum of one hundred dollars, and the

common council may cause such removals to be made, and such chimneys, flues or other conductors of smoke to be cleaned or such fire escapes to be constructed, and may collect the expense thereof, and ten per centum in addition, from the owner or occupant whose duty it was to have the same removed, cleaned or constructed. The common council may adopt such other regulations for the prevention and suppression of fires as it may deem necessary. An execution issued upon any judgment recovered by virtue of the provisions of this title, may issue against the property or person of the defendant therein, or both.

§ 25. Section two hundred and sixty-six is hereby amended so as to read as follows:

§ 266. Upon any criminal warrant duly issued by the police justice or any person legally acting in his stead, any officer authorized to serve the same may execute such warrant in any part of this state without further indorsement or warrant. The police clerk is hereby authorized to administer the oath upon application for a warrant issuable from the police court.

Execution of criminal warrants.

§ 26. This act shall take effect immediately.

CHAP. 121.

AN ACT to amend chapter fifty-one of the laws of eighteen hundred and fifty-nine, entitled "An act to consolidate and amend the several acts relating to the village of Sherburne and to enlarge the powers of the corporation of said village."

PASSED May 2, 1882; three-fifths being present.

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

SECTION 1. Chapter fifty-one of the laws of eighteen hundred and fifty-nine, entitled "An act to consolidate and amend the several acts relating to the village of Sherburne and to enlarge the powers of the corporation of said village," is hereby amended by adding to said act the following as section forty-five.

§ 45. In addition to the sums of money authorized to be raised under this charter it shall be lawful to raise a sum of money sufficient to defray the cost of the survey drawings and report that the water board of said village have caused to be made in view of procuring a water supply for said village, but the sum to be raised under this section shall not exceed two hundred and fifty dollars.

Not exceeding \$250, may be raised to pay cost of surveys, etc.

§ 2. This act shall take effect immediately.

CHAP. 122.

AN ACT to confirm and legalize certain acts of the trustees of the First Baptist church of Wilson, Niagara county.

PASSED May 2, 1882.

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

SECTION 1. All sales and conveyances of real estate, made and executed to and by the trustees of the First Baptist church of Wilson,

Sales ratified