

empowered to construct and maintain a railroad bridge across the Mississippi river, and its several channels in this state, at or near Red Wing, in the state of Minnesota; and for that purpose, as well as for the purpose of running cars and engines upon and over the same, may exercise all the corporate powers vested in said company by its charter: *provided*, said bridge shall be built in conformity with the provisions of the act of congress, passed in reference thereto, approved June tenth, 1872.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 148.

[*Published March 15, 1873.*]

AN ACT to incorporate the city of Boscobel.

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

CHAPTER 1.

Shall be a municipal corporation, and its powers.

SECTION 1. All the district of country in the county of Grant contained within the boundaries hereinafter described shall be a city by the name of "Boscobel," and the people now inhabitants, and those who shall hereafter inhabit said district, shall be a municipal corporation, the name of which shall be the "city of Boscobel." Said corporation shall have the general powers possessed by municipal corporations at common law, and in addition thereto, the powers hereinafter specifically granted, and the authority thereof; shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts; and shall have a common seal, and may change the same at pleasure.

Territorial limits.

SECTION 2. The territory included within the following boundaries shall constitute said city of Boscobel, to wit: All of section twenty-two (22) that lies in Grant county, the west half of section twenty-six (26), all of the east half of section twenty-seven (27) which lies in Grant county, the northeast quarter of section

thirty-four (34), and the northwest quarter of section thirty-five (35), and the northwest quarter of the southeast quarter of section twenty-six (26), all in town eight (8) north, of range three (3) west, shall hereafter be known and designated as the city of Boscobel.

SECTION 3. The said city shall be divided into four wards, the boundaries of which shall be as follows, to wit: First ward, that portion of said city lying and being east of Wisconsin avenue and north of Oak street; second ward, that portion of said city lying and being east of Wisconsin avenue and south of Oak street; third ward, that portion of said city lying and being west of Wisconsin avenue and north of Oak street; fourth ward, that portion of said city lying and being west of Wisconsin avenue and south of Oak street.

Ward boundaries.

OFFICERS.

SECTION 4. The officers of said city shall consist of one mayor, four aldermen, one clerk, one assessor, one treasurer, two justices of the peace, one constable, who shall be ex-officio marshal of said city, and such other officers as the mayor, by and with the consent of the aldermen, shall ordain; said officers shall be elected by the qualified voters of the said city, except as hereinafter provided, on the third Monday in April in each year, and shall hold their respective offices for one year, and until their successors are elected and qualified, except the said justices of the peace, who shall be elected every two years, and shall hold their said office for the term of two years; one of said aldermen shall be elected from each ward named in section three of this act.

City officers—their election and term of office.

ELECTIONS AND VACANCIES.

SECTION 5. The clerk shall give at least ten days' notice of the time and place of holding an election, and the mayor and aldermen, or any two of them, shall preside at every such election; and any vacancy in the office of mayor or other elective officer shall be filled by special election: *provided*, that when any vacancy occurs in the office of any alderman, the same shall be filled by a qualified elector and resident of the ward in which such vacancy occurs, and in the manner provided in this act. All other officers shall be appointed by the mayor and aldermen, and shall hold their offices during the term for which such mayor and aldermen are elected, and until their successors are

Notice of elections.

Appointive officers.

Qualifications of voters, and appointment of inspectors. appointed and qualified, and shall be subject to removal by said mayor and aldermen. All persons qualified to vote in said city for member of the state assembly, and who are residents of said city at the time such vote is offered shall be legal voters for corporation officers. The voters present at any election may appoint three voters to act as judges of election, in case there shall not be a quorum of aldermen present to conduct the election.

When polls to be open. SECTION 6. At all elections held under this act, the polls shall be opened at one o'clock in the afternoon, and shall continue open until five o'clock in the afternoon of the same day; and the election shall be by ballot, conducted in the same manner, as far as may be, as elections for members of assembly, and a plurality of votes shall in all cases decide the election.

Non-election not to dissolve corporation. SECTION 7. In case such officers or any of them shall not be elected as herein provided, the corporation shall not thereby be dissolved, but special election for the election of mayor and of aldermen may be held as herein provided for annual elections, and in case there shall be no officer to give notice thereof, then such notice may be given by any ten freehold voters of said city, as herein provided for annual elections.

Officers shall take oath. SECTION 8. Every officer elected or appointed under this act, before he enters upon the duties of his office, and within ten days after his appointment or election, shall take an oath faithfully to discharge the duties of his office, and to support the constitution of the United States and of this state and the laws thereof.

Certain officers to give bonds. SECTION 9. The treasurer and constable and such other officers as the common council may direct, before they enter upon the duties of their offices, shall severally give bonds to the said city in such sum, with such conditions and with [such] sureties as the said city council or a majority of them shall direct. The mayor shall preside at all meetings of the aldermen, sign all commissions, licenses and permits which may be granted by the aldermen. He shall maintain peace and good order, and see that the ordinances of the city are observed and executed, and when presiding at any meeting of the aldermen, shall have a casting vote when the votes of the members are equal.

Time and place of meeting of council. SECTION 10. The mayor and aldermen shall prescribe the time and fix the place of their meetings, which shall at all times be open to the public, and shall determine the rule of their proceedings, and keep a journal thereof, which shall be open for the inspection of every respectable citizen at all reasonable times

and hours, and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

SECTION 11. The marshal shall possess all the powers and enjoy all the rights of a constable, of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, by the police justice or other judicial officer; and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance of said city, or by-law, rule, regulation or resolution thereof, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice, in any part of the state of Wisconsin; to apprehend any person in the act of committing any offense against the provisions of this act, or of the laws of this state, or the ordinances, by-laws, rules and regulations of the city, and forthwith to bring such persons before competent authority for examination; and for such and other similar services, he shall receive like fees as allowed to constables for like services. It shall be the duty of the marshal to see that all peddlers, hawkers and common showmen and all other exhibitors, pay their licenses according to law and this act and the ordinances of the city, and in default of payment, to prosecute for the same, in the corporate name of the city, and pay over the same to the treasurer when received by him.

Powers and duties of the marshal.

SECTION 12. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said city, and by law. All moneys raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid to and received by him, and shall not be drawn therefrom except by a written order signed by the mayor, and countersigned by the clerk by order of council. Such order shall specify the amount of money to be drawn, and its object. He shall keep a just and accurate account of all moneys

Powers and duties of the treasurer.

and other things coming into his hands as treasurer, in a book to be provided by the city for that purpose, which shall remain the property of the city, wherein he shall note the time when, the person from whom the amount of the several sums received, and the source from whence the said sums arose, which said book, at all reasonable times, shall be open to the inspection of the electors of the city. He shall, as often as the council require, render to said council a minute account of his receipts and payments, and at the expiration of his term of office, he shall pay over and deliver to his successor in office, all moneys, books and vouchers in his possession belonging to said city.

Powers and duties of the clerk.

SECTION 13. It shall be the duty of the clerk to keep a record of the doings of the council, especially of the passing of by-laws, ordinances, rules, resolutions and regulations, and also a faithful record of all the doings and votes of the inhabitants of said city, at their annual and other legal meetings, and to keep on file all papers which may be ordered by the council. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the record of the proceedings of the council certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall keep the corporate seal of the said city. He shall keep a full and accurate account of all orders drawn on the treasurer, in a book provided for that purpose, and shall keep all accounts of the city with individuals, and shall also keep an accurate account with the treasurer, and charge him with all taxes levied, and the sums of money paid into the treasury; and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk, before they shall be a legal voucher against the city. The clerk shall have power to administer oaths.

Other and further duties may be required.

SECTION 14. The mayor and 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 to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

SECTION 15. If any person, having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office, all property, moneys, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. Any such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Shall deliver over books, papers, etc., to successors.

SECTION 16. The style of all ordinances passed by the mayor and common council shall be: "the mayor and common council of the city of Boscobel do ordain as follows." The mayor and council shall constitute a quorum for the transaction of any business, and in the absence of the mayor, the members of the common council present shall elect one of their number mayor *pro tem.*, who, for the time being, shall possess all the powers of the mayor.

Style of ordinances.

Mayor pro tem.

SECTION 17. The mayor and common council shall have the exclusive authority, within the corporate limits of the said city, to grant according to law or ordinance or both, licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks, regulate and license groceries, taverns, hotels, victualing houses and saloons, and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same, and no person shall sell, vend, deal in or for the purpose of evading the provisions of law or of this act or the ordinances of said city, give away any such wine, beer, cider or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors or drinks, within such corporate limits, without having first obtained license thereof as provided by this act, the laws of this state and the ordinances of said city; and any person who shall, in any manner, violate any of the provisions of this section, or the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided by the laws of this state and the ordinances of said city on this subject, and all such offenses shall be prosecuted as provided by such laws and ordinances. All money received for such licenses shall be paid to the treasurer of said city for its use: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state or the ordinances of said city, and that no license shall be granted for a less time than

Power to grant licenses.

Disposal of license money, and the amount to be charged.

Not to give
away liquors.

The proof nec-
essary to a con-
viction.

Prohibition of
slaughter
houses.

Special powers
vested in the
council.

one year; *and provided further*, that no person thus licensed, without being so licensed, shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks on election day or on Sunday. In all prosecutions for any violation of this section or of the laws or ordinances herein referred to, it shall be sufficient to allege, in general terms, the selling, vending, dealing in or giving away without such license of such inhibited liquors, liquids or drinks, and the proof on the trial, of such selling, vending, dealing in or giving away to any person, of any one of such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction, on proof that the person charged kept a bar, sideboard or other thing or fixture with bar furniture usually used by persons vending or dealing in such inhibited liquors, liquids or drinks shall be *prima facie* evidence sufficient to warrant and sustain a conviction, as proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence sufficient to warrant and sustain a conviction for any such violation.

SECTION 18. No person shall keep a slaughter-house, yard or pen, or occupy any open ground for slaughtering purposes within the corporate limits of said city, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of said mayor and common council entered of record; and any person who shall violate this section shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of twenty dollars, with costs of prosecution, and shall also in addition thereto, be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine and imprisonment. All such places are hereby declared to be "common nuisances," and shall be abated as provided by law and the ordinances of said city.

SECTION 19. The mayor and common council shall have the control and management of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, 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, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient,

declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions or by-laws; and such ordinances, rules, regulations, resolutions or by-laws are hereby declared to be and have the power and force of law: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes they shall have power and authority, by ordinances, resolutions, by-laws, regulations or rules,

SHOWS.

1st. To license and regulate the exhibition of com- License shows.
mon showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, and to provide for the abatement of all nuisances, under the ordinances or at common law; to restrain, prohibit or license billiard tables, ten-pin or other ball alleys, or the setting up or playing on the same in said city.

GAMING.

2d. To restrain and prohibit all descriptions of gam- Restrain gam-
ing.
ing and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous intoxicating, alcoholic, malt, mixed, fermented or vinous liquors, unless duly licensed by them.

RIOTS, ETC.

3d. To prevent any riots, noises, disturbances or dis- Prevent riots.
orderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for purpose of gaming.

NUISANCES.

4th. To compel the owner or occupant of any gro- Abate nuisan-
ces.
cery, cellar, tallow-chandler's shop, soap factory, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

SLAUGHTER HOUSES, AND GUNPOWDER

5th. To direct the location and management of Location of
slaughter
houses.
slaughter houses and to prevent the erection, use and occupation of the same, and to establish rates for and

license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible material.

INCUMBERING STREETS, ETC.

Encumbering streets.

6th. To prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, fire-wood or other materials or substances whatever.

HORSE RACING.

Horse racing.

7th. To prevent horse racing, immoderate riding or driving in the streets.

RESTRAINING HORSES, ETC.

Running at large of cattle.

8th. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

DOGS.

Of dogs.

9th. 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.

PUTRID CARCASSES, &C.

Deposit of putrid carcasses.

10th. To prevent any person from bringing, depositing or leaving 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, and in default of such person, to authorize the removal of the same by some competent officer, at the expense of such person or persons.

POUNDS, &C.

Pounds, etc.

11th. To make and establish a pound and appoint a pound master, also to protect shade or ornamental trees on the public squares or in the streets of the corporation.

MEETINGS, COMPENSATION OF OFFICERS.

Regular and special meetings.

12th. To call regular and special meetings of the voters of the said city, and to prescribe the compensation of the clerk of the city, and shall examine, audit and adjust the accounts of all persons, but shall receive no compensation whatever for their services as officers of said city.

FIRE COMPANIES, ETC.

13th. To organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to construct and preserve reservoirs, pumps, wells and other water works, and regulate the use thereof, and generally to establish such measures of prudence for the prevention or extinguishment of fires as they may deem proper.

Organize fire companies.

DRUNKARDS, ETC.

14th. To restrain drunks, immoderate drinking or obscenity in the streets or other places in the said city, and to provide for the arresting, removing and punishing of any person or persons, who may be guilty of the same.

Restrain drunks.

PEDDLERS, ETC.

15th. To regulate, suppress or license hawkers and peddlers.

License peddlers.

SHADE TREES.

16th. They shall have power to require the owner of any lots or grounds in the city, to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lots or grounds to pay the expense of the same.

Set out shade trees.

RUBBISH, ETC.

17th. To compel the owners of buildings or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, streets or alleys, opposite thereto, and in default, to authorize the removal of the same by some officer of the city, at the expense of such owner or occupant.

Remove obstructions.

POLL TAX.

18th. To tax every male resident of said city above the age of twenty-one years, one day's labor, or in lieu thereof, one dollar, to be appropriated to improving the roads and streets of said city, under the direction of such person as they may appoint.

Levy poll tax.

SIDEWALKS.

19th. Upon the application of the owners of two-thirds of the lots on any street or part of a street, or on one side of any block, to levy and collect a special tax on

Special tax for sidewalks.

the owners of the lots on such street or part of street, according to their respective parts, for the purpose of making a sidewalk along the same, or grading, paving and improving the street along the same.

OPENING STREETS, ETC.

Open streets. 20th. To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, lanes, alleys, sewers and sidewalks, to keep them free from incumbrances, and to protect them from injury in said city.

TAX FOR STREET IMPROVEMENTS.

How special tax to be levied.

SECTION 20. Whenever the common council shall levy any special tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing of any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner such tax, to be collected and expended, and a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice in three or more of the most conspicuous places in said city, or in some public newspaper published therein, and shall specify in such notice a time, not less than twenty days nor more than thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax may, within such time and at such place as may be required by such street commissioner, pay their taxes in labor or materials: *provided*, the labor and materials offered in payment for such taxes are suitable and such as may be required by the said street commissioner.

COLLECTION OF TAXES.

Return of tax list, with statement, etc.

SECTION 21. At the expiration of thirty days from the time the said street commissioner shall have received such tax list, he shall return the same to the common council, accompanied by a statement verified by his affidavit, subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended and the items of expenditures, also, the taxes which remain unpaid and the persons and description of real estate and lots to which such unpaid taxes stand charged, and the clerk of said city shall extend the same on the assessment roll of the city in

the same manner as other taxes against such persons, descriptions of real estate and lots; and such taxes shall be collected in the same manner as the general taxes of said city, and when so collected, shall be paid on the order of the common council, and when not previously applied, shall be expended under their direction on the street or sidewalk, or for the purpose for which they were originally assessed.

PENALTIES FOR VIOLATION OF ORDINANCES.

SECTION 22. In all cases in relation to which, by the provisions of this act, the mayor and common council have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, they may prescribe any penalty for the violation of such rules, ordinances, regulations, resolutions or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and also may 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 they may, by such ordinance, by-law, rule, regulation or resolution, direct, not exceeding thirty days, for which purchase the said city shall have the use of the jail of the county in which said city is situated, for the imprisonment of any person liable to be imprisoned; and all such persons committed to said jail by the marshal or any other officer shall be under the charge of the sheriff of said county; and every execution issued upon judgment for any violation of the provisions of this act, or for the violation or non-observance of any ordinance or by-law, rule, regulation or resolution of said city, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the said county jail or the jail provided by said city, for such term as shall have been provided for by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered, or in the discretion of the court, in the absence of such provision, by this act or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures when collected shall be paid into the treasury of said city for its use.

Penalties for violation of the ordinances.

Executions to direct imprisonment, in default of payment of fine.

HOW ACTIONS TO RECOVER PENALTIES TO BE BROUGHT.

SECTION 23. All actions brought to recover any penalty or sum of money or forfeiture under this act,

Manner of bringing actions.

or the ordinances, by-laws, rules, regulations or resolutions, shall be brought in the name of the city, without being required to give security for costs in any such action, and the process may be either by summons or warrant, and it shall be sufficient without setting forth the special matter, to declare generally, stating the clause of this act or by-law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule regulation or resolution, published in a newspaper or pamphlet by authority of the common council, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

PUBLICATION OF ORDINANCES.

Ordinances,
etc., to be published and recorded.

SECTION 24. Any ordinance, regulation, resolution, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the city before the same shall be in force, except as hereinafter provided, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, resolution, rule or by-law in all courts and places, and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the city in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation, resolution or by-law, in all courts and places. No ordinance, rule, regulation, resolution, by-law or appropriation shall be passed, made, altered, amended or repealed without an affirmative vote of the majority of the common council in its favor, which vote shall be taken by "ayes" and "noes," and entered of record.

To be passed
by ayes and
noes.

How ordinances,
etc., to be
published.

SECTION 25. All notices, ordinances, by-laws, rules, regulations, resolutions or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said city, if there be one, and if no such newspaper shall be published in said city, then the same shall be published by posting up the same, either in writing or print, in three or more of the most public places in the said city. In all actions brought by or in the name of the said city or against it, the said 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 said city for costs, but it shall be liable for costs in criminal cases, and no more; and no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any action or proceeding in which said city is a party interested.

SUITS TO ABATE NUISANCES.

SECTION 26. The powers conferred upon the said mayor and 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. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where intoxicating, alcoholic, malt, mixed, spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances, and shall be abated as herein provided, and according to the laws of this state for abating nuisances.

Suits to abate nuisances.

EXCLUSIVE JURISDICTION.

SECTION 27. The justices of the peace elected under this act, and residing within the corporate limits of said city, shall have exclusive jurisdiction of all actions, trials and examinations arising under this act, or the ordinances, by-laws, rules, resolutions or regulations passed in pursuance of this act.

Jurisdiction of justices.

REMOVAL OF OFFICERS.

SECTION 28. The common council shall have power to appoint, and at their pleasure to remove, the following officers, to wit: One city clerk, one chief engineer of the fire department and a street commissioner, and prescribe their duties and fix their compensation under the provisions of this act, and to require bonds for the faithful performance of their duties, when deemed expedient and necessary by the common council.

Appointment and removal of officers.

SERVICE OF PROCESS AGAINST THE CITY.

SECTION 29. When any suit or action shall be commenced against the said city, the service in such case shall be made by leaving a copy of the process, duly

How process against city to be served.

certified to by the proper officer, with the mayor and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by the ordinances or resolutions of said city may be in such case provided.

CITY DEBTS.

Private property not liable for public debt.

SECTION 30. No real or personal property of the said city, or of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

DAMAGE FOR WIDENING STREETS.

Damages for widening streets.

SECTION 31. The mayor and common council, in case of laying out or widening any street, alley or public walk, shall pay the owner or owners of any land or lots through which any such street, alley or public walk so laid out or widened by them shall pass, adequate compensation for any damages which may be sustained in consequence.

HOW TO BE ASCERTAINED.

Jury to ascertain damages.

SECTION 32. Such damages shall be ascertained by six freehold electors of the said city, to be summoned by any justice, upon the request of the mayor of said city, for that purpose as a jury, who shall determine the necessity thereof. They shall be selected by the said mayor and the party claiming damages, in the same manner as jurors before justices of the peace in civil cases are selected, and after being selected and summoned as aforesaid, they shall be sworn by some person having power to administer oaths, truly to ascertain, upon actual view, first, the necessity thereof, and then such damages. They shall take into consideration the benefit, if any, as well as the damage from the laying out and widening of such street, alley, or public walk to such party claiming damage, and the persons so selected, summoned and sworn shall proceed to the discharge of their duty in the premises, and make report in writing, over their several signatures, to said mayor within twenty-four hours, which report shall be binding upon the corporation and the party claiming such damage.

EXPENDITURE OF HIGHWAY TAXES.

How highway taxes to be expended.

SECTION 33. All highway taxes, assessed or payable on property or persons resident or being within said city, shall be expended on any and all the highways,

streets and bridges in said city, but not on any sidewalks, crossing or alley, and the street commissioner in said city shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said city, under and according to the direction and control of the common council of said city, any law to the contrary notwithstanding: *provided, however,* that the common council of said city may, by special order previously made, allow such portion of the highway taxes assessed or collected in said city, not exceeding one-half part thereof, to be expended without the limits of said city, on any public highways leading from said city.

POWERS OF MAYOR AND COMMON COUNCIL.

SECTION 34. The mayor and common council shall have power, and it is hereby made their duty in each year, to levy and assess upon the taxable property in said city, such a sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money from other sources to such purpose, and no more: *provided,* that there shall not be raised under this section in any one year an amount exceeding three hundred dollars, unless authorized by a vote of the qualified electors of said city.

Tax to pay city debt.

HOW TAX COLLECTED.

SECTION 35. All taxes raised and collected in the said city of Boscobel for the purpose authorized by the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of the said city, as taxes for town, county and state purposes are levied and assessed.

How to be collected.

AMOUNT TO BE DETERMINED.

SECTION 36. The mayor and common council of the said city shall, on or before the first Monday of November in each year, by resolution to be entered upon the records, determine the amount of such corporation tax to be levied and assessed on the taxable property within the corporate limits of the said city for the current year, and the clerk of the said city shall thereupon, within the time now required by law for town clerks to make and complete their tax rolls, extend the same upon the tax roll of the said city.

Determination of amount of taxes.

STATEMENT OF ELECTION OF OFFICERS TO BE FILED
WITH CLERK OF CIRCUIT COURT.

Shall make and
file statement
of officers elect-
ed.

SECTION 37. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. It shall be the duty of the clerk of said city, immediately after any election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of the corporation, whenever an appointment of such officer is made, with the fact of the acceptance and qualification of such officer so elected or appointed, under his hand and corporate seal, and file the same in the office of the clerk of the circuit court of the county in which said city is situated; and it is hereby made the duty of the clerk of such circuit court to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers.

FIRST ELECTION.

How first elec-
tion to be or-
dered.

SECTION 38. The first election of officers under this act shall be held on the third Monday in February, 1873, in case this act shall take effect on or previously to that day, and the official publication of this act shall be sufficient notice of such election, and in case this act shall not take effect on or previously to that day, or in case the said first election shall not be held on the said third Monday in February, 1873, then the same may be ordered and appointed by any ten freeholders as provided in section seven of this act.

How officers
qualify.

SECTION 39. At the first election of officers under this act, all elected officers of this city shall qualify before any justice of the peace of the county.

ANNUAL MEETING OF SCHOOL DISTRICT.

Annual meet-
ing of school
district.

SECTION 40. The annual meeting of the school district in the said city of Boscobel shall be held on the last Monday in August in each year, and the town of Boscobel not included within the limits of said city shall be attached to the city school district for school purposes, and be subject to like school taxes and be subject to the laws of joint school districts.

LEVY AND ASSESSMENT OF HIGHWAY TAXES.

Levy and as-
sessment of
highway taxes.

SECTION 41. The common council shall have power to levy a highway tax or tax for streets and bridges of not exceeding seven mills on the dollar in each and

every year, which with other taxes shall be extended upon the assessment roll by the clerk of said city, as hereinafter provided. And the assessor shall, at the time of assessing the property of said city, make out a complete list of all persons who are by the general laws of the state required to pay a poll tax; which poll tax shall be extended on the assessment roll against such person so liable to pay the same, and collected in the same manner as other taxes: *provided, however,* that the highway tax and poll tax to be collected within the present limits of the village of Boscobel for the year 1873, shall be collected in the same manner as the said tax is collected under the charter of the village of Boscobel, and existing laws, and shall, for that year, be expended in the manner provided by said village charter and existing laws.

CHAPTER 2.

EXCLUSIVE CONTROL OF FUNDS.

SECTION 1. All funds in the city treasury, exclusively belonging to the city, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, except as hereinafter provided; and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of the city, except taxes levied for school purposes.

City funds to be under control of council.

HOW CITY DEBT TO BE AUTHORIZED.

SECTION 2. No debt shall be contracted against the city, nor order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

How city debt to be authorized.

PENALTIES AND LICENCES TO BE PAID INTO THE CITY TREASURY.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city,

License money to be paid into general fund.]

and all moneys received for licences, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of two-thirds of all the aldermen elect.

SUBJECT TO ANNUAL TAXATION.

Annual taxation, and power of the assessors

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elect under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however,* that the common council may prescribe the form of assessment rolls, and more fully define the duties of the assessor, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

OBJECTION TO ASSESSMENT.

Objection to assessment.

SECTION 5. On the first and second Mondays of July, and at such time and times as he may appoint, the assessor shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alteration or revision as justice or equity may require.

RETURN AND EQUALIZATION OF ASSESSMENT ROLL.

Return and equalization of assessment.

SECTION 6. On or before the last day in July in each year, the assessor shall return his assessment roll to the common council, by depositing the same with the clerk; the common council may supply omissions in said roll, and for the purpose of equalizing the same may alter, add to, take from and otherwise correct the same, but shall not have power to increase the amount of said assessment, except by the value of such real property as may have been omitted by the assessor.

Filing and approval of assessment roll, and determination of amounts.

SECTION 7. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council on the first Monday in August in each year, or within ten

days thereafter; the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount of tax necessary to be levied for school purposes, streets and bridges, and shall by resolution levy the same, but no such resolution shall be adopted, except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

ASSESSMENTS TO BE A LIEN ON PROPERTY.

SECTION 8. All assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the date of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property. Assessment to be a lien upon property.

COPY OF ASSESSMENT ROLL TO BE SENT TO COUNTY CLERK.

SECTION 9. Before the annual meeting of the board of supervisors of Grant county, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the clerk of the board of supervisors of said county, who shall lay the same before the said board as required by law. Copy of roll to be filed with county clerk.

CITY TO BE REGARDED AS A TOWN.

SECTION 10. The board of supervisors shall have the right to regard the city of Boscobel as a town, in equalizing the assessment rolls of the several towns of said county, as provided by law. City regarded as town.

LEVY OF COUNTY AND STATE TAX.

SECTION 11. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. Not to regard ward divisions, in levy of taxes.

CITY CLERK TO MAKE OUT ASSESSMENT ROLL.

City clerk to
make out as-
sessment roll.

SECTION 12. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be called the tax list of the city of Boscobel, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

TAX LIST PRIMA FACIE EVIDENCE.

Tax list to be
prima facie
evidence.

SECTION 13. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record of this state, that any act or thing required by law to be done, relating to assessors or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

CLERK TO MAKE DUPLICATE COPY OF TAX LIST.

Shall make out
duplicate copy
of list.

SECTION 14. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the twenty-fifth day of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery of the tax list preserved in his office.

TREASURER TO COLLECT TAX.

City treasurer
to collect tax.

SECTION 15. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive

one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

CITY TREASURER TO MAKE RETURNS TO COUNTY TREASURER.

SECTION 16. At the time provided by law for town treasurers to make their returns to county treasurers in each year, the said treasurer shall make out and return to the treasurer of Grant county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle and pay over all moneys properly payable to said county treasurer in like manner as now is or hereafter may be required of town treasurers. The said treasurer shall also by the same time, make out and deliver to the city clerk a list of all delinquent personal property taxes and poll taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as allowed or required by law upon delinquent returns from the several towns. Shall make return to county treasurer.

SALE OF DELINQUENT LANDS.

SECTION 17. The county treasurer shall sell all delinquent lands and lots returned from the city of Bos-cobel, at the same time and in the same manner as other delinquent lands are sold in said county. Sale of delinquent lands.

ALL PROPERTY LIABLE TO SPECIAL TAXATION.

SECTION 18. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of the streets in front of the same. LIABLE TO SPECIAL TAXATION

PROVISIONS TO BE REGARDED AS ONLY DIRECTORY.

SECTION 19. All the directions hereby given, except in section nine of this chapter, for the assessing of lands and the levying, collection and return of taxes and assessments, shall be deemed only directory; and no error or informality in the proceedings of any of the officers entrusted 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. Provisions to be regarded as directory.

CHAPTER 3.

Application of poor-laws. SECTION 1. The laws of the state for the relief and support of the poor in towns, shall apply to said city, and the common council shall make such rules, regulations, ordinances, and provisions in relation to the same as they shall deem proper.

This act not to affect previous contracts. SECTION 2. This act shall not in any manner affect, injure or invalidate any contract, acts, suits, claims or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue of, or in pursuance of the acts hereby repealed, or any of them, but the same shall exist and be enforced and carried out as fully and effectually and to all intents and purposes as if this act had not been passed.

Mayor to be ex officio supervisor. SECTION 3. The mayor of the city shall be ex officio a supervisor to represent said city in the board of supervisors of Grant county, which shall constitute the only representation of said city upon the said board of supervisors of Grant county, any law to the contrary, notwithstanding.

When first election to be held. SECTION 4. The first election under this act of said city shall be held in the city hall of said city, and thereafter there shall be but one election poll in said city, which shall be at such place as the common council may, by resolution, establish.

Existing ordinances to remain in force. SECTION 5. All ordinances of the village of Boscobel may be adopted by the common council, and when so adopted shall be and remain in full force as ordinances of the city without further publication, and wherever in such ordinances the words, "president and trustees of the village of Boscobel" occur, they shall be taken to mean the "mayor and common council of the city of Boscobel."

First inspectors of election. SECTION 6. The inspectors of election of the village of Boscobel shall constitute the inspectors of the first election under this act, and the clerk of the village of Boscobel shall act as clerk of such election, and in case of a vacancy, it shall be supplied as provided for by the village charter.

SECTION 7. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.