

## LAW ENFORCEMENT

### *First of four columns*

A constable is defined by *The American Heritage Dictionary* in part as “A peace officer with less authority and smaller jurisdiction than a sheriff...” Both Perinton and Fairport appointed constables from the very beginning. The first constable in the Perinton-Fairport area was Jonas Sawens, who was appointed constable and collector for Northfield (early name for the Perinton area) in 1796. In 1812, when Perinton was incorporated, Levi Treadwell, Joseph Beal, and Charles Aldrich were appointed constables. When the Village of Fairport was incorporated in 1867, J.C. VanNess was appointed as constable and the Fairport Police Department was born.

The job of constable was in some ways very different from the job of today’s police. They served warrants, took people to jail, and perhaps most importantly, worked as night watchmen on the lookout for fires and other emergencies. In some cases the constable might also have been involved in enforcing the laws regarding the height of and materials used in fences, although Perinton records note that Fence Viewers were appointed for this purpose. Since there were laws regulating when and where one’s livestock could wander, it is possible that the constable was involved in enforcing those regulations as well. In addition, constables might have been on the lookout for Canadian thistles, as it was a crime to allow them to grow on one’s property.

Apparently it was not always easy to attract people to the job of constable. There is evidence in the Town records of people refusing to serve. In fact, the pay was not good and sometimes non-existent, but constables were allowed to keep any fees that they might collect. Evidently the constables were not very active in 1832, because in that year a group of citizens formed the Society for the Detection and Apprehension of Horse Thieves in order to crack down on rampant stealing of horses and mules. The Society remained active for several years. It seems that the sale of stolen horses and mules to canal boat owners was quite a thriving business.

During the course of the 19<sup>th</sup> century the office of police constable became a paid position. The first references to salary indicated that in 1869 a constable could earn 50 cents per day plus fees. In 1874, the night watchman earned \$2 for serving as the Saturday night watchman from 7 p.m. to 5 a.m., and by 1879 a constable was earning \$30 per month, paid from a tax levy, plus fees. By 1897 that amount had been increased to \$40 per month. New responsibilities included additional night duties and the arresting of any person found intoxicated in public. In addition, any dog found to be running at large and not muzzled was to be put down. In 1898 the village of Fairport more clearly defined the duties of the constable to “see that all ordinances of the village are observed, to arrest anyone willfully violating such ordinances, [to] arrest vagrants and any person found intoxicated on the streets.”

The first jail or “cooler” or “lock-up” was set up by the Lock-Up Committee on John Street (Lift Bridge Lane). Dr. James Welch, a life-long Fairport resident, remembered that the jail was a “one-story brick building, about 15x18 feet. It contained three cells with steel bars, and a cot in each cell.” The small anteroom contained a coal stove for heat. Prisoners were only held overnight and their breakfast was provided by the police chief.

Dr. Welch provided another anecdote about the jail and the Cottage Hotel, which was located across the street. One time, some of the village youths decided to “help” an intoxicated prisoner. They attached a hose to one end of a beer keg in the hotel, ran the hose through a window, across the alley, and into the jail window to the thirsty captive. Needless to say, the next morning the prisoner was as intoxicated as he had been when he was arrested.

The present village hall was constructed as the town hall in 1907 and included a “modern lock-up” that served the town of Perinton, the villages of Fairport and East Rochester, the railroad police, and the game wardens. The basement jail area was reached by steep wooden stairs and lighted by two small windows high up on the wall. Two portable steel cells with white enameled bars and fold-down steel bunks stood in the center of the room. They were furnished with blankets, waterproof mattresses, and a slop bucket. Two toilets and a sink were in the next room. The area was heated in the winter, but quite damp in the summer. Since most public jails provided sleeping room for tramps, hoboes, migrants, or other vagrants in the winter or other times when work was scarce, it was not long before the jail space was inadequate. By 1916, the inspectors from the state Commission of Corrections were demanding changes.