

Laws, Joint Resolutions and Memorials

PASSED AT THE TWELFTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA,

BEGUN AND HELD AT OMAHA CITY, N. T.,

JANUARY 10, A.D. 1867.

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and by ordinance prescribe the manner of constructing flues, chimneys, stove-pipes, or other conductors of the smoke or gases from any warming or other fire apparatus in any building within said city, and when such chimneys, flues, pipes or other conductors, from any warming or fire apparatus shall, in the opinion of the fire warden, be in a condition to endanger by fire the property in which the same is situated, or contiguous thereto, the council shall order the same to be put in proper repair or condition, by or at the expense of the owner thereof, or remove the same, and on his or her failure to comply with such order, he or she shall be liable to a fine not exceeding one hundred dollars, to be collected as other penalties under the provisions of this act, and the city marshal of said city shall be *ex officio* fire warden, and shall have the authority to carry out the ordinances of the council in that behalf enacted.

SEC. 25. The city council shall regulate the keeping and sale of gun-powder within the city, and may, in its discretion, fix the rate of license for concerts, circuses, shows, theatres, billiard or bagatelle tables, bowling alleys, butcher shops, peddlers, auctioneers or any legitimate business; provided, that no charge shall be made for exhibitions of a purely scientific character, and that the council shall not license lotteries, gift enterprises, or any business which common report construes to be gambling. The city council shall have exclusive authority to regulate the keeping of and traffic in malt, vinous and spirituous liquors, or may prohibit the same within said city, and said council may impose a license fee not exceeding one thousand dollars per annum, for the manufacture or sale of such liquors, and all license moneys or fines, under this section, shall be paid into the city school fund. No person shall be allowed, under any pretext whatever, to open or keep any place for the sale of intoxicating liquors until he or she shall have first obtained the license therefor prescribed by the city ordinances under this act; and any person charged with violating the provisions of this section, or any ordinance under it, shall be tried by a jury of six freeholders, if the accused shall so demand, before a mayor or a justice of the peace within the city, and if found guilty, he or she shall be fined not less than twenty-five, nor more than one hundred dollars, and from a judgment rendered after such jury trial, there shall be no appeal. The jury provided herein shall be obtained as follows: The mayor or justice shall write in a panel the names of twelve persons, and when the time of trial has arrived, the defendant or his attorney may strike therefrom six names, and the six remaining shall constitute the jury to try the case.

SEC. 26. The city council may make all necessary ordinances in relation to the cleanliness or health of the city; may regulate the system of cartage, drayage, hacks and omnibuses within the city, and may issue licenses therefor, and may prohibit hogs and other animals from running at large within the city.

SEC. 27. The council shall provide by ordinances for the keeping of the public moneys of the city, and the manner of disbursing