

Repeal.

SECTION 3. All previous laws of this state contravening or militating against this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1865.

CHAPTER 233.

[Published April 20, 1865.]

AN ACT to consolidate and amend an act to incorporate the city of Watertown, and the several acts amendatory thereof.

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

City of Watertown.

SECTION 1. All that district of country contained within the limits and boundaries hereinafter described, shall be a city, by the name of Watertown, and the people now inhabiting and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation, by the name of the city of Watertown, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and been sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Powers.

Boundaries.

SECTION 2. The territory included within the following limits and boundaries, shall constitute the city of Watertown, to wit: Sections three, four, five, eight, nine and ten, in township number eight north, of range number fifteen east, and sections thirty-two, thirty-three and thirty-four, in township number nine north, of range number fifteen east.

Wards.

First.

SECTION 3. The said city shall be divided into seven wards, as follows, to wit: All that portion of said district bounded on the north by the center of Main street and the Watertown and Milwaukee plankroad, on the east by the city limits, on the south by the south line

of the Milwaukee and St. Paul railway, and on the west by the center of Rock river, shall be the first ward; all that portion of said district bounded on the north Second. by the north line of said sections three and four, on the east by the city limits, on the south by the center of Main street and the Watertown and Milwaukee plankroad, and on the west by the center of Rock river, shall be the second ward; all that part of said district Third. bounded on the north by the center of West avenue and the center of the Watertown and Portland plankroad, on the east by the center of said Rock river, and on the south and west by the city limits, shall be the third ward; all that part of said district bounded on Fourth. the north by the north lines of said sections four and five, on the east by the center of said Rock river, on the south by the center of West avenue and the Watertown and Portland plankroad, and on the west by the center of the Watertown and Portland plankroad, shall be the fourth ward; the aforesaid section thirty-two and Fifth. the west half of said section thirty-three, shall be the fifth ward; all of said section thirty-four, and the east Sixth. half of the said section thirty-three, shall be the sixth ward; all that part of said district bounded on the Seventh. north by the south line of the Milwaukee and St. Paul railway, on the east and south by the city limits, and on the west by the center of Rock river, shall be the seventh ward.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act. Corporate authority—how vested.

SECTION 5. The annual election for ward and city officers shall be held on the first Tuesday of April, of each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon, till five in the afternoon; and ten days' previous notice shall be given by the common council of the time and place of holding such elections, and of the city and ward officers to be elected. Annual election.

SECTION 6. The elective officers of said city shall be a mayor, treasurer and one or more assessors, as the Elective officers.

common council shall determine, for the city at large; one justice of the peace for the first, second and seventh wards, one for the third and fourth wards, one for the fifth and one for the sixth wards; one constable and school commissioner and two aldermen for each ward. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council, except the superintendent of schools, who shall be chosen by the board of education of said city. All elective officers, except justices of the peace, school commissioners and aldermen, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however*, the common council shall have power, for due cause, to expel any one of their own members, and to remove from office any officer or agent under the city government, except justices of the peace, superintendent of schools and school commissioners, due notice being first given to the officer complained of, and opportunity to be heard in his defense. Justices of the peace, school commissioners and aldermen, shall hold their respective offices for two years, and until their successors are elected and qualified.

Appointed officers.

Terms of office.

Expulsions and removals.

Vacancies.

SECTION 7. In the event of a vacancy in the office of mayor, alderman or justice of the peace, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices, except that of superintendent of schools, shall be filled by the common council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as his predecessor.

Elections.

SECTION 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the common council may be *visa voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

New elections conducted.

SECTION 9. The elections in said city shall be held and conducted by the aldermen and some elector to be

selected by them, of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the inspectors and judges of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths. Said inspectors shall receive one dollar and fifty cents per day for their services, to be paid by theseveral wards.

SECTION 10. All persons entitled to vote for state or county officers, and who shall have resided in the city for ten days next preceding the election, and for one day within the ward wherein they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created. Qualifications of electors.

SECTION 11. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the necessary qualification of an elector, or if such vote be challenged by an elector, the inspector, before receiving any such vote, shall require the person offering the same to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age; that you are a citizen of the United States, or have declared your intentions to become a citizen, conformably to the laws of the United States, on the subject of naturalization; that you have resided within the state one year, within the city ten days, and within this ward one day next preceding this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. Challenge.
Oath.
Illegal voting.
 If any person who is not a qualified voter, shall willfully vote at any election, or if any person duly qualified, shall willfully vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their vote;

and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect count and tallies of votes, each and every such inspector or clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars.

Special elections.

SECTION 12. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the inspectors, as provided by this act, and returns thereof shall be made in the same time, form and manner as of general or annual elections.

Aldermen elected at first election.

SECTION 13. There shall be elected at the first election under this act, and annually thereafter, one alderman in each ward, who shall hold his office for two years.

When offices deemed vacated.

SECTION 14. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the second Monday in April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as herein provided. All officers appointed or elected to fill any vacancy, shall enter upon the duties of such office immediately after receiving notice of such election or appointment, when qualified.

Return and canvass of votes.

SECTION 15. The inspectors of elections of the several wards of said city, shall make return of all votes polled in their respective wards at any election for city or ward officers, to the clerk of said city; and it shall be the duty of said clerk, at the first meeting of the common council of said city, held thereafter, to open and read, in the presence of said council, all returns so made to him; and said council shall thereupon proceed to canvass the votes so returned, and determine and declare the result of such election; and said clerk shall make out and deliver to each and every person so determined by said council to have been elected to any city or ward office, a certificate of such election, duly certified under his hand and the seal of said city.

CHAPTER II.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to fill any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer administering the same, with the city clerk; and the treasurer, marshal, constables and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Wauertown a bond, in such sum and with such surety and such conditions as the common council may direct, and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Oaths and bonds
of officers.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation, are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall appoint the police force in such numbers as the common council shall direct, and in case of a riot or disturbance of the peace, shall appoint temporary police. He shall communicate in writing to the common council once a year, such information as he may deem necessary, and at all times give such information as the common council may require. He shall have a vote in case of a tie only, and he shall have power to administer oaths for general purposes, and to take and certify the acknowledgment of deeds and other instruments in writing.

Mayor—his powers
and duties.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president; and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and the president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time

President—his
powers and duties.

being, shall discharge the duties of mayor. The president or temporary presiding officer while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

Clerk—his duties.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The record of the common council kept by him, shall be evidence on all legal proceedings, and copies of all papers filed in his office, and transcripts from the records certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall keep a full and accurate account of all orders drawn on the city treasury in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations.

City attorney.

SECTION 5. The city attorney shall perform all professional services incident to the office, as prescribed by ordinances, and when required, shall furnish written opinions to the common council or its committees.

Treasurer—his duties.

SECTION 6. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

Marshal—his powers, duties and fees.

SECTION 7. The city marshal shall be appointed by the common council, and shall hold his office during their pleasure. In addition to his duties herein prescribed, he shall perform such other duties and execute such orders as the common council shall direct. He shall possess the powers of constable at common law, or by the

laws of this state, coextensive with the counties of Jefferson and Dodge, be subject to the same liability, and receive like fees. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or laws of the state, may pursue and 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, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties; and in case he shall neglect or refuse, within ten days after entering upon the duties of his office, to appoint such deputy or deputies, then the common council shall have power to appoint such deputy or deputies, who shall give a bond to the city, with one or more sureties, in such sum as it may prescribe, for the faithful discharge of his duties; and no marshal shall hold any other city or county office, either by election or appointment.

SECTION 8. The common council shall have power from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and 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.

Further duties
may be required
of officers.

SECTION 9. The common council shall annually provide that all printing authorized and required by them to be done for their use, or for the city, shall be let by contract to the lowest responsible bidder, for the term of one year: *provided*, no bid therefor shall be considered, unless the same shall be lower than the rates of

City printing.

legal advertising, as fixed by law; and in case no such bid is made, the common council is hereby empowered to provide for such printing in such manner as they may think proper. All ordinances and other proceedings required by this act or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavits of the length of time said ordinance, by-law or proceeding has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by-law.

Penalty for not
delivering books,
&c. to successor.

SECTION 10. 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, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Peace officers.

SECTION 11. The mayor, sheriff of Jefferson county, each and every alderman, justice of the peace, marshal, deputy marshal, constable and watchman, shall be officers of the peace, and shall suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceeding.

Surveyor.

SECTION 12. The common council may elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties, and fix the fees and compensation for any service performed by him. All surveys, pro-

files, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council.

SECTION 13. The common council shall have power City attorney. to elect a city attorney and comptroller, and to prescribe their duties and fix their compensation.

CHAPTER III.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Watertown do ordain," etc. Style of ordinance—quorum. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally, or left at their usual places of abode. Meetings of council. The common council shall determine the rule of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

SECTION 3. The common council shall have the management and control of the finances and 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 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 may 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 ordinance, rule or by-law, and such ordinances, rules or by-laws are hereby declared to be and to have the force of law: *provided*, they be Powers of council.

not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions or by-laws :

Liquor.

Liquor not to be sold on election days or Sundays.

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons; and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *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, and that all licenses, except for exhibitions, shall be issued for one year, and shall expire on the first Monday of May, except in special cases the council may issue the same for a fractional portion of a year, to expire on that day; *and provided*, *further*, that no person thus licensed shall sell or give away spirituous, fermented or vinous liquors on Sunday or election days; and all moneys derived from licenses shall be paid into and constitute a part of the city general fund.

Gaming.

2d. To restrain and prohibit all descriptions of gaming 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 or vinous liquors, unless licensed by said council.

Blas.

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

Abate 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 city.

Slaughter houses &c.

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erec-

tion, use or occupation of the same, when the offal or filth therefrom shall discharge into the waters of Rock river, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible materials.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood, signs, or other materials or substances whatever. Encumbering streets, &c.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. Horse racing and trotting.

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

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 ordinance. Dogs.

10th. To prevent persons from bringing, depositing or having within said city, or placing in Rock river, in 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, or putrid or unsound beef, pork, fish, hides or skins, of any kind, or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons. Removal of unwholesome substances.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of waterworks for the supply of water to the inhabitants of the city; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city, and to erect lamps, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise. Pounds, pumps, &c.

12th. To establish and regulate boards of health, provide for hospital and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use, from taxation. Boards of health.

13th. To establish the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Bread.

14th. To prevent all persons riding or driving Driving on sidewalks.

horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Shooting firearms, &c.

15th. To prevent the shooting of firearms or fire-crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Drunkenness.

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

Runners.

17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.

Police.

18th. To make rules and ordinances for the government and regulation of the police of the city.

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 interrupting or interfering 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.

Hay and fuel.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling of fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Removal of snow dirt, &c.

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, street or alley opposite thereto, and to compel such owner or occupant to remove from the lots 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 objectionable substance by some officer of the city, at the expense of such owner or occupant.

Contagious diseases.

22d. To prevent, regulate and control the landing of persons from cars and stages, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Auctions.

23d. To regulate the time, place and manner of holding public auctions and vendues.

24th. To appoint watchmen, and prescribe their Watchmen. duties.

25th. To provide by ordinance for a standard of Weights and measures. weights and measures, and for the punishment of false weights and measures.

26th. The common council shall have power to re- Shade trees.quire the owners 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 lay a special tax upon such lots or grounds to pay the expenses of the same.

SECTION 4. All that part of Rock river within the Jurisdiction of river and bridges boundaries of said city, shall be under the exclusive jurisdiction of the said city and its council, and all bridges over the said river, within the limits aforesaid, shall be under its jurisdiction, and the mayor and council of said city are fully empowered to build bridges over said river, remove obstructions and filth, and cause the said river to be kept as clean and as pure as possible; and the said common council shall have power to prevent the erection of buildings or structures of any kind in or upon said river, and to prevent the repairing of any building or structure of any kind now erected in and upon said river, within the limits of said city.

SECTION 5. All laws, ordinances, regulations, reso- Publication of laws, ordinances, &c.lutions and by-laws, shall be passed by an affirmative vote of a majority of the common council, and such laws, ordinances and regulations shall be signed by the mayor, and shall be published in a paper or papers to be selected by the council, printed in said city, before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances or regulations shall be recorded, the publication thereof, respectively, within the same time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

SECTION 6. The powers conferred upon the said Nuisances. 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 spirituous, vinous or fermented liquors are sold without the licenses required thereof, 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.

Council to audit accounts.

SECTION 7. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioners of each ward, marshal, and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before the term for which the officers of said city are elected or appointed, shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or default in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER IV.

OPENING OF STREETS, ETC.

Laying out of public squares, streets, &c.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlargement or widening the same, the courses and distances, routes and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such

application to be given to the occupant or occupants of such land, if any there be, or if a portion of such lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

SECTION 2. Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of Jefferson county, for the appointment of six jurors to view said premises, and to determine whether it will be necessary to take the same for the purpose specified in said petition.

Application for
jurors to view
premises.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint six reputable freeholders, residents of the city, but not residents of the ward in which such premises may be, nor interested in the result of such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them, within thirty days, to view said premises, to be specified in said precept, and to make return under their hands to the common council, whether in their judgment it is necessary to take said premises for the purpose specified in said application.

Precept of judge.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Vacancies.

SECTION 5. The said jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them; and shall, at such times as they may agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jury; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Jurors to view
premises.

Report.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them separately, and which shall state whether in their judgment it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council, within the time limited therein.

Council to examine report.

SECTION 7. Should the jurors determine that it is necessary to take such premises, they shall thereupon ascertain and determine the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and shall assess and return within the time limited, such damages and benefits to the common council; and said common council shall thereupon enter an order among their proceedings, confirming said report.

Where there are buildings on lands.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him, and severally [secondly,] the value of such building to him to remove.

Notice of determination to be given to owners.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper, three successive weeks. Such notice shall specify the building, and the award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken, with the land appraised, or of their intention to remove such building, at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for the purpose as the common council may allow.

sale of building.

SECTION 10. If the owner refuse to take the building, at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the

common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom for any benefit which said owners may, respectively, derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings (of [if] the property of the owner of said land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the same at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Jurors to view premises and hear testimony.

SECTION 12. If the lands and building belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interests, respectively, may be awarded to them by the jurors, less the benefits resulting to them, respectively, from the proposed improvement.

Jurors to strike a balance.

SECTION 13. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, to the extent of the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which the assessment may be made. The award of the said jurors shall be signed by them and returned, together with the testimony taken, to the common council, within the time limited in the precept of the judge appointing them.

Award of jurors.

Lands not to be taken until paid for.

SECTION 14. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or is tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit; and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened and laid out.

In certain cases contracts, &c. to be void.

SECTION 15. When the whole of any lot or tract or land or other premises under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

When contract to remain in force.

SECTION 16. When only part of a lot or tract of land, or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable.

When damages to be paid.

SECTION 17. The damages assessed shall be paid or tendered or deposited as herein required, within six months from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void. The benefits so assessed from the confirmation of said report shall become and remain a lien upon the premises so determined by the jurors to be benefited by the opening or widening of such street, alley or public ground.

When guardian may be appointed.

SECTION 18. When any known owner of the lands or tenements affected by any proceedings under this act, shall be an infant or labor under legal disability, the judge of the circuit or county court of Jefferson

county, or the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

SECTION 19. Any person whose property is taken, or against whom an assessment is made, may within ten days from the return of the jurors to the common council, appeal from said assessments of damages or benefits, to the circuit court of Jefferson county, where such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right of appeal. Appeal.

SECTION 20. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor. Survey of streets, &c.

SECTION 21. The common council shall have power to lay out a highway, street or alley by ordinance, without a jury being called or notice given: *provided*, all the owners of the land taken for such highway, street or alley shall, in writing, consent thereto. When streets, &c. may be laid out without a jury being called.

VACATING STREETS, ETC.

SECTION 22. The common council shall have power to alter or vacate any plot or part thereof within said city, on application in writing of any owner or owners of such plot or part thereof. Vacation of plats

SECTION 23. Before the common council shall hear any application to altar or vacate any plot or part thereof, the applicant shall cause notice thereof to be published in some newspaper printed in said city, for six successive weeks, once in each week; and in case any person be living upon any portion of said plot proposed to be altered or vacated, a copy of such notice, at least ten days before such application is made, shall be served personally on such person, or left at his or her dwelling house. Such notice shall state when such application will be made, and what portion of such plot it is proposed to have altered or vacated. Notice of vacation—how given.

SECTION 24. The order of the common council altering or vacating any plot or part thereof, shall be recorded in the office of the register of deeds of the proper county, before the same shall take effect. Vacating ordinances to be published.

Title to streets
vacated.

SECTION 25. The title to any street or part of street that may be vacated, shall vest in the owner or owners of the lot or lots abutting thereon, to each, from the line of his lot to the center of the street.

Vacation of
streets, &c.

SECTION 26. Upon the application of six freeholders of said city, the common council shall have power and are hereby authorized to alter or vacate such highways, streets and alleys within the corporate limits of said city, as in their opinion are of no public utility. At least ten days before such application shall be heard, a notice thereof shall be posted up in three public places in the ward where such highway, street or alley proposed to be altered or vacated is located, and a copy of such notice shall be personally served on the occupants of the land through or adjoining which that portion of the highway, street or alley runs, proposed to be altered or vacated, or a copy of such notice shall be left at the usual places of abode of such occupants. Such notice shall state when such application will be made, and give a brief description of the highway, street or alley proposed to be altered or vacated.

How notice to be
given.

Appeal.

SECTION 27. Any person deeming himself aggrieved by any order of the common council made under the provisions of this act, may, within thirty days after the making of such order, appeal therefrom, and apply to a justice of the peace of said city for the appointment of commissioners, to whom an appeal from such order of the common council may be taken.

Notice of appeal,
bond, commis-
sioners, &c.

SECTION 28. Every application for such appeal shall be made in writing to such justice, and shall briefly state the grounds of the appeal; and upon the filing of such application, and a bond executed to the city, with sufficient sureties, to be approved by the justice, conditioned to pay all costs arising from such appeal, provided the order of the common council shall not be reversed, such justice shall issue a notice specifying therein a time and place for the appointment of commissioners, which notice shall be served on the mayor at least six days before such time; and at the time and place appointed, the justice shall make a list of eighteen disinterested freeholders of said city. Each party may object to six on such list, and in case either party shall be absent, the justice shall strike off the names for the absent party, and out of the number not struck off, he shall, by lot, select of three for such commissioners.

SECTION 29. The justice shall then annex to the application a warrant, under his hand, appointing a time and place for the meeting of such commissioners, and issue the same to the persons so appointed, directing them to view and examine the premises described in the application and the order of the common council, and to make return of their decision thereon to him, within ten days after the date of the warrant; and before proceeding to make such view and examination, they shall be duly sworn justly and impartially to discharge their duties as such commissioners.

Decision of commissioners, &c.

SECTION 30. The decision of such commissioners shall be reduced to writing, and signed by them, and filed with the city clerk; and if the order of the common council shall be affirmed by the commissioners, the party appealing shall pay the expenses of the proceedings had in the matter; but if such order shall be reversed, then the expense shall be a charge and be audited and collected as any other claim against said city. Each commissioner shall be entitled to one dollar a day for his services, and the justice shall be entitled to one dollar for his fees.

Decision to be filed.

When city liable for expenses.

Fees of commissioners.

CHAPTER V.

FINANCES AND TAXATION.

SECTION 1. In all appropriations of money by the common council, the ayes and noes shall be taken and recorded on the journal. All funds in the treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds belonging to the city, and all such orders shall be received in payment of any tax or assessment levied by authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by indorsement.

Appropriations.

Control of funds.

SECTION 2. The common council shall annually levy upon the property liable to taxation in each ward, a tax not exceeding one-half of one per cent. per annum, to defray the current expenses of such ward; and the tax annually levied for city general purposes, and to defray

Tax for current expenses—limit.

the expenses of the city general fund, shall not exceed one-fourth of one per cent. per annum.

Ward debts.

SECTION 3. The alderman of any ward shall certify to the council any debts contracted by such ward for the current year, and thereupon the said council shall (if such debt be a proper claim against such ward) allow such debt, and direct the mayor and clerk to issue to the proper person orders of the city to the amount of the debt allowed: *provided*, the said council shall in no case allow any such debt, if such allowance will cause the whole amount of orders so issued to meet the indebtedness of such ward, to exceed the amount of tax which may be levied and collected under the provisions of this chapter to meet the expenses of the current year, assuming as a basis the tax list of such year, if then made out, and if not, then the tax list of the preceding year.

Proviso.

Debts not to be contracted beyond a limited amount.

SECTION 4. No alderman of any ward shall contract debts against any such ward in any one year to an amount greater than the tax which, under the provisions of this chapter, may be levied in said ward to meet the current expenses of the year; and if the alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if the debt had originally been contracted by such alderman personally: *provided*, that no alderman shall be held liable as aforesaid, without proof of his assent, as alderman, to the contracting of the liability or debt by the ward. The common council shall not, in the appropriations made in any one year, exceed the revenues of that same year, nor shall they issue any orders, certificates, bonds or other evidences of debt not authorized by law, or in any other manner create a floating debt against said city, beyond the annual revenue thereof.

Penalty.

CHAPTER VI.

CITY IMPROVEMENTS.

Aldermen to be street commissioners.

SECTION 1. The aldermen of the several wards shall be street commissioners in and for their respective wards, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report in detail to the com-

mon council of their acts and doings, whenever required; and at the expiration of each year, and before their terms of office shall expire, shall submit all their acts and doings, books, records, papers, accounts and vouchers to the common council, for final settlement and adjustment.

SECTION 2. Any person deeming himself aggrieved Appeal. by an act of the board of street commissioners, may at any time appeal to the common council, who shall inquire into, examine and correct the act or order complained of, as shall seem just and proper, and the further action of the board in this respect shall be regulated accordingly.

SECTION 3. It shall be the duty of the street commissioners to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, sewers, gutters and water-courses within their respective wards, are duly observed and kept, and direct and control the persons employed therein. The street commissioners shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in their respective wards, unless the common council shall otherwise provide, and all sidewalks shall be constructed upon the proper or established grade of any street in said city, of such width, in such manner, of such material and in such time as the common council by ordinance, resolution or order shall direct. Cleaning streets, sidewalks, &c.

SECTION 4. The said street commissioners shall Grading. have power to order and contract for the making, grading and enlarging of streets, alleys, public grounds, reservoirs, gutters, sewers and sidewalks within their respective wards, and to direct and control the persons employed therein.

SECTION 5. No improvement or work shall be done or made upon any street, chargeable to the adjoining lots, unless upon application, in writing, of a majority of resident owners of such lots: *provided, however,* that whenever the street commissioners shall deem it necessary to repair any sidewalk within their wards, they shall direct the owner or occupant of any lot adjoining such sidewalk, to repair the same at his own proper cost and charge, without any petition or application therefor from lot owners; and if such sidewalk be not repaired in the manner and within the time prescribed, the com- Street improvements. Repair of sidewalks.

missioners shall cause the same to be done at the expense of the lots adjoining such sidewalks.

Expense of surveying streets, &c.

Opening sewers and paving streets.

Lots subject to taxation for sewers.

Improvements across streets, &c.

Estimate and notice of improvements.

SECTION 6. The cost and expense of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon, and of repairing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to and payable out of the fund of the proper ward. Opening, grading, graveling, planking or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley. Sewers may be ordered by the street commissioners and built at the expense of the lots or parcels of land benefited thereby, which shall be apportioned among said lots or parcels of land by the street commissioners: *provided, however*, that when sewers are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks through which such sewers may be constructed; and where sewers are constructed through streets, no lots shall be assessed therefor, except those situated in the blocks fronting on such streets; *and provided, further*, that in all cases where improvement or work of any kind is chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the fund of the proper ward, in proportion to the width of the street, alley or public ground.

SECTION 7. Whenever the commissioners shall determine to make any public improvement, as authorized by sections 3 and 4 of this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in or to be excavated in front of each lot, and such estimate shall be filed with the city clerk for the inspection of the parties interested. The street commissioners shall give notice by advertisement, for ten days, in one or more newspapers published in Watertown, to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice, within a reasonable time, therein to be specified; and if the said work shall not be done

within such time, the said commissioners shall enter into contract for the doing thereof.

SECTION 8. Whenever the general interest of the city or ward requires deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the commissioners, in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioners shall require the marshal to summon five freeholders, not residents of the ward, nor owners of nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trusts imposed on them, shall examine the premises, and if, in their opinion, the cost of such work will exceed the benefit derived therefrom to such lots or lands, it shall be their duty to make report thereof to said commissioners, in writing, and shall state therein what portion of said work shall be chargeable to such lots or parcels of land, and how much or what portion shall be chargeable to the ward fund; and such proportion as shall be reported as properly chargeable to the lots or parcels of land aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the ward fund: *provided, however*, that the petition of no owner feeling himself aggrieved by an act of the street commissioners, shall be received, unless the same shall be presented within fifteen days after the first publication of the notice requiring the same to be done; *and provided, further*, that when it shall appear to the street commissioners that lands belonging to non-residents, infants or persons laboring under any legal disability, who shall not be represented by any agent or guardian, are not benefited by the making of streets in front of such lots or lands, to the amount of the cost and expense thereof, it shall then be the duty of said commissioners to cause to be summoned a jury, as is herein provided.

SECTION 9. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant water remaining thereon, in the official paper, for ten days, to abate such nuisance, by draining or filling such lot within a reasonable time, to be specified; and if such nuisance is injurious to health.

sance shall not be abated or removed within the time so specified, the street commissioners shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Certificate of
work, and assess-
ment and collec-
tion of expense.

SECTION 10. After the completion and performance of any contract entered into by any street commissioner, for work chargeable to lots or lands, by virtue of this act, they shall give to the contractor or contractors a certificate under their hands, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed upon the said lots or parcels of lands respectively, and collected for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required, shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment: *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof.

Appeal.

SECTION 11. In all cases where work is ordered to be done by the owner of any lot under the provisions of this chapter, such owner may make his appeal, as hereinbefore provided, at any time within twenty days after the publication of the notice required to be given, and until the expiration of such twenty days, no such order shall be executed.

Poll tax.

SECTION 12. There shall be one day's work performed annually on the streets, highways, lanes and alleys by each male person, who by the laws of this state is liable or subject to perform highway work. Such persons shall perform such labor in the ward where he resides, under the direction of such person as the commissioners may order and appoint; but such person may, at his option, pay to the said person so appointed by said commissioners, at the rate of one dollar per every day he may be so bound to work; and in default of the payment of such money or the performance of such labor, the said commissioners of the proper ward shall issue their warrant to the marshal of said city, for

the collection from each and every person so delinquent, the sum of one dollar, the amount of the tax aforesaid, with the legal costs; and the said marshal shall have the same power and authority, and proceed in the service of said warrant in the same manner as prescribed by law in relation to the service of warrants issued for the collection of taxes assessed on personal property, and shall be entitled to the same fees. But before the said persons shall be required to do such work as aforesaid, the said commissioners shall make a correct list and enrollment of all such persons within their ward.

CHAPTER VII.

ASSESSING, LEVYING AND COLLECTING TAXES.

SECTION 1. All property, real and personal, with-
 in the city, except such as may be exempt by the
 laws of this state, shall be subject to taxation for
 the support of the city government and the payment
 of debts and liabilities, and the same shall be assessed
 in the manner provided by law; and the assessors
 elected under this act, shall have and possess the same
 powers that are or may be conferred upon township assessors;
 and they shall receive two dollars per day for each
 and every day actually and necessarily devoted
 by them to the service of the city, in discharge of the
 duties required of them by law, and the same rate for
 parts of a day: *provided*, the aggregate amount allowed
 said assessors in any one year, shall not exceed one
 hundred and fifty dollars.

Taxation.

Powers and per
 diem of assessors

SECTION 2. The common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purpose for which the same are levied, and if not for general city purposes, the ward upon which the same are levied; and all taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such tax shall be paid; and no sale or transfer of such real or personal estate, shall affect such lien.

Taxes for general
 city purposes.

Lien.

Tax list.

SECTION 3. As soon as said tax shall be levied, the common council shall cause the assessment roll to be copied in a book provided for that purpose, setting opposite to each tract of land and to each person named, under proper columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated the tax list, and to it 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 on said list.

To be compared.

SECTION 4. Such tax list before being delivered to the treasurer, shall be compared by the clerk with the assessment roll. To it he shall append this certificate that the same has been so compared by him, and that the said assessment roll, and the whole thereof, has been copied into such tax list; and the said tax list, when so certified, shall be *prima facie* evidence in any court, that the lands and persons therein named and described were subject to taxation, and that the assessment was just and equal.

Treasurer's notice.

SECTION 5. On the receipt of such tax list, the treasurer shall give one week's notice thereof, in some newspaper published in said city. Such notice shall state that the taxes on real and personal property must be paid within thirty days from the first publication of said notice; and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified, shall be deemed a refusal to pay the same.

Collection of taxes.

SECTION 6. On the expiration of the thirty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of state, county and city taxes both on real and personal property, in the manner specified in title five of the revised statutes; and if any such taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the said treasurer and his sureties. In case any state, county or city taxes shall not be paid within the time limited in the fifth section of this chapter, the treasurer may issue his warrant, directed to the city marshal, requiring and commanding him, within a certain time in such warrant to be specified, to proceed and collect such taxes as shall remain unpaid; and

the marshal receiving such warrant, shall be subject to all the liabilities and shall have all the powers of levying, distraining and selling, that are given to the treasurer, and shall be entitled to the same fees for collecting which the treasurer would have, had the taxes been collected by him.

SECTION 7. The treasurer of the city of Watertown is hereby required to return all delinquent state, county, school and city taxes to the county treasurer of the proper county, at the same time and in the same manner town treasurers are required by law to make returns; and such county treasurer shall sell the lots or parcels of land on which such taxes remain unpaid, in the same manner he is required by law to sell other lands for delinquent taxes; and all laws relating to the redemption of lands from taxes, and the executing of tax deeds, shall apply to such sale, so far as the same are properly applicable thereto.

Return of delinquent taxes.

SECTION 8. Upon all tax certificates heretofore issued by the city treasurer, upon the sale of lots or parcels of land for delinquent taxes, the city treasurer shall execute tax deeds to the person or persons entitled thereto, in the same manner and with like effect as if this act had not been passed.

Tax deeds to individuals.

SECTION 9. Where any lots or parcels of land have been bid off by the city of Watertown, at any tax sale made by the treasurer of said city, and the same have not or shall not be redeemed as provided by law, said treasurer shall execute to said city, in his name of office, and in the name of the state of Wisconsin, a deed therefor, witnessed and acknowledged in like manner as deeds to individuals, which shall have the same force and effect as conveyances executed by said treasurer to individuals of land sold for taxes.

Tax deeds to city.

SECTION 10. The assignee of any tax certificate shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

Tax deeds to assignees.

SECTION 11. All deeds purporting on their face to be executed on account of sale for taxes or assessments under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deeds,

Validity of deeds

so far as they affect the validity of the title conveyed by such deed.

Validity of assessments.

SECTION 12. All directions hereby given for the levying and collection 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.

Redemption of lands sold for taxes.

SECTION 13. The treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof, and pay the same over, on demand, to the persons entitled to receive the same. He shall cancel all certificates so redeemed, and preserve the same in his office, and at the expiration of his term of office, he shall deliver over to his successor all redemption moneys in his hands, with a statement of the amount so received.

Collection of taxes.

SECTION 14. In all cases where, by the provision of this act, any charge or assessment is made a lien upon land, the amount of such charge or assessment shall be carried out on the tax list in a separate column or columns opposite the lot or tract upon which the same may be a lien, and the treasurer may collect and sell and do all other acts in regard thereto in the same manner as if the amount of such lien was a general tax.

Dues of treasurer

SECTION 15. The treasurer, in addition to such sum as the common council may allow him, shall be entitled to the following fees, to wit: Five per cent. on all sums collected on personal tax, the same to be added to the amount of personal tax of each person taxed, and in case of a distress and sale by him of goods and chattels for the payment of any tax, he shall be entitled to such fees as are allowed sheriffs on sales of goods under execution; for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot embraced in such certificate, to be paid by the person redeeming; for each tax deed executed by him, one dollar, and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same.

Treasurer's bonds.

SECTION 16. The treasurer of the city, in giving bonds for collecting the county tax and making his return to the county treasurer, and in all other respects,

shall conform to the general laws of the state regulating the same, except that the returns to the county treasurer shall be for the city, and not for the wards.

CHAPTER VIII.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of Fire limits. guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

SECTION 2. The common council shall have power Powers of council to guard against fire. to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners or occupants of buildings to have scuttles in the roofs and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city, (*shall have power*) to keep away from the vicinity of a fire all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires and in the prevention of property exposed to danger thereat, and, generally, to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SECTION 3. The common council shall have power Fire engines and companies. to purchase fire-engines, and to authorize the formation of fire-engine, hook and ladder and hose companies,

and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men, between the ages of fifteen and fifty years, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries, and from military duty, during the continuance of such membership.

Chief engineer
and assistants.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of March, in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment, one chief engineer and their assistant engineers, and the common council shall thereupon confirm such nominations, and the persons so appointed shall perform such duties as the common council shall prescribe.

Fire wardens.

SECTION 5. At the same time the members of said companies shall nominate, and the common council shall appoint the same, four fire-wardens, who shall reside in different wards, and who shall perform such duties as the common council shall prescribe; and they may at any time enter into or open any house, store or other building or inclosure, for the purpose of inspecting the same, with a view to guard against fire.

Punishment for
disobeying or-
ders at fires.

SECTION 6. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or any citizen to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner, such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly. Any person who shall refuse to obey any such lawful order, or shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Back company.

SECTION 7. The common council shall have power

to organize a sack company, which shall be known as sack company number one, to consist of not less than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Watertown, and are hereby vested with the power and authority which now is or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall so far as it may be in their power preserve the same from injury and destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office; and when any member of said company shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all the members of said company.

Duties.

Oath.

Record of resignations, &c.

CHAPTER IX.

MISCELLANEOUS PROVISIONS.

SECTION 1. All the officers of the city of Watertown shall remain in their respective offices, and perform the duties thereof, until the officers elected by virtue of this act are elected and qualified, at which time they shall deliver over all books, papers, moneys and other property in their possession, to the respective city officers who, by the nature of his or their respective office, is entitled to the custody of the same.

Terms of office.

SECTION 2. All ordinances, regulations or resolutions now in force in the city of Watertown, and not

Ordinances, &c. to remain in force.

inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect.

Work to be let to lowest bidder.

SECTION 3. All work for the city or either ward thereof, shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

How penalties shall be prosecuted.

SECTION 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act or by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or warrant, as the exigencies of the case may seem to require: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting without process, any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity, noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before a justice of the peace, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offender.

Executions—how collected.

SECTION 5. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed according to the laws of this state. The execution, except in cases *ex contractu*, shall require the defendant to any such action, in case no goods or chattels, lands or tenements, whereof the judgment can be collected, be found, to be imprisoned in the jail of the proper county, for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

Citizens may try causes.

SECTION 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Want of an election not a loss of franchises.

SECTION 7. If any election by the people or common council shall not for any cause be held at the time or in the manner herein prescribed, it shall not be con-

sidered reason for arresting, suspending or absolving said corporation, but such election may be had on any subsequent day by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

SECTION 8. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

Suits against the city.

SECTION 9. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation; nor shall any real or personal property of any inhabitant of said city, or any individual or corporation, be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city. All school houses and the lots on which they stand, all fire-engines, hooks and ladders, hose, fire-buckets, and other apparatus used in extinguishing fires, all engine houses, the lots on which they stand, and the furniture of the common council and city officers, shall be exempt from attachment, execution or other final process issued against said city.

City may hold or lease real or personal property.

Exempt from taxation.

SECTION 10. 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.

Relating to repeal, &c. of this act.

SECTION 11. Each and every alderman of said city is hereby exempt from serving as a juror in any court in the county of Jefferson, during his term of office.

Officers holding over.

SECTION 12. Section nine of chapter 127, section three of chapter 128, of the private and local laws of 1856, and all acts and parts of acts inconsistent with the provisions of this act, (*be and the same*) are hereby repealed.

Repeal.

SECTION 13. This act shall be considered a public act, and shall be construed favorably in all courts and

Public act.

places, and shall take effect and be in force from and after its passage.

Approved March 28, 1865.

CHAPTER 234.

[Published May 8, 1865.]

AN ACT to legalize a special town meeting of the town of Lake Mills, Jefferson county, on the twenty-second day of August, 1864, and to authorize the issuing of town orders.

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

Bounty tax proceedings legalized.

SECTION 1. The special town meeting held in the town of Lake Mills, Jefferson county, on the twenty-second day of August, in the year eighteen hundred and sixty-four, for the purpose of raising a tax to pay volunteers and others who furnished a substitute, to be credited to said town, on the call of the president for five hundred thousand volunteers, is hereby declared legal, valid and binding upon said town, notwithstanding any irregularities that may have occurred in calling, notifying or holding the said meeting.

Town orders may be issued.

SECTION 2. The board of supervisors of the said town are hereby authorized and empowered and required to issue town orders, drawing not more than seven per cent. per annum, payable to the order of such volunteers as have been credited to said town under said call, and have not been paid, and to such persons as have purchased such substitutes that were credited to said town under said call, who have not been paid the same; and that all orders heretofore or which may hereafter be issued by said supervisors under the resolution adopted at the town meeting, shall be legal and binding to all intents and purposes whatsoever: *provided*, nothing herein shall be so construed as to permit said supervisors paying more than two hundred dollars to a volunteer, or person furnishing a substitute.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1865.