

the person or persons, corporation or corporations so notified, shall, from the time of such service, stand liable to the plaintiff or plaintiffs in said action to the amount of the property, money, effects and credits in his, her, its or their hands, and debts due or to become due from him or her, it or them, to said defendant or defendants, or to such an amount of said property, money, effects and credits as will satisfy the plaintiff's demands and the costs of the action.

SECTION 2. The attendance of any garnishee, notified as herein provided, may be compelled, and he may be punished in the manner and for the causes provided in chapter one hundred and thirty of the revised statutes, and judgment may be rendered against such garnishee for the reasons, upon the contingencies and with the same effect as provided for in that portion of said chapter one hundred and thirty relating to the subject of garnishee; and all the provisions of that portion of said chapter, so far as applicable, shall apply to proceedings under this act.

Attendance of garnishee may be compelled.

SECTION 3. This act shall take effect when published.
Approved March 24, 1864.

CHAPTER 201.

[Published March 29, 1864.]

AN ACT to amend chapter 182 of the private and local laws of 1858, entitled "an act to incorporate the village of Dodgeville."

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

SECTION 1. Chapter 182 of the private and local laws of 1858, entitled "an act to incorporate the village of Dodgeville," is hereby amended, so as to read as follows:

SECTION 2. The inhabitants of the district of county included within the limits and boundaries following, to wit: in township number six, range number three east, in the county of Iowa; the southwest quarter, the south half of the northwest quarter, and the southeast quarter of section twenty-seven, the southeast quarter

Village of Dodgeville—boundaries.

of northeast quarter, and the east half of southeast quarter of section twenty-eight, the east half of northeast quarter of section thirty-three, the northwest quarter and the northwest quarter of the northeast quarter of section thirty-four, are hereby created a body corporate and politic, by the name and style of the president and trustees of the village of Dodgeville, and by that name they and their successors shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges and be subject to all the duties and obligations pertaining to a municipal corporation.

Powers.

Government—how vested. SECTION 3. The government of said corporation and the exercise of its corporate powers and the management of its fiscal prudential and municipal concerns, shall be vested in a president and six trustees, and such other officers as are hereinafter provided for.

Officers. SECTION 4. The officers of the said corporation shall be one president and six trustees, one clerk, one treasurer and one constable, who shall be *ex officio* marshal of said corporation, one attorney, one surveyor and such other officers as the trustees shall ordain. The president and trustees shall be elected by the qualified voters

Annual elections of the said corporation on the second Tuesday in May of each year, and shall hold their respective offices for one year, and until their successors are elected and qualified. The clerk shall give at least ten days' notice of the time and place of holding any election, and the president and trustees, or any three of them, shall preside at any such election; and any vacancy in the office of president shall be filled by a special election, and vacancies in the office of trustees shall be filled by the president and trustees. All other officers shall be appointed by the president and trustees, and shall hold their offices during the term for which the trustees are elected, and until their successors are appointed and qualified, and shall be subject to removal by the president and trustees. All persons qualified to vote in said village for members of the state assembly, and who are

Appointed officers.

residents of said village at the time such vote is offered, shall be legal voters for corporation officers, and no person shall be eligible to the office of trustee unless he is a freehold voter therein, and the president shall be *ex officio* a trustee of said village. 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 trustees present to conduct the election.

SECTION 5. At all elections held under this act, the polls shall be opened at one o'clock in the afternoon, and shall continue open until four 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.

How elections conducted.

SECTION 6. In case such officers, or any of them, shall not be elected as herein provided, the corporation shall not thereby be dissolved, but special elections for the election of president and trustees may be held as herein provided for annual elections, and in case there shall be no officer to give notice therefor, then such notice may be given by any ten freehold voters of said village, as herein provided for annual elections.

Special elections.

SECTION 7. 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.

Oath.

SECTION 8. The treasurer and constable, before they enter upon the duties of their offices, shall severally give bonds to the trustees in such sum, with such conditions and such sureties as said trustees or a majority of them may direct.

Treasurer and constable to give bonds.

SECTION 9. The president shall preside at all meetings of the trustees, sign all commissions, licenses and permits which may be granted by the trustees. He shall maintain peace and good order, and see that the ordinances of the village are observed and executed. A municipal court is hereby created in said village, to be styled the police court, and the person elected as president of said village, shall be elected on the same ballot as president and police justice, who shall hold the said police court, and he shall have power to administer oaths and affirmations, and to take (out to take)

"President and police justice"—duties, jurisdiction, fees, &c.

and certify acknowledgments and proofs of the execution of deeds and other instruments of writing relating to real estate or other matters required by law to be acknowledged or recorded, or both. As a judicial officer or court, the said police court and justice shall have and possess all the authority, jurisdiction, powers and rights of justices of the peace and justices' courts, in civil and criminal proceedings, and shall have concurrent jurisdiction with justices of the peace and justices' courts of this state, residing in the said village, of all civil and criminal actions and cases for the violation of any provisions of this act, or of any ordinance, by-law, rule, regulation or resolution of said village. The president, when presiding at any meeting of the trustees, shall have a casting vote when the votes of the members are equal, and as a police justice he shall receive the same fees as a justice of the peace receives for his services; but the village shall not be liable for his fees, except such as shall accrue in prosecutions or actions brought in the name of the corporation for the violation of the provisions of this act, or for the violation of the ordinances of the said village. Appeals and writs of certiorari may be taken from the judgment of the police justice, in the same manner and with the same effect as from justices of the peace.

Meetings, rules,
do.

SECTION 10. The president and trustees 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 rules 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.

Peace officers.

SECTION 11. The president, each and every trustee, marshal, each and every justice of the peace and constable of the county in which said village is situated, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior in a manner consistent with law and the ordinances, by-laws, rules, regulations and resolutions of said village, within the limits thereof, and

for such purpose may command the assistance of 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 a fine of ten dollars.

SECTION 12. The marshal shall possess all the power 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 president 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 village, or by-law, rule, regulation or resolution thereof, he may serve the same on the [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 village, 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, regulations or resolutions of the village, and forthwith to bring such persons before competent authority for examination; and for such and other similar services, he shall receive like fees as are 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 village; and in default of payment, to prosecute for the same in the corporate name of the village, and pay over the same to the treasurer when received by him.

Marshal—his powers, duties, fees, &c.

SECTION 13. The treasurer of the village 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 village, or by law. All money raised, received, recovered or collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said village, shall be paid to and received by him, and shall not be drawn therefrom without a written order, signed by the president and countersigned by the clerk, by order of the trustees. Such order shall specify the amount of money to be drawn, and its objects. He

Treasurer—his duties.

shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, 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 village. He shall, as often as the trustees require, render to said trustees 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 money, books and vouchers in his possession belonging to said village.

Clerk—his duties and powers.

SECTION 14. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of ordinances, by-laws, rules, regulations and resolutions, and also a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The record 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 board of trustees, 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 village. He shall keep a full and accurate account of all orders drawn on the treasury, in a book provided for that purpose, and shall keep all accounts of the corporation with individuals, and shall also keep an accurate account with the treasurer, and charge him with all taxes levied and (and) 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 village. The clerk shall have power to administer oaths.

Attorney.

SECTION 15. The attorney shall perform all professional services incident to his office, as prescribed by ordinances or by resolutions of the president and trustees, or as directed by the president, and when required shall furnish written opinions to them.

Other duties may be required of officers.

SECTION 16. The president and trustees 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 17. If any person having been an officer in said village, 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 village or pertaining to the office he may have held, he shall forfeit and pay to the use of the village one hundred dollars, besides all damages caused by his neglect or refusal to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state. Penalty.

SECTION 18. The surveyor shall be a practical surveyor and engineer, and his duties shall be prescribed and directed by the president and trustees, and his fees and compensation shall be fixed by them for any services performed by him. All surveys, profiles, plans, plats or estimates made by him for the village, shall be the property of the village, and shall be filed and properly preserved in the office of the clerk or other officer, as may be directed by them, and shall be open to the inspection of all persons interested. Surveyor.

SECTION 19. The style of all ordinances passed by the president and trustees shall be, "the president and trustees of the village of Dodgeville do ordain as follows." The president and three trustees, or four trustees, shall constitute a quorum for the transaction of any business, and in the absence of the president, the trustees shall appoint one of their number president *pro tem.*, who shall possess all the powers of the president, except as police justice. Style of ordinances—quorum.

SECTION 20. The president and the trustees shall have exclusive power within the corporate limits of the said village to grant, according to law or ordinance, or with, [both,] licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquids or drinks, reg- Licenses.

ulate 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 village, give away any such wine, beer, cider or intoxicating, spirituous, alcoholic, vinuous, fermented, mixed or malt liquors, liquids or drinks, within such corporate limits, without having first obtained license therefor, as provided by this act, the laws of this state and the ordinances of said village; and any person who shall in any manner violate any of the provisions of this section, or the ordinances of [or] the laws herein referred to, shall on conviction thereof be punished as provided by the laws of this state and the ordinances of said village 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 village, who shall pay the same to the treasurer of the county for the use of the county poor: *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 the said village, and that no license shall be granted for a less time than one year; *and provided, further*, that no person thus licensed, or without being so licensed, shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinuous, 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 and 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; or 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.

Penalty for violation of license laws.

Slaughtering cattle, &c.

SECTION 21. No person shall slaughter or kill, within the corporate limits of the said village, any cattle, sheep or swine without the consent of the president or of the

trustees. Any person who shall violate this section shall, on conviction thereof, forfeit and pay for each offense the sum of twenty-five dollars, with costs of prosecution to the said village, to be recovered before any justice of the peace of said county.

SECTION 22. No person shall keep a slaughter house, yard or pen, or occupy any open ground for slaughtering purposes, within the corporate limits of the said village, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of the said president and trustees, 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 fifty 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 common nuisances, and shall be abated as provided by law and the ordinance of said village. Slaughter houses

SECTION 23. The president and trustees shall have the control and management of the finances and of all the property of the village, 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 village, 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 and by-laws are hereby declared to be and have the power and force of laws: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolutions, by-laws, regulations or rules: Powers and duties of president and trustees.

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, and to provide for the abatement and removal of all nuisances Shows.

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 village.

Gambling.

2d. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming, in said village, 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, &c.

3d. To prevent any riots, noises, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming.

Nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome nauseous house or place, to cleanse, 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 village.

Slaughter houses and markets.

5th. To direct the location and management of slaughter houses and markets, 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 materials.

Encumbering streets, &c.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever, [and] to prevent the digging or sinking of mineral or other shafts or holes in the streets, alleys or other public grounds of the said village.

Horse racing.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing in the water within the limits of said village.

Restraining cattle, &c.

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

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.

10th. To prevent any person from bringing, depositing or having within said village 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 unwholesome or unsound beef, pork, fish, hides or skins of any kind, and in default of such person removing the same, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Putrid carcasses,
&c.

11th. To make and establish pounds, and appoint pound masters and fence viewers, and prescribe their powers and duties; also, to protect shade or ornamental trees on the public squares or in the streets of the corporation; also, to fence the public squares and grounds of the corporation, and to protect the same and monuments in said village.

Pounds, &c.

12th. To establish and regulate boards of health, provide hospitals for those infected with small pox or other contagious diseases, and order and regulate the removal of such persons from the village, when its health and safety so require, and to provide grounds for the burial of the dead.

Boards of health,
&c.

13th. To call regular and special meetings of the voters of said village, and to prescribe the compensation of all officers of the corporation, except their own, and shall examine, audit and adjust the accounts of all persons and of all officers of the corporation.

Special meetings.

14th. 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 require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner; and if the owner shall neglect or refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment thereof, may recover of such owner the value of such ladder or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials, to direct the safe construction of places for the deposit of ashes, to appoint one or more fire wardens to enter into, at reasonable times,

Fire companies,
storage of gunpowder, &c.

and examine all dwelling houses, lots, yards, inclosures 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 a safe condition; to regulate the manner of putting up stoves and stove-pipes, to prevent fires and the use of fire-works and firearms within the limits of said village or such part thereof as they may think proper, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the trustees, or any four of them who may be at the fire, for the purpose of preventing its communication with other buildings, and any building so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps and wells, and other water works, and to regulate the use thereof, and, generally, to establish other measures of prudence for the prevention or extinguishment of fires, as they may deem proper.

Protection of
walks.

15th. To prevent all persons riding or driving any horse, ox, mule, cattle or any other animal on the side-walks, or in any way doing any damage to such side-walks.

Drunkards, &c.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or other places in said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same.

Firearms and
fireworks.

17th. To prevent the shooting of fire-arms or the exhibition of any fireworks in any place which they may consider dangerous to the village or any property therein, or annoying to any person thereof.

Police, hay,
wood, &c.

18th. To regulate the police of the village, to regulate the place and manner of selling and weighing hay, and measuring and selling fuel, either wood or coal, and to appoint suitable persons to superintend and conduct the same.

Markets.

19th. 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 punish or restrain for interfering or interrupting with the due observance of such rules and regulations; to license and regulate butchers' stalls,

shops and stands for the sale of game, poultry, meats, fish and other provisions.

20th. To regulate, suppress or license hawkers and peddlers who travel from place to place to sell wares, goods or merchandise within said village, and to license transient dealers and traders to sell the same. Peddlers.

21st. To compel the owners of buildings or grounds, or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectional substance by some officer of the village, at the expense of such owner or occupant. Rubbish, &c.

22d. To regulate the time, place and manner of holding auctions and vendues. Auctions.

23d. To appoint watchmen and prescribe their duties. Watchmen.

24th. To provide by ordinance for a standard of weights and measures, and for the punishment of false weights and measures. Weights, &c.

25th. They shall have the power to require the owner of any lots or grounds in the village 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 lay a special tax upon such lots or grounds to pay the expense of the same. Trees.

26th. To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, avenues, lanes, alleys, sewers and sidewalks, to keep them free from encumbrances, and to protect them from injury in said village. Streets, &c.

27th. To tax every male resident of said village above the age of twenty-one years and under the age of fifty years, one day's labor, or in lieu thereof, one dollar, to be appropriated to improving the roads and streets of said village, under the direction of such person as they may appoint. Poll-tax.

28th. The trustees shall have power to levy and collect a special tax on the owners of the lots on such street or part of street, according to their valuation, for the purpose of making a sidewalk along the same, or grading, paving and improving the street along the same. Special taxes.

Further powers
of president and
trustees.

SECTION 24. The trustees shall have power to appoint, and at their pleasure to remove, the following officers, to wit: The chief engineer of the fire department, two fire wardens and as many assistant fire wardens as they shall from time to time deem necessary, one sealer of weights and measures, sextons and keepers of burial grounds, and a street commissioner, and prescribe their duties and fix their compensation, under the provisions of this act; and to impose and enforce in law such penalties as to the said trustees may seem proper for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of any or such of them as may be deemed expedient and necessary by the board of trustees.

Grade of streets.

SECTION 25. The president and trustees shall, at such time as they may deem proper, establish the grade of all streets, alleys and sidewalks in said village, and shall cause accurate profiles thereof to be made, which shall be filed with the clerk.

Tax for street
improvements.

SECTION 26. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing 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, a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons taxed in such tax list, by publishing a notice in three or more of the most conspicuous places in said village, or in some public newspaper printed 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 or materials offered in payment for such taxes are suitable and such as may be required by said street commissioner.

Collection of
taxes.

SECTION 27. 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 trustees, 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 expenditure; also, the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which such unpaid taxes stand charged; and the clerk of said village shall make out a certified copy thereof, and deliver the same to the town clerk of the town in which said village is situated, who shall, in making out the duplicate tax and assessment of such town next thereafter, enter such unpaid special taxes therein in a separate column, with ten per cent. added thereto, opposite to the names of the persons and descriptions of property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said village and town are collected, and when so collected, shall be paid over on the order of the trustees, and when not previously applied, shall be expended under their direction on the street or sidewalk, or for the purpose for which the [they] were originally assessed.

SECTION 28. In all cases in relation to which, by the provisions of this act, the president and trustees 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 ordinances, rules, regulations or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof; and may also provide 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 purpose the village shall have the use of the jail of the county in which said village is situated, for the imprisonment of the 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.

Penalty for violation of ordinances, &c.

SECTION 29. All actions brought to recover any penalty or sum of money or forfeiture under this act, or the ordinances, rules, regulations, resolutions, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the village,

How actions to recover penalties to be brought.

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, rule, regulation or resolution 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 trustees, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

Executions—defendant may be imprisoned.

SECTION 30. Every execution issued upon judgments 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 village, shall contain a clause directing, in the event of the non-payment of such judgment, the imprisonment of the defendant in the said county jail, or the jail provided by said village, 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 village for its use.

Publication of ordinances, &c.

SECTION 31. 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 village, 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 affidavits, shall be recorded by the clerk of the village 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 a majority of the president and trustees in its favor, which vote shall be taken by ayes and noes, and entered of record.

SECTION 32. 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 village, if there be one, and if no such paper be published in said village, then the same shall be published by posting up the same, either in writing or print, in three of the most public places in said village. In all actions brought by or in the name of said village, or against it, the said village shall have the same right of appeal, or to a writ of certiorari or writ of errors, as individuals have, and in no case shall any judgments be rendered against said village for costs, but it shall be liable to the same extent for costs that the state is liable for costs in criminal cases, and no more. Ibid.
Appeals.

SECTION 33. The said trustees shall have power to build and erect a jail for the use of the corporation, which may be used for confining offenders, either for safe keeping or punishment, in like manner as the county jail may be used by the said corporation. May erect jail.

SECTION 34. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested. Competency of judge, &c.

SECTION 35. The powers conferred upon the said president and trustees, to provide for the abatement and 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.

SECTION 36. The police justice and the justices of the peace residing within the corporate limits of the Exclusive jurisdiction.
17GL.

said village, shall have exclusive jurisdiction of all actions arising under this act, or the ordinances, by-laws, rules, regulations or resolutions passed in pursuance of this act, unless otherwise specially provided.

*Survey of streets,
&c.*

SECTION 37. The president and trustees are hereby invested with full power and authority to survey, ascertain, determine and establish the lines, boundaries, width and dimensions of all streets, highways, alleys, lanes and public grounds in the said village, which determination, when recorded, shall be conclusive upon all persons or parties; and whenever and wherever the same are now or shall be hereafter encroached upon or obstructed by any person in any manner, they shall have power to cause the same to be removed in a summary manner, by giving notice to the person suffering or causing such encroachment or obstruction, to remove the same within not less than ten days after service of such notice; and in case of neglect, default or refusal of such person to remove the same within the time specified in such notice, they shall order the marshal or street commissioner to remove the same forthwith, at the expense and cost of such person, to be recovered the same as fines and penalties are recovered under this act, and for the purpose of such removal, the marshal or street commissioners are hereby authorized to call to their assistance all officers or persons, and every officer or person refusing to render such assistance, shall forfeit and pay a fine of ten dollars.

*Commissioners
—establishment
of land-marks,
&c.*

SECTION 38. The president and trustees of said village may, at any time, appoint three commissioners, resident freeholders of said village, who, with the assistance of the surveyor, or such other assistant surveyors as the said president and trustees may appoint, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, sidewalks, alleys, public grounds, lots, blocks and tracts of land, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats to be made and certified to by the said surveyor and commissioners, which, when approved by the said president and trustees, shall be filed in the office of the clerk, and a copy thereof shall be recorded in the office of the register of deeds of the proper county.

SECTION 39. The survey, landmarks and plats so made and established and recorded, shall be conclusive 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.

Prima facie evidence of lines.

SECTION 40. When any suit or action shall be commenced against the said village, the service in such case may be made by leaving a copy of the process duly certified to by the proper officer, with the president, and it shall be the duty of the president forthwith to inform the trustees thereof, or to take such other proceedings as by the ordinances and resolutions of said village may be in such case provided.

Service of process against village.

SECTION 41. No real or personal property of said village, or of any inhabitant of said village, 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 village.

Real estate not to be levied on.

SECTION 42. Any peace officer may, and it shall be the duty of the marshal, to arrest without process any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct, in the streets or public places, and take such person or persons forthwith before the police justice or justice of the peace in said village, or keep them until they become sober, in confinement, or until such time as said justice can reasonably hear and dispose of such offender.

Arrest without process.

SECTION 43. The president and trustees, in case of laying out and widening any street, alley or public walk, shall pay to 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.

Damages for widening streets.

SECTION 44. Such damages shall be ascertained by six freehold electors of the said village, to be summoned by or under the direction of the president of said village for that purpose, as a jury, who shall determine the necessity thereof. They shall be selected by the said president and the party claiming damages, in the same manner as jurors before a justice of the peace

How to be ascertained.

in such cases are selected, and after being selected and summoned as aforesaid, they shall be sworn by the said president truly to ascertain by actual view, first, the necessity thereof, and then such damages. They shall take into consideration the benefit, if any, as well as they [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 president, within twenty-four hours, which report shall be binding upon the corporation and the party claiming such damages.

Expenditure of
highway taxes:

SECTION 45. All highway taxes assessed or payable on property or persons resident or being within said village, shall be expended on any and all the highways, streets and bridges in said village, but not on any sidewalk, crossing or alley; and the overseers of highways in said village, and every overseer of highways of whose district any portion of said village shall form a part, shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said village, under and according to the direction of the board of trustees of said village, or of such person as they may appoint, any law to the contrary notwithstanding; and the said board shall have power to appoint, during their pleasure, a street commissioner, as their agent to direct and control the expenditure of highway taxes in said village, and the building and repairing of bridges therein, whose compensation for services in the discharge of his duties, shall be such as they may order or allow, not exceeding one dollar and fifty cents per day: *provided, however,* that the board of trustees of said village may, by special order previously made, allow such portion of the highway taxes assessed or collected as aforesaid in said village, not exceeding one-third part thereof, to be expended without the limits of said village on any public highway leading from said village.

Payment of out-
standing debts.

SECTION 46. The president and trustees shall have power, and it is hereby made their duty, in each year, to levy and assess upon the taxable property in said village, such a sum of money as taxes as shall be sufficient to pay and discharge the outstanding debts of said corporation, if any, and its current expenses for the

year, after applying the money derived from other sources to such purposes, and no more.

SECTION 47. All taxes raised and collected in the said village of Dodgeville, 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 said village, as taxes for town, county and state purposes are levied and assessed.

How taxes levied.

SECTION 48. The president and trustees of the said village shall, on or before the first Monday of November, in each year, by resolution to be entered on their records, determine the amount of such corporation tax to be levied and assessed upon the taxable property within the corporate limits of the said village for the current year; and the clerk of said village shall thereupon, on or before the third Monday of the said month of November, in each year, deliver to the town clerk of the town in which said village is situated, a certified copy, under his hand and name and the corporate seal of said village, of all resolutions of the said president and trustees determining the amount of taxes to be levied and assessed for the current year, together with a description of the territory included within the corporate limits of the said village.

Amounts to be determined.

SECTION 49. The town clerk or other proper officer, as the case may be, of the town in which the said village is situated, shall assess, apportion and carry out such corporation tax *pro rata*, according to the dollar valuation, upon all the real and personal property [liable therefor,] in a separate column in the tax and assessment roll and warrant of his town, next thereafter issued and delivered to the 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 corporation taxes shall not be assessed, apportioned and carried out in the next assessment tax roll and warrant, as herein provided, it shall or may be assessed, apportioned, carried out and collected in that of any succeeding year. The said corporation taxes shall be in all respects collected or returned delinquent in the same manner as town, county or 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 the said village. Any officer or other person who shall neglect or refuse on demand to

How assessed and collected.

pay over any such corporation taxes when collected or received by him, in any manner, to such village 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 the said village, both against said defaulting officer or other person and his sureties.

Duty of town
assessor.

SECTION 50. The town assessor of the village [town] in which said town [village] is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real or personal, within the corporate limits of said village, in one continuous part of his assessment roll, and foot up the valuations of all the items of property assessed and valued by him within said limits.

Statement of
election of off-
icers to be filed
with clerk of
circuit court.

SECTION 51. No general law contravening the provisions of this act, shall be considered as repealing, modifying or amending the same, unless such purpose be expressly set forth in such law. It shall be the duty of the clerk of the said village, immediately after an 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 clerk, constable and treasurer of the corporation, whenever an appointment of such officers is made, with the fact of the acceptance and qualification of such officers so elected and 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 village is situated; and it is hereafter made the duty of the clerk of the circuit court to file the same in the same manner he files and preserves like certificates of the election and qualification of justices of the peace and other town officers. The police justice shall file a duplicate copy of his oath of office with the said clerk of the said circuit court.

First election.

SECTION 52. The first election of officers under this act shall be held on the second Tuesday of May, 186 , 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 no election shall be held on that day under this act, then such first election under this act shall be held at such time thereafter as the president and trustees of the said village, under the charter of the said village

hereby repealed, shall, by resolution, order and appoint, giving at least ten days' notice thereof; and [it] is hereby made their duty to order and appoint such election within twenty days after this act shall take effect. In case said first election shall not be held on the said second Tuesday in May, 186 , and in case of their default to order and appoint such election as herein provided, then the same may be ordered and appointed by any ten freehold voters, as provided in section five of this act.

SECTION 53. All the rights, immunities and franchises of the town or village of Dodgeville, as heretofore incorporated, shall pass to and be enjoyed by the said village as incorporated in this act in all respects when not inconsistent with this act, and the present officers of said village shall hold their respective offices until their successors are elected under this act, and qualified. Rights, immunities, &c.

SECTION 54. All acts and parts of acts contravening any of the provisions of this act, are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contracts, suits, acts, claims or demands, rights, actions, causes of actions, remedies, offenses, duties, liabilities or obligations that may have been committed, suffered, done, entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts or any of them, but the same shall exist and be enforced and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed; and all ordinances, resolutions, regulations, rules, by-laws and orders of the president and trustees of said village, or parts thereof not repealed, suspended or made void by this act, shall continue and remain in full force and effect until altered, amended, repealed or suspended in pursuance of this act by the president and trustees. Repeal.

SECTION 55. At the next village election to be held in the village of Dodgeville, on the second Tuesday of May next, the question of the adoption of this amended charter shall be submitted to the qualified voters resident in said village; and for that purpose there shall be provided a separate ballot box for ballots cast on that subject. Those voting in the affirmative shall deposit a ballot on which shall be written or printed the words, "for amended charter," and those voting in the nega- Charter to be submitted to vote.

tive shall deposit a ballot on which shall be written or printed the words, "against amended charter."

Take effect, &c.

SECTION 56. This act shall be construed to be a public act, and shall be construed favorably in all courts and places, and shall take effect from and after its passage and publication, and the same shall cease to be a law or to have effect on the second Tuesday in May next, in case a majority of the votes cast shall be "against amended charter," as provided in the preceding section; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

Approved March 25, 1864.

CHAPTER 202.

[Published April 5, 1864.]

AN ACT to amend chapter 57 of the revised statutes, entitled "of the draining of swamp, bog, meadow and other low lands."

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

Offer of payment for damages for drain through lands of other persons.

SECTION 1. Section one of said chapter 57 of the revised statutes, is hereby amended, so as to read as follows: "Section 1. Any person owning or possessing any swamp, bog or meadow, or other low land, lying in any county within this state, who shall be desirous to drain such land, and who shall deem it necessary in order thereto, that a ditch or ditches shall be opened through lands belonging to other persons, in case the owner of any such land shall refuse to permit the opening of such ditch or ditches through the same, may offer to pay in lawful money of the United States to the owner of such lands, or if such owner be not a resident of the county in which such land is situate, to his agent therein, or the occupant of such land, such sum as said applicant shall deem a just compensation for such privilege; and if accepted by said owner, agent or occupant, the applicant shall possess all the rights and privileges hereinafter in this act provided, in case of payment of damages assessed by a jury, or awarded in