

THE
LAWS OF WISCONSIN

PASSED AT THE

ANNUAL SESSION OF THE LEGISLATURE OF 1882.

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

PUBLISHED BY AUTHORITY.

MADISON, WIS.:
DAVID ATWOOD, STATE PRINTER.
1882.

the numbers and amounts of all orders drawn thereon, to whom payable, and for what purpose the same were drawn. It shall also be the duty of the common council to cause its proceedings to be published each month, provided that if said common council shall fail to contract for the publication of such financial statement and council proceedings at such price as said common council shall deem to be reasonable and proper, said common council may at its option, in lieu of the publication of such proceedings and statement cause a written copy of such financial statement to be posted in each voting place at said city during the time the municipal election for such year is being held.

SECTION 18. Section 17 of chapter 10 of said act is amended by adding thereto at the end of such section the following words; provided, that in case the successor of any such officer shall not have been elected or appointed, such delivery shall be made to the city clerk.

Repealed.

SECTION 19. Section 15 of chapter 5 of chapter 195 the laws of 1878, and sections 10 and 11 of chapter 180 of the laws of 1879, amendatory of said act, and all parts of either of said acts conflicting with the provisions of this act are hereby repealed.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

[No. 119, S.]

[Published March 17, 1882.]

CHAPTER 92.

AN ACT to amend, revise and consolidate the charter of the city of Lancaster.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CORPORATE POWERS.

Corporate powers.

SECTION 1. All that district of country in the county of Grant hereinafter described shall be a city by the name of Lancaster, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation, by the name of the city of Lancaster, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; and shall be capable of contracting and being contracted with; su-

ing and being sued ; pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

BOUNDARIES.

SECTION 2. All the territory within Grant county Boundaries. described as follows, to-wit: all of section three, the west half of section two, the north half of section ten, and the northwest quarter of section eleven, of town four north, range three west of the fourth principal meridian, shall be included in and constitute the city of Lancaster.

GOVERNMENT.

SECTION 3. The government of said city and the Government. exercise of its corporate powers and management of its financial, prudential and municipal concerns shall be vested in a mayor and four aldermen, who shall be denominated the common council, and such other officers as are hereinafter provided for. All officers must be residents of said city.

SECTION 4. The elective officers of said city shall Elective officers. be one mayor, four aldermen, one justice of the peace, and one supervisor to represent the city in the county board of supervisors, and shall until otherwise provided be elected by the city at large. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council ; and it shall be the duty of the common council, at its first meeting after the annual election in each year, or as soon thereafter as may be, to appoint a city clerk, a city treasurer, a city marshal, a city attorney, and a street commissioner, and may from time to time appoint such other officers as are hereafter provided for, or as the common council shall ordain. All officers of the corporation, except justices of the peace, unless otherwise provided, shall hold their respective offices for one year, and until their successors are elected or appointed and qualified. Said justice of the peace shall hold his office for the term of two years from and after the first Monday in May succeeding his election. Such justice of the peace shall be chosen at the first election under this act, and biennially thereafter. All other elective officers of said city shall be elected annually.

ELECTIONS.

SECTION 5. The annual election for city officers Elections. shall be held on the third Tuesday in March each year, and at such place in the city as the common council

shall designate, and the polls shall be opened at one o'clock in the afternoon and kept open until sundown of the same day; notice shall be given by the city clerk by publication in some newspaper in said city, or by posting written or printed notices in at least three public places in said city, at least ten days previous to the holding of any election, of the time and place at which the same will be held, and of the officers to be elected thereat.

Electors.

SECTION 6. All qualified electors for state and county officers shall be entitled to vote at any election in said city held in pursuance to this act; provided, that no person shall vote at any such election unless he be an actual resident of the city at the time he offers his vote.

Ballot.

SECTION 7. All elections by the people shall be by ballot, and a plurality shall constitute an election; the vote for all elective officers shall be on one ballot, and shall be deposited in one ballot box. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by lot in the presence of the common council, and at such time and in such manner as it shall direct.

Inspectors of election.

SECTION 8. The common council, or a quorum thereof, shall act as inspectors of such election; and in case of the absence of a quorum of such common council the electors present at the time for the opening of the polls may appoint from the electors a sufficient number to make, with the members of the council present, three inspectors. The city clerk shall be the clerk of such elections, and in his absence the inspectors may appoint a clerk. The inspectors and clerk shall take and subscribe the usual oath as prescribed by the laws of this state for inspectors and clerks of election; and the inspectors shall exercise all the powers and perform all the duties prescribed for inspectors of election by the general statutes. And the elections shall be held and conducted and the votes canvassed in the same manner and under the same penalties as provided by the laws of this state in respect to elections, and returns thereof shall be made by the inspectors in the same manner as is required for returns of the election of town officers; and when completed, shall be delivered to the city clerk to be filed in his office, and the clerk shall, within five days thereafter, give to each person elected a notice of his election, except in cases of persons voting at such election.

Clerk of elections.

SECTION 9. Special elections to fill vacancies or for any other purpose authorized by law, shall be held and conducted in the same manner as is provided for the annual elections, and may be ordered by the common council, or may be called by a request being made to the city clerk in writing, signed by twelve qualified electors of said city, specifying in such request the purpose for which such election is to be held. And in either such case the city clerk shall give notice of such election, specifying particularly the purpose for which the same is to be held, giving at least ten days' notice of the time and place at which such election will be held.

Special elections to fill vacancies.

REMOVALS, RESIGNATIONS AND VACANCIES.

SECTION 10. The common council shall have power to remove, for cause, any officer or agent appointed by them, reasonable notice being first given to such officer or agent, and an opportunity afforded him to make a defense; and the mayor shall have the power to suspend any such officer or agent complained of, until the case be heard and disposed of by the common council, and may fill any vacancy so created for the time being.

Removals.

SECTION 11. Removals of any of the elective officers of said city may be made by the judge of the circuit court for like causes and in the same manner as provided in the general statutes for the removal of town and other officers by circuit judges; provided, that the notice required to be served in such case shall be served upon the officer complained of, not less than ten nor more than thirty days before the time fixed for the hearing.

By whom made.

SECTION 12. The resignation of any officer of said city may be accepted by the common council, and when so accepted such office shall be deemed vacant. Any officer removing from said city, or any officer who shall refuse, for ten days after his election and appointment, to qualify and enter upon the discharge of his duties, shall be deemed to have vacated his office, and such vacancy shall be filled as hereinafter provided. A vacancy in any elective office of said city, may be filled by appointment by the common council, and in any other office shall be filled by appointment. Any person elected or appointed to fill a vacancy shall hold his office for the unexpired term, and until his successor is elected or appointed or qualified.

Resignations.

OFFICERS—QUALIFICATIONS, POWERS AND DUTIES.

Qualifications
and powers of
officers.

SECTION 13. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this state, and file the same with the city clerk. The treasurer, city marshal, street commissioner, and such other officers as the common council may direct, shall, before entering upon the duties of their offices, execute to the city of Lancaster a bond in such sum and with such conditions as the common council shall direct, with two or more sufficient sureties, to be approved by the common council; and the common council may, from time to time, require new and additional bonds from any such officer; and a refusal or neglect to give the same shall be sufficient cause for removing any such officer.

Bonds shall be
filed.

SECTION 14. All official bonds executed to the city of Lancaster, except that of the city clerk, shall be filed and safely kept by the city clerk, and shall be recorded by the clerk in a book provided for that purpose; the bond of the city clerk if any be required, shall be filed with the treasurer. The justice of the peace shall qualify as required by the general laws of the state, except that his official bonds shall be approved by the mayor.

Mayor shall
preside.

SECTION 15. The mayor shall preside over the meetings of the common council, and shall vote in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and when, in his judgment, occasion requires, he may appoint as many temporary special policeman as shall be necessary.

Common coun-
cil shall choose
president.

SECTION 16. The common council shall, at its first meeting for organization after the annual election in each year, or as soon thereafter as may be, choose by ballot from its number a president, who, in the absence of the mayor, shall preside over the meetings of the common council, and in case of the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor, for the time being. In case of the absence of both the mayor and president at any meeting of the

common council, the council may choose from its number a president pro tem, who, for the time being, shall discharge all the duties of the mayor. The president or president pro tem, while presiding over the common council, or performing the duties of mayor, shall be styled the acting mayor, and his acts shall have the same validity and force as if done by the mayor.

CITY CLERK.

SECTION 17. The city clerk shall keep the corporate seal and all the papers and records of the city, and shall attend the meetings of the common council, and keep full minutes of its proceedings and enter the same of record; and shall keep a faithful record of all the doings and votes of the inhabitants of said city, at their annual and other legal meetings. The records kept by the clerk shall be evidence in all legal proceedings, and copies of any ordinance, rule, regulation or by-law of said city, and of any and all books, papers, instruments or documents, and all indorsements thereon, filed and kept in his office, and transcripts from the records in his office, duly certified by him under the corporate seal of the city, shall be evidence in all courts of the contents of the same, in like manner as the originals; and excerpts from any such records or papers, so certified, shall in like manner be evidence of the particular matter to which they relate. The clerk shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep an accurate account thereof in a book provided for that purpose; he shall also keep an accurate account with the treasurer and charge him with all moneys paid into the treasury. He shall draw and countersign all licenses granted by the common council. He shall be the custodian of all election returns, and of the oaths and bonds of such officers as are required to file the same in his office, and immediately upon the election or appointment and qualifying of any officer elected or appointed in said city, he shall certify the same to the clerk of the circuit court of Grant county, under his hand and the corporate seal of said city, and in like manner shall certify to the county clerk of Grant county the election and qualifying of the supervisors that may be elected to represent said city in the county board of supervisors. Such certificates shall be filed by the clerk of the court and county clerk respectively, and shall be evidence of the election and qualifying of such officers. He shall perform such other duties as are incident to his office or

as may be required of him by the common council, or provided for by any statute. He shall receive such compensation for his services as shall be fixed by the common council or as may be agreed upon. The clerk shall have authority to administer oaths and affirmations. Whenever he shall be absent, or from any cause be unable to perform the duties of his office, the common council may appoint a clerk pro tem., who for the time being shall be vested with the powers and duties of the clerk.

Supervisor.

SECTION 18. The supervisor shall represent the city in the county board, and perform the duties required of him by law as a member thereof.

Duties of city attorney.

SECTION 19. The city attorney shall conduct the law business of the corporation, but the council may, when necessary, provide assistance or employ such council as it may deem expedient. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. He shall keep a docket of all cases to which the city may be a party, in any court, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city and shall at all times be open to the inspection of the mayor or any member or committee of the common council. It shall also be the duty of the city attorney when required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances and other instruments in writing necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon for services rendered.

STREET COMMISSIONER.

Duties of street commissioner.

SECTION 20. The street commissioner shall see that all ordinances of the city relating to the obstructing and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers and water-courses in said city, are duly observed and kept. He shall have the general supervision of all work for the making, grading, paving, graveling, planking, repairing and cleaning of streets, sidewalks, bridges, alleys, public grounds, reservoirs, sewers and gutters, whether let by contract or otherwise unless the common council shall otherwise direct. He shall receive such compensation as the common council shall determine, not exceeding two dollars per day for the time actually employed.

CITY SURVEYOR

SECTION 21. The common council may whenever in its opinion it shall be necessary, appoint a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within the city, and the common council shall prescribe his duties and fix his compensation. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be recorded by him in a book provided and kept for that purpose, open to the inspection of all persons interested, and shall be kept by the city clerk.

Duties of city surveyor.

JUSTICE OF THE PEACE.

SECTION 22. The justice of the peace elected under this act shall have the same jurisdiction and powers and perform all the duties of justices of the peace in towns, as provided by the general statutes of this state.

Justice of the peace.

CITY TREASURER.

SECTION 23. The treasurer of said city shall perform all such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in a suitable book to be provided for that purpose and in such manner as the common council shall direct and shall make a report in writing to the common council of the receipts and expenditures and present condition of the treasury as often as the council shall require, and on the second Tuesday in March in each year shall file in the office of the city clerk a statement showing in detail the receipts and disbursements for the preceding year, and the condition of the treasury at the date of the report. He shall receive such compensation for his services as the common council shall by resolution determine.

Duties of city treasurer.

CITY MARSHAL.

SECTION 24. The city marshal shall attend the meetings of the common council when requested and shall perform such duties as shall be prescribed by the common council for the preservation of the peace, and the collection of license moneys and fines, and shall receive such compensation as the common council may determine. He shall possess all the powers of a constable within the city limits and be subject to the same

Duties of city marshal.

liabilities. He shall execute and return all writs and processes to him directed, and when necessary in criminal cases or for the violation of any of the ordinances of the city or the laws of this state may pursue the offender and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace, and cause to be abated all nuisances in said city. He shall apprehend all persons in the act of committing any offense against any law of this state or violating any ordinance of said city, and within reasonable time, bring such persons before competent authority for examination, and for such services he shall receive such fees as are allowed by law to constables for like services. He shall see that all peddlers, hawkers, auctioneers, common showmen and all other exhibitors or other persons pursuing any business or occupation subject to license under the laws of this state and the ordinances of the city are duly licensed, and to prosecute in the name of the city all persons pursuing such business without license or otherwise violating the laws or ordinances in respect thereto and shall see that all ordinances of said city are duly observed and enforced.

PEACE OFFICERS.

Peace officers.

SECTION 25. The mayor, acting mayor, sheriff of Grant county, each and every alderman, justice of the peace, undersheriff and deputy sheriff of Grant county, the city marshal, any policeman or watchman of said city, and each and every constable of the town of Lancaster shall be officers of the peace and may command the peace, and suppress in a summary manner all rioting or disorderly behavior within said city; and, for such purpose, may command the assistance of all bystanders, and, if need be, all citizens; and if any person shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay to said city a sum not less than ten dollars nor more than one hundred dollars. Any peace officer may, and it shall be the duty of the city marshal to arrest, without process, any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity, boisterous or disorderly conduct in the streets or public or business places in said city, or on request of the occupant, on any private premises in said city, or any person in the act of committing any larceny, felony, or breach of the peace, and take such persons forthwith before a justice of the peace in said city or keep

them in confinement until they become sober, or until such time as the justice can reasonably hear and dispose of such offender, and when necessary in the discharge of such duty may call to his assistance any citizen or bystander, and any person refusing to assist when so requested shall be punished as provided in the ordinances of said city.

COMMON COUNCIL.

SECTION 26. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix their compensation; and shall have power to dismiss any officer appointed by them under the provisions of this section, at any time when in its judgment the services of such officer are no longer necessary.

Duties of common council.

SECTION 27. Every person having held any office in said city shall, at the expiration of his term, or upon his resignation or removal from office, on demand, deliver to his successor all the books and papers in his custody as such officer, or any property or thing in any way appertaining to his office; or if he have no successor he shall deliver the same to the city clerk or such other custodian as the common council may appoint; and any such person who shall neglect or refuse for ten days after due demand to comply with the provisions of this section, shall forfeit and pay to the use of the city not less than twenty-five dollars nor more than one hundred dollars, and shall in addition be liable to said city for all damages caused by such neglect or refusal, to be sued for and recovered in a separate action; and such successor or other lawful custodian aforesaid may recover the possession of such books, papers, property and effects in the manner prescribed by the laws of this state.

SECTION 28. A majority of the common council shall constitute a quorum for the transacting of business; and the style of all ordinances shall be: "The common council of the city of Lancaster do ordain as follows:" The common council shall hold stated meetings at such times and places as it shall appoint; and special meetings may be appointed by a resolution passed at any stated meeting, a quorum being present, or may be called by the mayor or any two aldermen by a notice thereof in writing to be served

What constitutes a quorum.

upon each member personally or by a copy left at his usual place of abode, at least six hours before the time of such meeting; but the presence of any member at the meeting without such notice shall be deemed a waiver of notice on his part. The common council shall determine the rules of its own government and proceedings, and shall have power to preserve order, and compel the attendance of members and other officers, when necessary at its meetings, and may adopt such by-laws for its government as it shall deem necessary or expedient. Its meetings shall be open to the public, and its books, papers and records may at all reasonable hours be examined in the presence of the clerk.

POWERS.

Powers of council.

SECTION 29. The common council shall have the management and control of the finances, and of all property of the city, and shall, in addition to all other powers herein vested in the said common council, have full power and authority to make, ordain, enact, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by laws for the government and good order of the city of Lancaster, for the suppression of vice, the prevention of crime, and for the benefit of trade, commerce and health thereof, and for carrying into effect the powers vested in the said common council, as it shall deem expedient; and to declare and impose penalties, fines or forfeitures, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by laws and regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes the common council shall have exclusive power and authority within said city, by ordinance, resolution or by law:

Regulating groceries, grant licenses, etc.

1st. To regulate groceries, taverns, victualing houses, saloons, gardens and all other places within said city where wine, beer or cider, or alcoholic, malt, ardent, spirituous, vinous, fermented or intoxicating liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing houses, or other houses or places for the dealing in, selling or giving away wine, beer or cider, or alcoholic, spirituous, vinous, fermented, malt, ardent or intoxicating liquors, and to regulate and de-

termine the amount to be paid for such licenses, and to restrain or prohibit any person from vending, giving away or dealing in wine, beer or cider, or alcoholic, spirituous, vinous, fermented, malt, ardent or intoxicating liquors unless duly licensed by authority of the common council; provided, that the amount charged for such license shall in no case be less than one hundred and fifty dollars nor more than three hundred dollars per annum, and any license for the sale of such liquors not to be drank on the premises shall not be less than forty dollars, except license to keepers of drug stores, which shall not be less than twenty dollars. Such licenses shall not be granted for a longer term than one year, and shall run from the first day of May; provided, however, that when any such license is applied for and granted after that date, the same may be granted to expire on the first day of May following, on the applicant paying pro rata therefor; and the common council may exercise all such further powers for regulating and restraining the sale of such liquors as are conferred by the general statutes in respect thereto.

2d. To revoke the license of any saloon keeper in said city who shall sell, give away or otherwise dispose of wine, beer, or cider or alcoholic, spirituous, vinous, fermented, malt, ardent or intoxicating liquors, to a minor or to a prohibited person, or to any person on any election day, or on Sunday or on any day after 10 o'clock P. M., or who shall violate any law, regulation or ordinance or who shall permit a minor to play at cards or participate in any other game on his premises.

Licenses to revoke the same.

3d. To license, tax, regulate, suppress or prohibit billiard or other ball tables, pool or bagatelle tables, nine or ten pin alleys, bowling saloons and ball alleys.

License of all kinds.

4th. To license, tax, regulate, suppress and prohibit all exhibitions of common showmen, shows of any and every kind, exhibition of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

5th. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, and to prohibit the playing of any games whatever for drinks or treats of any kind in places where intoxicating drinks are sold, and to order and authorize the seizure and destruction of all implements used for the purpose of gaming.

Prohibit gambling, etc.

- Prevent riot.** 6th. To prevent any riot, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame.
- Cleanse nauseous places.** 7th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.
- Regulate breweries, etc.** 8th. To direct the location and management of, and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit, within the city limits, and the distance of two miles therefrom, distilleries, slaughter houses, establishments for steaming or rendering lard, tallow, offal and such other substances as may or can be rendered, and all establishments or places where any nauseous or unwholesome business may be carried on.
- Encumbering streets.** 9th. To prevent the encumbering of streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, sleds or any other vehicles, boxes, lumber, wood or any other materials or substances whatever.
- Horse racing.** 10th. To prevent horse racing, and immoderate riding or driving in the streets, and to authorize any person to stop any person or persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel all persons to fasten their horses, oxen or other animals attached to vehicles, or otherwise, while standing or remaining in any street, alley or public ground within the city.
- Gunpowder.** 11th. To license, regulate and restrain the keeping, removal, conveying, vending and storage of gunpowder and other explosives, combustible and dangerous materials.
- Bathing and swimming.** 12th. To regulate and determine the time and places of bathing and swimming in the waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.
- Restrain cattle.** 13th. To restrain, regulate or prohibit the running at large of cattle, horses, mules, asses, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings; and also to impose penalties on the owners of any such animals, and to collect the same for a violation of any ordinance in relation thereto.

14th. To prevent the stabling, standing, use or exhibition of any stallion or jack within specified limits in said city. Stallions.

15th. To regulate and license the keeping and to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances. Dogs.

16th. To require the owner or person in charge of any animal dying within the city to remove the same, and to prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or any unwholesome substances of any kind, and on default, to authorize the removal thereof at the expense of such person or persons. Dead animals.

17th. To make and establish public pounds, pumps, wells, cisterns and reservoirs and to regulate the use of the same, and to provide for the erection of water works for the supply of water to the inhabitants of the city, and to prevent the unnecessary waste of water. Public pounds.

18th. To erect lamps and regulate the lighting thereof, and to provide for lighting streets, public grounds and buildings with gas or otherwise. Lighting streets.

19th. To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen, and all others who may pursue like occupations in said city, and to prescribe their compensation. Regulate runners.

20th. To restrain and regulate runners and solicitors for cars, railroads, stages, public houses or other establishments. Solicitors for hotels, etc.

21st. To establish and regulate boards of health, and define their powers and duties. Boards of health.

22d. To provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and exempt burial grounds set apart for public use from taxation. Cemetery grounds.

23d. To erect or establish one or more pest houses, hospitals and dispensaries, and to control and regulate the same. Pest houses.

24th. To regulate, control and prevent the landing or bringing into the city by railroad cars or otherwise of persons sick or infected with contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city, and also to make regulations to prevent the introduction of contagious or infectious diseases into the city, or their

spread therein, and to make quarantine laws and regulations, and to enforce the same within the city and not exceeding two miles beyond the city limits.

Removal of
nuisances.

25th. To abate and remove all nuisances under the ordinances, the laws of the state or at common law, and to punish the authors thereof by penalties, forfeitures, fines and imprisonment, and to define and to declare what shall be deemed nuisances and to authorize and direct the summary abatement thereof.

Public mar-
kets.

26th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Riding on side-
walks.

27th. To prevent all persons riding, driving, or leading any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Shooting off
firearms.

28th. To prevent the shooting or discharging of firearms or firecrackers, squibs or torpedoes, and to prevent the exhibition of fireworks in any situation which may be considered by the common council dangerous to the city or any inhabitant or property therein, or annoying to the citizens thereof.

Punish
vagrants.

29th. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Regulate
butchers.

30th. To regulate and license butchers, butchers' shops and meat markets, and to regulate, license and restrain the sale of any goods, wares, merchandise, game, poultry, fresh meat, vegetables, fish, butter, eggs and other provisions, in the streets and other public grounds of the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Selling hay,
fuel, etc.

31st. To regulate the place and manner of weighing and selling hay, produce and live stock, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

Remove snow,
dirt.

32d. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to

authorize the removal or destruction thereof at the expense of such owner or occupants.

33l. To appoint watchmen and policemen, and to establish and regulate the police of the city, and prescribe their duties. Appoint watchmen, policemen.

34th. To regulate the times, places and manner of holding public auctions and public sales of any kind, and to prescribe license therefor, and to tax, license and regulate auctioneers, distillers, brewers and pawnbrokers; and to tax, license, regulate, restrain or prohibit hawkers and peddlers, gift book stores, gift concerts, and any other gift enterprise. Public auctions.

35th. To protect monuments in the city, and to direct and regulate the planting and preservation of trees in the streets and public grounds. Protect monuments.

36th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

37th. To provide for and regulate the construction of gutters and sewers within said city. Gutters and sewers.

38th. To lay out, open, change, widen or extend streets, lanes, alleys, gutters, sewers, parks, squares or other public grounds, and to grade, pave, improve, repair or discontinue the same or any part thereof, or to establish and open drains, or alter, widen or straighten water courses in the manner provided by this act; and to make, alter, widen, renew or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks, as provided by this act and the ordinances of said city. Lay out and extend parks.

39th. To purchase, build or lease and maintain a watch house or place for the confinement of offenders against the ordinances and by-laws, and for temporary detention of suspected persons. Watch house.

40th. To receive, purchase and hold for the use of the city, any estate, real or personal, to sell and convey the same, and to insure any property of the city against loss or damage by fire, lightning, wind or hail. Purchase real estate.

41st. To levy and provide for the collection of taxes and assessments, audit claims and demands against the city, and direct orders to issue therefor; to refund or remit any tax or special assessment or any part thereof, when satisfied that the same is unjust or illegal. Collection of taxes.

42d. To establish a fire department and to appoint the officers and members thereof, and prescribe and regulate their duties, to provide protection from fire by the purchase of fire engines and all the necessary apparatus for the extinguishment of fires, and by the Establish fire department.

erection or construction of pumps, water mains, cisterns, reservoirs or other water works. To erect engine houses; to compel the inhabitants of the city to aid in the extinguishment of fires and to pull down and raze such buildings in the vicinity of a fire as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits, or limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale; and after reasonable notice to such owner or occupant, and refusal or neglect to him, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in said city; to require the construction of safe places for the deposit of ashes, and prohibit the depositing of the same in other than such places; to regulate the putting up of stove pipes and the construction and cleaning of chimneys; to appoint fire wardens, and to authorize them at all reasonable times to enter into and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition, and generally to establish such reasonable measures for the prevention or extinguishment of fires as may be necessary and proper.

Re-number lots and blocks.

43d. To re-number the lots and blocks of the city or any part thereof, and to cause a revised and consolidated plat of the same to be made and recorded in the office of the register of deeds.

Combustible materials.

44th. To regulate or prohibit the keeping of any lumber yard, hay, straw, or fodder, and the placing, piling, stacking or selling of lumber, hay, straw, fodder, wood or other combustible material within the limits of the city.

Inspection of fire engines.

45th. To provide for the inspection and regulation of stationary steam engines and boilers.

Imprisonment of vagrants.

46th. To authorize the arrest, fine and imprisonment as vagrants, of all persons who, not having visible means to maintain themselves, and without employment, are found idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute or gambling houses, or

who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares, or public places, to beg or receive alms, also keepers, exhibitors or visitors at any gaming table or gambling house, and all persons who go about for the purpose of gaming, or who shall have in their possession any article, implement or thing used for obtaining money under false pretenses, or who shall disturb any concert, theater or other public entertainment, assembly or place where public or private schools are held, either week day or Sunday, or places where religious worship is held.

47th. To regulate or prohibit the carrying or wearing by any person under his clothing or concealed on his person, of any pistol, sling-shot or knuckles, bowie knife, dirk knife, or dirk or dagger or any other dangerous or deadly weapon, and to provide for the confiscation and sale of any such weapons. Carrying firearms.

48th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, which may be necessary or expedient to carry into effect, the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city by any ordinance, regulation, resolution or by-law thereof. Amend and repeal ordinance.

SECTION 30. All laws, ordinances, regulations, resolutions and by-laws shall be passed by the affirmative vote of the common council of said city, and shall be approved by the mayor, and before going into effect shall be published at least once in some newspaper published in said city, or posted in three public places in said city; and within fifteen days thereafter they shall be recorded by the city clerk in a book provided for that purpose; but before any of the said laws, ordinances, regulations, resolutions or by-laws, shall be recorded, the publication thereof shall be proved by the affidavit of the publisher or foreman of such newspaper, or by the affidavit in writing of the officer or person posting the same, which affidavit shall be recorded therewith, and at all times and in all courts and places such record shall be deemed and taken as evidence of the passage and publication or posting of such ordinance, resolution, regulation or by-law. Such record of such law, ordinance, regulation, resolution or by-law or a copy of such record, certified by the city clerk Laws and ordinances.

under the seal of the city, or a newspaper, or any printed book or pamphlet containing the same, purporting to have been published by authority of the common council, shall be *prima facie* evidence of the due passage and publication or posting of such law, ordinance, regulation, resolution or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without the affirmative vote of a majority of the common council elect, which vote shall be taken by ayes and noes and duly entered of record.

Shall not bar
or hinder suits.

SECTION 31. The powers conferred upon the said common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses, or buildings of any kind wherein nitroglycerine, or more than ten pounds of gunpowder or other explosives are deposited, stored or kept at any one time, gambling houses or houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous, fermented, malt, ardent, or intoxicating liquors are sold without the license required therefor within the limits of the city, are hereby declared and shall be deemed public or common nuisances.

Shall examine
and audit ac-
counts.

SECTION 32. On the second Tuesday in March of each year, the common council shall examine, audit and adjust the accounts of all officers of the city, and make a record of all adjustments and settlements, and shall audit and adjust all other claims against the city, and shall cause to be prepared and read at the annual election a true, detailed and itemized statement of the finances of the city, showing the amount in the treasury at the commencement of the year, when and from what sources all moneys paid into the treasury during the preceding year were derived and the whole amount thereof, and when, and to whom, and for what purpose all money paid from the treasury during the same period was paid, and the whole amount thereof, with the balance then in the treasury; which statement shall be recorded in the minute book and filed in the clerk's office, and may be published in a newspaper in the city when ordered by the common council.

AUDITING ACCOUNTS.

Auditing ac-
counts.

SECTION 33. No account or demand against the city shall be paid until it has been audited and allowed, and an order drawn on the treasury therefor. Every

such account shall be made out by items and verified by affidavit indorsed or annexed, that the same is just, true and correct, and no part thereof paid (or if paid in part, except as therein stated). When an account shall have been audited, the clerk shall indorse on each account the word "allowed" or "disallowed" as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed; if disallowed in part only. The minutes of the proceedings of the council shall show to whom and for what purpose every such account was allowed, and the amount. Every such account, allowed in whole or in part, shall, with the affidavit thereto, be filed with the clerk, and those of each year consecutively numbered, and have indorsed the number of the order issued in payment therefor; and the clerk shall take receipts for such orders.

SECTION 34. Neither the common council nor any officer of the city shall issue any time or negotiable order or borrow any money except in the manner and for the purposes expressly declared by statute or this act; but the common council may, in temporary necessity, by unanimous vote of the council, and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one per centum upon the assessed valuation of the property in said city according to the last assessment, and may give orders on the treasury, payable at a future date, therefor, with or without interest; but no such order shall be made payable at a later date than the first day of March following the date of issue of such order; and for the payment of any such order the city tax for the same year or a sufficient amount thereof shall stand irrevocably pledged.

Cannot borrow money without authority.

SURVEYS, AND LAYING OUT STREETS, ALLEYS, ETC.

SECTION 35. The common council is hereby invested with full power and authority to survey, ascertain, establish and determine the lines, boundaries, widths and dimensions of all streets, highways, alleys, lanes and public grounds in said city.

Surveying and laying out of streets.

SECTION 36. The common council of said city may at any time cause to be prepared for the use of said city from the recorded maps and plats of said city and the several additions thereto, an accurate map of said city and of the streets, alleys, lots, blocks and public grounds thereof.

Prepare a map.

SECTION 37. The surveys, landmarks and plats so made and established and recorded shall be conclusive

Shall be recorded.

evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, in all cases in which they shall be drawn into controversy in all courts of this state, and shall be prima facie evidence of the lines and boundaries of all lots and tracts of land owned by individuals.

Establish
grade.

SECTION 38. The common council shall, at such time as it may deem proper, establish the grade of all streets, alleys and sidewalks in said city, and shall cause accurate profiles thereof to be made, which shall be filed with the city clerk.

May widen or
alter water
courses.

SECTION 39. Whenever the common council shall intend to lay out and open, change, widen or extend any street, lane, alley, public grounds, square or other place, or to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water courses within the city, and it shall be necessary to take private property therefor, it shall cause an accurate survey and plat thereof to be made and filed with the clerk, and it may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the city for such use in fee, if a suitable agreement can be made with such owners, but otherwise it shall by resolution declare its purpose to take the same, and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by each distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, hour and place when and where it will apply to the county judge, or to a justice of the peace, residing in said city, for a jury to condemn and appraise the same.

Clerk shall
make a notice.

SECTION 40. It shall thereupon cause to be made by the clerk a notice of the adoption of such resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the judge or justice named, for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served one week before the time fixed therein for such application, by the marshal or any constable, or the sheriff of the county, on the owner of each such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evi-

dence of the facts therein stated. If the notice cannot be given as to all the parcels, then the same shall also be published once in each week, for three successive weeks, in a newspaper published in said city, and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. If any person so served with notice be a minor or of unsound mind, the judge or justice before proceeding shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

SECTION 41. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice, as provided in the preceding section, shall be filed with the judge or justice, who shall thereupon make a list of twenty-four competent jurors, not interested; but no person shall be disqualified by reason of residence in the city. Such judge or justice shall hear and decide any challenges for cause or favor, made to any one, and if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under the direction of such magistrate, each party, the common council or its representatives on the one side, and the owners of the lands or their agents present, or if none be present, or they disagree, or refuse to act, a disinterested person appointed by the judge or justice on the other, shall challenge six names, one at a time, alternately, the common council or its representative beginning. To the twelve jurors remaining, such judge or justice shall issue a precept requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn to serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the marshal or any constable or the sheriff at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy thereof at his usual place of abode, in the presence of a member of his family.

Mode of procedure.

SECTION 42. The jurors summoned shall appear at the time and place named; and if any be excused by the judge or justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The magis-

When the jurors shall appear.

trate shall then administer to them an oath that they will well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury shall view
the lands.

SECTION 43. Under the direction of such magistrate the jury shall view the lands to be taken, and shall there sit before him to hear such competent evidence as shall be produced by any party; and for such purpose such magistrate shall possess the same powers as a court in session, with a jury, and if there be necessity may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by them, in which it shall find whether it be necessary to take such lands, or any part thereof, for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damages of each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof; in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the assent of the jury, and it shall be thereupon discharged, and its verdict filed with the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected, summoned and sworn, and shall proceed in the same manner.

Appeal may be
taken in ten
days.

SECTION 44. Within ten days after such verdict, any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, and the city may likewise appeal from the award of damages to any owner, by filing with such magistrate or county judge, a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part what part thereof, and therewith an undertaking with two sufficient sureties to be approved by the magistrate or county judge, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for his return thereof, together with one dollar for state tax. Any party not so appealing shall be forever concluded by such verdict or appraise-

ment. Upon an appeal being taken, the magistrate or county judge shall transmit to the clerk of the circuit court within ten days, the notice of appeal and undertaking, and thereto annexed a copy of all papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers, including the verdict, with the copy of any docket entries made by him of the proceedings, with a certificate by him thereof, and that no appeal has been taken, except as the facts are, which he shall briefly specify, and the clerk shall file such papers and record such proceedings.

SECTION 45. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury, unless waived by the parties; and costs shall be awarded against the appellant, if a more favorable verdict be not obtained; otherwise against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Appeal shall be considered an action.

SECTION 46. If the verdict of the jury first found, find it necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out, changing, widening or extending and opening any such street, lane, alley, public ground, square, or other public place, or constructing and opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such water course, but shall not enter upon any such land therefor, until the owner be paid in full the damages awarded him by such verdict or appraisalment, or such damages be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him be deposited with the clerk, to permanently remain subject to his order. At any time before causing any such land to be actually taken, or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when they recover costs in the circuit court.

Owner to be paid damages in full.

Council may
levy any part
of expenses as
tax.

SECTION 47. For the purpose of paying the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the common council may by resolution levy and assess the whole or any part of such expenses as a tax upon such property as it shall determine is especially benefited thereby, making therein a list of such property, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and clerk shall be published once in each week for two weeks in a newspaper printed in said city, or three copies thereof shall be posted by the clerk in three public places in the city, and a notice therewith, that at a certain time therein stated the common council will meet at its usual place of meeting, and hear all objections which may be made to such assessment or any part thereof. At the time so fixed, the common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, not more than three days, and may by resolution modify such assessment in whole or in part, at any time before the first day of November next thereafter, and party liable may pay any such tax to the city treasurer. On such first day of November, if any such tax remains unpaid, the clerk shall certify a copy of such resolution to the town clerk of the town of Lancaster, with a certificate to the city treasurer annexed, showing what taxes thereby levied remain unpaid; and the town clerk shall put the same, with five per centum thereon additional, upon the tax roll, in addition to and as part of all other city taxes therein levied on such land, to be collected therewith.

May discontinue street on
petition.

SECTION 48. Upon the petition in writing of all the owners of lots or land on any street or alley in the city, and not otherwise, the common council, in its discretion, may discontinue such street or alley, or any part thereof. At least two weeks before acting on such petition, the common council shall cause a written or printed notice to be posted in three public places in the city, stating when and where it will meet to decide upon such petition, and what street or alley or part thereof is proposed to be vacated.

IMPROVEMENTS.

Improvements.

SECTION 49. The common council may cause any street or any part of any street, to be graded, paved,

macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor, in writing, signed by at least one-third of all the private owners of real estate bounding both sides, and of the private owners of at least one-third the frontage of such street or part of street to be improved; or order any sidewalk or gutter on one side of a street to be built, on the petition of one third of such private owners, and the private owners of at least one-third the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair or rebuilt when necessary, without petition. For the purpose of so improving any street or building or repairing any sidewalk or gutter, the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof, where only such sidewalk or gutter is to be built, and upon the owners thereof, a tax sufficient to pay not exceeding one-fourth of the expense of constructing such improvement, as ordered, opposite such property to the center of the street, the remainder shall be paid from the city treasury, and the common council shall have authority to levy a sufficient tax to pay the same. Every such tax for repair or rebuilding shall be for the entire cost of repairs or rebuilding in front of the property so assessed. If any tax levied under this section prove insufficient to pay the cost or the proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency.

SECTION 50. Whenever the common council shall levy any such tax as specified in the preceding section, it shall make out and deliver to the city treasurer a list of the persons and a description of the property taxed, together with a warrant signed by the mayor and countersigned by the clerk, for the collection of said tax, and thereupon the city treasurer shall notify the persons named in such tax list personally, or in case of non-residents or persons not found, by publishing a notice two weeks in some newspaper published in said city, or by posting up notices in three or more public places in said city, and shall specify in such notice a time or times not less than twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list shall pay such taxes to said treasurer, who shall keep an accurate and separate account, to be furnished at any time, when required, for the inspection of the common council, of moneys re-

A list of persons taxable should be delivered to treasurer.

ceived and paid out under such warrant, and the names of persons receiving and paying the same. The expenditure of money so collected shall be under the direction of the common council.

Length of
notice and pro-
cedure after no-
tice.

SECTION 51. At the expiration of forty days from the date of said notice given by the city treasurer, he shall make out and deliver to the clerk of the town in which said city is situated, a certified list of the lots, pieces or tracts of land in said city upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of said lots or parcels of land; and if such list be returned to said town clerk before the completion of the tax roll of said town for the same year, the said clerk shall add said delinquent taxes to said tax roll, opposite to the description of the proper lots, pieces or parcels of land therein; and the said delinquent taxes shall be collected with and in the same manner as the town taxes. If such list shall be returned to the town clerk after the completion of the tax roll and before the town treasurer's return of delinquent taxes, he shall deliver said list to said treasurer, who shall collect the same with the other taxes in said city, and what remains uncollected of said taxes to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces or parcels of land aforesaid for such delinquent taxes; and all proceedings in relation thereto shall be the same in all respects as in the case of lands sold for other delinquent taxes. Every town treasurer or county treasurer who shall collect or receive any moneys on account of such delinquent taxes shall pay the same to the treasurer of said city, and take duplicate receipt's therefor, and file one of said receipts with the clerk of his town or county.

Work done at
expense of city.

SECTION 52. Whenever any lot or tract or parcel of ground shall have been returned delinquent for any such tax, as hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax, when collected.

Repairing side-
walks and gut-
ters.

SECTION 53. Whenever the public convenience or safety shall require any sidewalk or gutter, in case of injury or defect, to be immediately repaired, and the cost of repair will not exceed ten dollars, the street commissioner may give written notice to the parties subject to tax for the repairs thereof, if known and residing in said city, and if unknown and not residents thereof, then may post written notices in three or more public places in said city, that unless such side-

walk or gutter therein to be specified, be repaired to the satisfaction of the street commissioner, within three days thereafter, he will repair the same at the expense of the property; and if the same be not in such time repaired, such commissioner shall so repair, and the cost shall be returned as a delinquent tax on such property, and the same shall be collected as other delinquent assessments, as hereinbefore provided.

HIGHWAY TAXES.

SECTION 54. The said city shall constitute one Highway taxes. road district of the town of Lancaster, which shall be under the control of the common council, which shall possess all the powers and be subject to the liabilities as commissioners of highways in the several towns of this state. The street commissioner shall be ex-officio the overseer of highways in said district, and shall possess all the powers, discharge the duties, and be subject to the liabilities of an overseer of highways therein; and no other overseer of highways shall be elected for said district. The common council shall, on or before the first Monday in May in each year, assess the highway tax in said city for the ensuing year, and shall assess the same at not less than one nor more than seven mills on the dollar valuation of real and personal property in said city.

SECTION 55. The city clerk shall within three days Duties of the city clerk in certain cases. after the passage of an order or resolution by the common council, assessing the highway tax in said city, make and file with the town clerk of the town of Lancaster a certified copy thereof, and thereupon it shall be the duty of the said town clerk to make out a tax list for said city, in the same manner as he is required to make such lists for the other road districts in said town, except that the amount thereof shall be as determined by the common council, as certified to him as aforesaid, without regard to the amount determined by the supervisors of said town for the other road districts therein; and when such list is completed, it shall be the duty of the supervisors of said town to annex thereto the usual warrant directed to the street commissioner of the city of Lancaster, and cause the same to be delivered to the street commissioner as soon thereafter as may be, not later than the third Monday in May, of the same year, and such taxes shall be expended under the direction of the common council wherever upon the streets and highways of said city, in its opinion, the same

shall be needed; provided, however, that the common council may by special order, allow or direct that such portion of the highway taxes assessed or collected as herein provided, not exceeding one third part thereof, be expended without the limits of said city, on any public highway leading therefrom. And of any appropriations made at any annual or special town meeting in the town of Lancaster for highways and bridges in said town, a just proportion shall be expended when necessary upon the highways and bridges of said town, situate within said city, and shall be so expended under the direction of the common council of said city, and the supervisors of said town may from time to time appropriate a reasonable sum therefrom for the necessary repairs of highways and bridges within said city, and cause the same to be paid into the city treasury to be so expended under the direction of the common council.

Provision for
outstanding
debts, etc.

SECTION 56. The common council shall have power, and it is hereby made its duty, in each year to levy and assess upon the taxable property in said city, such sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the city, if any, and its expenses for the current year, after applying the money derived from all other sources to such purpose, and no more; provided, that the tax for city expenses, exclusive of highway taxes and the money derived from all other sources, shall not exceed the sum of two thousand dollars in any one year. All resolutions or ordinances for the purpose of levying any tax shall require for their passage an affirmative vote of two-thirds of all the members elect of the common council, which vote shall be taken by ayes and nays and entered of record.

Levying taxes.

SECTION 57. All taxes levied and collected in said city for the purposes mentioned in the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of said city, as taxes for town, county and state purposes are levied and assessed.

Common council shall meet to determine amount of taxes to be raised.

SECTION 58. The common council of said city shall, on or before the first Monday of November in each year, by resolution to be entered on its records, determine the amount of such city taxes to be levied and assessed on the taxable property within the corporate limits of the city for the current year. And the city clerk shall thereupon on or before the third Monday of the same month of November in each year,

deliver to the town clerk of the town of Lancaster, in which said city is situated, a certified copy, under his hand and name, and the corporate seal of said city, of all resolutions of said common council determining the amount of taxes to be levied and assessed for the current year, together with a concise description of all unpaid certificates of indebtedness for special assessments provided for in this act, which may or shall be on file in his office at the date of his said certificate. Said certificate shall contain a description of the lots, pieces or parcels of land chargeable therewith.

SECTION 59. The town clerk of the town in which said city is situated shall assess, apportion and carry out said city taxes pro rata according to the dollar valuation upon all the real and personal property liable therefor, in a column in the tax and assessment roll of his town next thereafter issued and delivered to the town treasurer of his town for collection in the same manner as he shall assess, apportion and carry out town, county and state taxes; and if for any reason such city taxes shall not be assessed, apportioned and carried out in said next assessment and tax roll as herein provided, it shall and may be assessed, apportioned, carried out and collected in that of any succeeding year. The said town clerk shall assess and carry out, in a separate column in the tax and assessment roll of his town in each year as aforesaid, all amounts so as aforesaid returned in each year by said city clerk as remaining unpaid for special assessments at the date of said certificate of said city clerk, opposite each lot, tract, piece or parcel of land properly chargeable therewith. The said city taxes and special assessments shall be in all respects collected or returned delinquent, in the same manner as town, county and state taxes are collected by law, and when collected shall be paid over by any officer collecting or receiving the same to the treasurer of said city. Any officer or other person who shall neglect or refuse, on demand, to pay over any such city taxes or special assessments, when collected or received by him in any manner, to the said city treasurer, shall be liable to an action therefor, with twenty per cent. damages to be added thereto, to be sued for and recovered in the corporate name of said city, both against such defaulting officer or other person and his sureties.

How town clerk shall proceed in tax matters.

SECTION 60. The town assessor of the town of Lancaster, in which said city is situated, in assessing the taxable property in his town in each year, shall assess

Duty of assessor.

the taxable property, real and personal, within the corporate limits of the said city, in one continuous part of his assessment roll, and foot up the valuation of all items of property assessed and valued by him within said limits.

Taxes to remain a lien on property.

SECTION 61. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they are assessed from the time of the levy of the same, and on all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof until such tax is paid, and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property. All the general laws of this state which now or may hereafter be in force relative to the assessment and collection of taxes shall be in force in said city, as well as in regard to the special taxes and assessments herein provided for as to general taxes.

Only directory.

SECTION 62. All directions hereby given for the assessing of and levying and collecting of taxes and special assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same not affecting the substantial justice of the tax itself shall vitiate or in any wise affect the validity of the tax or assessment.

COLLECTION OF FINES AND FORFEITURES.

Fines and forfeitures.

SECTION 63. All fines, forfeitures and penalties imposed by any ordinance, resolution or by-law of said city, may be sued for and recovered in a civil action in the name of the city, without being required to give security for costs before any justice of the peace of Grant county, residing in said city; such action may be commenced either by summons or warrant and shall be prosecuted in the same manner as actions for tort before justices of the peace, and like process may be used and like proceedings shall be had as in other civil actions, and appeals may be taken to the circuit court in the same manner as from judgments in civil actions by justices of the peace, except that if taken by the defendant, he shall, as a part thereof, execute a bond to the city, with surety to be approved by the justice, conditioned that if judgment be affirmed in whole or in part, he will pay the same, and all costs and damages awarded against him on such appeal; and in case such

judgment shall be affirmed in whole or in part, execution may issue against both the defendant and his surety; and if the defendant be in custody, he shall be discharged upon the perfecting of such appeal.

SECTION 64. In all cases mentioned in the next preceding section, it shall be sufficient if the complaint allege that the defendant is indebted to the plaintiff in the amount of the fine, penalty or forfeiture sued for, claiming the highest sum thereof, according to the provisions of such ordinance, resolution or by-law, specifying the same by section, chapter, title or otherwise, with sufficient plainness to identify the same, with a demand for judgment for the amount thereof, and if the action be commenced by warrant, the affidavit for such warrant shall be the complaint in the action.

What complaint may allege.

SECTION 65. Judgment shall be given, if for the plaintiff, for the amount of fine, penalty or forfeiture fixed by such ordinance, resolution or by-law, or such part thereof, if a discretion be given, as the court shall deem proportionate to the offense, together with the cost of suit, and the court shall award execution according to the provisions of this act, and a plea of guilty shall be sufficient upon which to found a judgment.

Judgment.

SECTION 66. In all cases in relation to which, by the provisions of this act, the common council has power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding fifty dollars besides the costs of prosecution for any one offence in violation or non-observance thereof; and may also provide that in default of payment of any judgment, rendered for such violation or non-observance, the offender may be imprisoned for such term as it may by such ordinance, by-law, rule, regulation or resolution direct, not exceeding thirty days, for which purpose the said city shall have the use of the jail of the county in which the city is situated, for the imprisonment of any person liable to be imprisoned, and any prisoner so committed shall be under the charge of the sheriff of said county.

May prosecute penalties.

SECTION 67. Every execution issued upon a judgment for any violation of the provisions of this act, or for the violation or non-observance of any ordinance, by-law, rule, regulation or resolution of said city, shall contain a clause directing that for want of goods and chattels (excepting such as the law exempts) to satisfy

the same, in the event of the non-payment of the judgment or any part thereof, the imprisonment of the defendant, in the said county jail, for such term as shall have been provided by this act, or the ordinance, rule, by-law, regulation, or resolution under which the judgment shall have been rendered, or in the absence of such provision, for any term not exceeding thirty days, in the discretion of the court, unless such fine or forfeiture and all costs be sooner paid.

Fines, &c., to whom paid.

SECTION 68. All such fines, penalties and forfeitures and all license moneys when collected shall be paid to the city treasurer for the use of the city.

Report of appeal.

SECTION 69. In all actions brought by or in the name of the city, or against it, the city shall have the same right of appeal, or to a writ of certiorari or of error, as individuals have, and in no case shall any judgment be rendered against the city for costs, but it shall be liable for costs in the same manner and to the same extent that the county is liable for costs in criminal cases, and no more.

GENERAL PROVISIONS.

General provisions.

SECTION 70. Whenever any suit or action shall be commenced against the city the process shall be served in the same manner as is provided in the general statutes for the service of process against cities, and the officer or officers so served shall immediately give notice thereof to the common council.

Property of the city exempt.

SECTION 71. No real or personal property of the city or any of its inhabitants, or of any individual or corporation therein, shall be levied on and sold by virtue of any executions issued to satisfy any judgment against said city.

Insufficiencies in sidewalks.

SECTION 72. Neither the said city nor any officer within said city shall be liable for any damage that may happen by reason of any defect or insufficiency in any sidewalk, street, highway or bridge in said city, unless the street commissioner shall have first had actual notice of such defect or insufficiency and reasonable time thereafter to repair the same or place the same in good order.

No action in tort shall lie.

SECTION 73. No action in tort shall lie or be maintained against the city of Lancaster unless a statement in writing, signed by the person injured, or claiming to be injured, of the wrong and time, place and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occurring or happening of the tort alleged.

SECTION 74. Action in tort for injury to the person shall not lie or be maintained against said city unless through notice and permission by the person claiming injury, the mayor or common council has been enabled, by a physician of his or their appointment, to make personal examination of the alleged injury within one week after the time of its infliction, and until the amount of damages is adjusted such examination may be repeated as often as required by the mayor or common council.

Unless through notice and permission.

SECTION 75. No action shall hereafter be maintained by any person against the city of Lancaster upon any claim or demand, other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

No action maintained unless claim has been presented.

SECTION 76. If any claim be disallowed by the common council, suit thereon must be commenced within ninety days from the time of such disallowance; otherwise action shall not thereafter be maintained on such claim, unless by consent of the common council.

Claims disallowed.

SECTION 77. Whenever an exemplified copy of any final judgment rendered by any court of this state against said city, together with an affidavit of the judgment creditor, his assignee, agent or attorney, stating that such judgment has not been reversed, appealed from or removed to any other court, or paid or satisfied in whole or in part, shall be filed in the office of the clerk of said city, the clerk shall give notice to the common council, which may cause the same to be paid out of any moneys in the city treasury not otherwise appropriated; but if such judgment be not paid by the time the clerk is required to certify to the town clerk the city taxes to be levied and collected upon the next tax roll of the town, as provided by this act, the city clerk shall calculate the interest on such judgment, and all costs and lawful charges thereon from the date of the judgment to the time when the warrant for the collection of such taxes will expire, and certify the same to the said town clerk with the other city taxes, and the same shall be placed on the next tax roll of the town, and collected and returned in the same manner as other city taxes, and shall be paid to the party entitled thereto.

Judgments.

SECTION 78. No person shall be incompetent to serve as a judge, justice, or juror in any proceeding or action in which the city is interested by reason of his being an inhabitant of said city.

Not to work in competency.

SECTION 79. All ordinances, by-laws, rules and

regulations now in force in said city, not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council.

SECTION 80. No general law of this state, contravening the provisions of this act, shall be considered or construed as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Repeal.

SECTION 81. All acts and parts of acts inconsistent or conflicting with the provisions of this act, are hereby repealed. But the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, act, suit, claim, penalty, forfeiture or demand that may have been entered into, performed, commenced or may exist under or by virtue of, or in pursuance of the said acts or parts of acts, or any of them; but the same shall exist, be prosecuted and enforced and carried out, as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 82. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state, and shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

[No. 147, A.]

[Published March 18, 1882.]

CHAPTER 93.

AN ACT to authorize Chris. Leonhardt to build and maintain a pier in the waters of Sturgeon Bay, Door county, state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build a pier.

SECTION 1. Chris. Leonhardt, his heirs and assigns, are hereby authorized to build and maintain a pier in the waters of Sturgeon Bay, extending from the fractional northeast quarter of the northeast quarter of fractional seven (7), in township number twenty-seven (27) north, of range number twenty-six (26) east opposite to and southwesterly of block, number four, (4) in the "town plat of Graham," on lands owned by him or lands to which he may obtain the right to occupy for such purpose, in Door county, state of Wisconsin; providing said pier does not extend into the