

[No. 105, S.]

[Published March 19, 1873.]

CHAPTER 160.

AN ACT to amend chapter fifty-seven of the laws of 1874, entitled "An act to incorporate the city of Columbus," and chapter one hundred and twelve of the laws of 1875, amendatory thereto.

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

SECTION 1. Section one of chapter three of chapter **Amended.** fifty-seven of the laws of 1874, is hereby amended so as to read as follows: Section 1. The annual election **Elections.** for ward and city officers shall be held on the first Tuesday in April in 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 sunset, and ten day's previous notice shall be given by the city clerk of the time and place of holding such election, and of the officers to be elected, by publishing a notice in the official paper of the city, and posting up notices in at least two public places in each ward.

SECTION 2. Section two of chapter three is hereby **Amended.** amended so as to read as follows: Section 2. The elec- **Elective** tive officers of said city shall be a mayor, a treasurer **officers.** and assessor, elected by and for the city at large; and three aldermen, one supervisor to represent his ward in the board of supervisors of Columbia county, one justice of the peace, and one constable, to be elected by and for each ward. The mayor, treasurer and assessor shall be qualified voters in the said city, and the ward officers aforesaid shall be qualified voters in the ward for which they are elected. The city clerk, attorney, **Appointed** marshal, and all other officers necessary for the proper **officers.** management of the affairs of said city, shall be nominated by the mayor and by the consent of the common council appointed. All elective officers, except justices **Terms.** of the peace, 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 of its own number, and to remove from office any officer or agent under the city government; due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and

**Suspensions
and vacancies.**

qualified. The mayor shall have power to suspend any police officer or watchman appointed by the common council, when complained of, for cause, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

**Amended.
Vacancies.**

SECTION 3. Section three of chapter three is hereby amended so as to read as follows: Section 3. Whenever a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten day after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Amended.

**Inspectors and
clerks of elec-
tion.**

SECTION 4. Section six of chapter three is hereby amended so as to read as follows: Section 6. The mayor, with the consent of the common council, shall appoint the inspectors and clerks of all elections to be held in said city, or in any ward thereof; they shall take the usual oath or affirmation, as prescribed by the general laws of the state, to be taken by the judges, inspectors, and clerks of election; and they shall have the power to administer the necessary oaths, and fill vacancies in said board when necessary, at the time of opening the polls. All elections shall be held and conducted in the same manner and under the same penalties, as required by the laws of this state regarding elections.

Amended.

SECTION 5. Section seven of chapter three is hereby amended by inserting in the twelfth line of said section, after the words "that you are," the words "and have been for the last ten days."

Amended.

SECTION 6. Section nine of chapter three is hereby amended by striking out in the second line of said section the words "by the aldermen of each ward."

Amended.

**Oath of office
and bond.**

SECTION 7. Section one of chapter four is hereby amended so as to read as follows: Section 1. Every person elected or appointed to any office, under the provisions of this act, except justices of the peace, 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 officers taking the same, with the clerk of the city; and the treasurer, clerk, marshal, 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 Columbus a bond, with at least two surties, who shall swear that they are worth in the aggregate the penalty specified in said bond, over and above all debts, exemption or liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give the same. Justices of the peace and constables shall qualify according to the general statutes, except that their official agreements shall be approved by a vote of the common council.

SECTION 8. Section two of chapter four is hereby ^{Amended.} amended by inserting in the twenty-second line of said section, after the word "objection," the following: "And it shall be the duty of the city clerk forthwith to notify the president of the board of such filing, who shall, within one week after the filing of the veto, call a meeting of the common council to consider the objections: *provided, however,* that the mayor does not call a meeting within the specified time." ^{Relating to veto.}

SECTION 9. Section three of chapter four, is hereby ^{Amended.} amended so as to read as follows: Section 3. At the first meeting of the common council in each year, 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 for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president, or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and the acts performed by them, or any of them, shall have the same force and validity as if performed by the mayor, except the signing of the city bonds; and the said common council shall also, at their first meeting in each year, elect a clerk and marshal for the city, who shall hold their respective offices for the term of one year, and until others are elected and qualified. ^{Powers and duties of president of council.}

SECTION 10. Section five of chapter four is hereby ^{Amended.}

Jurisdiction of justices. amended so as to read as follows: Section 5. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of the justices of the peace, and in addition thereto they shall have jurisdiction in all cases arising under this act, and the ordinances, resolutions and by laws passed by said city council, unless therein otherwise provided; and may hold their offices at any place within the city. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Amended. SECTION 11. Section seven of chapter four is hereby amended by inserting in the fifteenth line of said section, after the word "apprehend," the words "with or without warrant, and at any place within the city," and by striking out all of said section after the twentieth line thereof.

Amended.
City printing. SECTION 12. Section nine of said chapter four, is hereby amended so as to read as follows: Section 9. The city clerk shall give notice in writing to all publishers of newspapers published in said city, at least one week previous to the first annual meeting of the common council in each year, for sealed bids or proposals for the publishing of ordinances and other proceedings and matters required by this act, or by the ordinances of said city, or by order of the common council, to be published in a newspaper; and the city clerk shall, at the first annual meeting of the common council in each year, open all bids received for such publishing, and the common council shall then and there award the contract to the lowest responsible bidder, and the newspaper published by said party or parties receiving said contract shall be the official paper of the said city for the ensuing year: *provided, however,* such bid does not exceed the legal rates, and provided, further, that the common council shall have the right to reject all bids deemed exorbitant and in such case the common council shall order the city clerk to receive new bids within ten days, to be opened in the manner aforesaid at such time as the common council shall order: *provided, however,* that such time shall not be later than the next regular meeting.

Amended. SECTION 13. Section thirteen of chapter four, is hereby amended by striking out in the second and third lines the words "police justice."

Amended.
Suits brought SECTION 14. Section fifteen of said chapter four is hereby amended, so as to read as follows: Section 15.

All actions to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police and health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice, in such cases, shall be paid over to the city treasurer. Each justice shall report to the common council on the first Monday in January, April, July and October, in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer.

In corporate name of city.

Quarterly statement of fines.

SECTION 15. Section sixteen of chapter four is hereby repealed.

Repealed.

SECTION 16. Chapter four is hereby amended, by adding thereto the following section: Section 19. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council.

Amended.

Resignations.

SECTION 17. Section one of chapter five is hereby amended, by adding thereto in the third line after the word "services," "except as members of the board of equalization."

Amended.

SECTION 18. The first subdivision of section three of chapter five is hereby amended so as to read as follows: 1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys or shooting galleries, and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law; and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same: *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors at retail, shall not be less than twenty-five nor more than one hundred and fifty dollars, and for dealing in or vending spirituous, vinous or fermented liquors at wholesale, shall not be less than ten nor more than forty dollars per annum, and that all such licenses hereafter granted shall run from the first day of May in each year to the first day of May following: *provided, however*, that when any such license may be ap-

Amended.

Showmen, etc.

Nuisances.

Liquors, etc.

plied for after that date, the same may be granted to expire on the said first day of May of each year, on the applicant paying pro rata therefor; but no license shall be granted for a longer term or period than one year.

Amended. SECTION 19. The second subdivision of section three of chapter five is hereby amended so as to read as follows:
Gaming, etc. 2d. To restrain prohibit, and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.
Liquors, etc.

Amended. SECTION 20. Subdivision twenty-three of section three of chapter five is hereby amended so as to read as follows: 23d. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues.
Auctioneers.

Amended. SECTION 21. Section four of chapter five is hereby amended so as to read as follows: Section 4. All ordinances shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall within fifteen days after their passage, respectively, be published in the official paper of said city, once 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 said ordinances shall be recorded, the publication thereof respectively within the said 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 time and manner of such publication, and such record of such ordinance, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such ordinance.
Ordinances.

Amended. SECTION 22. Section one of chapter six is hereby amended so as to read as follows: Section 1. 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, except road funds; and all orders drawn upon
Disbursement of funds.

the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. All orders shall be payable to the person or persons, or to the order of the person or persons in whose favor they may be drawn, or bearer. Orders.

SECTION 23. Section three of chapter eight is hereby amended by striking out all of said section after the word "city" in the fourth line. Amended.

SECTION 24. Section five of chapter eight is hereby amended so as to read as follows: Section 5. The mayor, city clerk, city assessor, and the three supervisors, shall constitute the city board of equalization, and shall meet on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards of review and equalization are by law required to proceed, as far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of equalization and the city clerk the clerk thereof. Amended.
Board of equal-
ization.

SECTION 25. Section ten of chapter eight is hereby amended by adding thereto at the end of the section the following: *provided*, that the city treasurer has filed the receipt of the county treasurer for his bond for state and county taxes. Amended.

SECTION 26. Section sixteen of chapter eight is hereby amended by striking out the word "third," in the second line of said section, and inserting in lieu thereof the word "last." Amended.

SECTION 27. Section three of chapter nine is hereby amended so as to read as follows: Section 3. The common council shall have full power to purchase fire engines and other fire apparatus, 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. The common council shall appoint one chief engineer and one assistant chief engineer of the fire department, at such times as they, by ordinance, may ordain. The city clerk and the city treasurer, shall be ex-officio respectively clerk and treasurer of the fire department of said city. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except the chief engineer and assistant engineer, who shall be appointed Amended.
Fire companies
and apparatus.

by the council, 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 enlistments. Every member of said company, hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years, in either of such companies, shall be forever thereafter exempt from poll tax, and military and jury duty, except as in cases before mentioned.

Amended.

Fire warden.

SECTION 28. Section four of chapter nine is hereby amended so as to read as follows: Section 4. The common council shall appoint one fire warden for the city, who shall perform such duties as the common council may prescribe, and he may at any time enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

Amended.

Disbursement of funds.

SECTION 29. Section eight of chapter nine is hereby amended so as to read as follows: Section 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department. Such moneys shall only be paid out on order signed by the chief engineer or acting chief engineer, and countersigned by the clerk of the department.

Amended.

Officers of fire companies.

SECTION 30. Section nine of chapter nine is hereby amended so as to read as follows: Section 9. There shall be elected by the members of each company, annually, at their respective annual meetings, a clerk and a treasurer of each company. The respective clerks shall, on the first Monday in May and on the first Monday in November, in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, and his certificate returned.

Amended.

List of firemen.

SECTION 31. Section ten of chapter nine is hereby amended so as to read as follows: Section 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and no person shall be exempt from jury duty unless the name is entered on such record. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the record, and shall return to the clerk of

Return of list to county clerk.

the board of supervisors of the county of Columbia, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

SECTION 32. Section eight of chapter ten is hereby **Amended.**
 amended so as to read as follows: Section 8. Wit- **Witnesses.**
 nesses in behalf of the city, and jurors, shall attend before a justice of the peace in said city, in all actions brought in the name of the city, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

SECTION 33. Section ten of chapter ten is hereby **Amended.**
 amended so as to read as follows: Section 10. In all **Appeal.**
 cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Columbia: *provided*, such defendant within twenty-four hours after the judgment is rendered, enter into a recognizance with two or more sufficient sureties, to be approved by such justice, conditioned to appear before said court, and abide the judgment of the court therein. The justices from whose judgment an appeal shall be taken, shall, within ten days, make a return of the proceedings had before him, to the circuit court of Columbia county, and at the same time file with the clerk of said court all papers in the action, together with a certified copy of his docket in the case. He shall also give notice of the appeal to the mayor and common council. The city may appeal from any such judgment as in civil cases before justices of the peace.

SECTION 34. Section eleven of chapter ten is hereby **Amended.**
 amended so as to read as follows: Section 11. Said **Trial by jury.**
 appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the return has been made as provided in the preceding section.

SECTION 35. Section sixteen of chapter ten is here- **Amended.**
 by amended so as to read as follows: Section 16. **Service of pro-**
 When any suit or action shall be commenced against **cess.**
 said city, the service hereof shall be made by leaving a copy of the process of summons with the mayor of said city, and it shall be the duty of said mayor forthwith

to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Amended.

Sidewalk and street improvements.

SECTION 36. Section one of chapter eleven is hereby amended so as to read as follows: Section 1. Every ordinance providing for the construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving of any street, at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or streets, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until one week after the proceedings of the council had relative thereto at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of said city.

Amended.

SECTION 37. Section three of chapter eleven is hereby amended by striking out the words "committee on streets," in the sixth line of said section, and inserting in its place the words "street committee."

Amended.

Sidewalks.

SECTION 38. Section four of chapter eleven is hereby amended so as to read as follows: Section 4. Sidewalks shall be constructed or reconstructed upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered; if the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, at least one week, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days' after notice shall have been given to such owner or owners, of the ordinance requiring the construction of such

sidewalk, by the publication of the same once in the official paper of the city: *provided, further*, that the lands used exclusively for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof be required to build or maintain sidewalks along or fronting such lands, under the provisions of this chapter. The city clerk shall receive all proposals for constructing or reconstructing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions in the case of violation of contract, and to such other particular provisions as the council may prescribe. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances until the tax levied for that purpose shall have been paid to the city.

SECTION 39. Section five of chapter eleven is here-^{Amended.}
 by amended so as to read as follows: Section 5. ^{Repair of side-}
 Whenever a sidewalk shall be out of repair, and so ^{walks.}
 remain for the space of twenty-four hours, which, in the opinion of the street committee, will not cost to exceed the amount of five dollars, in front of any one lot of sixty feet front, or at that rate for part of a lot, to repair the same, the mayor, any alderman or the street commissioner, shall notify the marshal, who forthwith shall give notice to the party or parties to repair said sidewalks within forty-eight hours after notice; a copy of said notice, with return, to be filed with the city clerk. If the party or parties so notified refuse or neglect to repair said sidewalk, the mayor, upon notice, shall order the street commissioner forthwith to repair the sidewalk. When the repair is completed, he shall make out an itemized bill of the costs of such repair, specifying the lot or block or piece or parcel of land in front of which said work was done, duly verified by oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Columbus, for payment, or to his agent, or to the occupant of such lot or lots or parts of lots; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same within ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot,

piece or parcel of land, does not reside in the city of Columbus, or has no agent then known to the city clerk or street commissioner, then the city clerk shall report said account to the common council, who shall thereupon levy a special tax to pay for the same in the same manner as before provided.

Amended.

SECTION 40. Section six of chapter eleven is hereby amended by striking out the words "sidewalks or," in the fifth line of said section.

Amended.

SECTION 41. Section seventeen of chapter eleven is hereby amended by striking out the words "or before the third," in the fifth line of said section, and inserting in their place the words "the first."

Amended.

Work to be let
by contract.

SECTION 42. Section one of chapter thirteen is hereby amended so as to read as follows: Section 1. All work for the city or either ward may, in the discretion of the council, unless otherwise provided in this act, be let by contract to the lowest responsible bidder, and then at least one week's notice shall be given of the time and place of letting such contract. All printing for the use of the city of Columbus, or any of its departments, except such as provided in section nine of chapter four of the amended charter, shall be let to the lowest responsible bidder, and the city clerk shall give due notice, in writing, to all printers in said city, previous to a regular meeting of the common council, for sealed bids or proposals for certain job or jobs, that the city or any of its departments may need, and the city clerk shall open all bids for such printing, in presence of the common council, and the common council shall then award the contract to the lowest responsible bidder: *provided, however*, such bid is a reasonable one; *and provided, further*, that the common council shall have the right to reject all bids deemed exorbitant; and the common council shall, if deemed necessary, order the clerk to send for bids from printers outside of the city, and award to them the contract or contracts, if their rates are more acceptable to the common council.

Amended.

Credit not to be
loaned.

SECTION 43. Section two of chapter thirteen is hereby amended so as to read as follows: Section 2. The credit of the city shall never be given or loaned in aid of any individual, association or corporation. No appropriation shall be made, except by a majority vote of all the aldermen-elect, unless otherwise herein provided; and no money shall be appropriated for any purposes whatever, except such as are expressly authorized by this act.

SECTION 44. Section three of chapter thirteen is ^{Amended.} hereby amended so as to read as follows: Section 3. ^{Account to be published.} The common council shall annually in the month of March of each year, publish an account of the receipts and expenditures of the city for the information of the citizens.

SECTION 45. Section fifteen of chapter thirteen is ^{Amended.} hereby amended so as to read as follows: Section 15, ^{Poll tax.} Every male inhabitant of the city of Columbus, over twenty-one years of age and under fifty, except active members of the fire department, and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually the sum of one dollar each, as poll tax. It shall be the duty of the assessor of the city of Columbus, during the month of April, to make out duplicate lists of all persons liable to said tax in the city of Columbus, and said assessor shall, on or before the first day of May of each year, deliver one of said lists to the city clerk, and one to the treasurer of said city of Columbus. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax who shall not have paid the same after demand, either personally or by written notice left at their usual place of abode, on or before the first day of July of each year, shall be liable to and pay a penalty of two dollars in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer, in the name of the city of Columbus. The process in each case shall be by warrant, as provided for in chapter nine of this act, entitled "actions to recover penalties, etc.;" and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail ten days. The moneys collected as herein provided for shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Columbus. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said list shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property.

SECTION 46. Section sixteen of chapter thirteen is ^{Repealed.} stricken out.

Amended.
Actions.

SECTION 47. Section seventeen of chapter thirteen is hereby amended, so as to read as follows: Section 17. In all cases where an action might be brought by the city of Columbus against any person, company or corporation, such action may be commenced and prosecuted in the name of the city, by any elector or electors of said city: *provided*, that if the complaint is made by any person other than a police officer of said city, sheriff of Columbia county, or any officer of said city, the justice may, in his discretion, require security for costs, as in civil cases before justices of the peace.

**Office of police
justice abolished.**

SECTION 48. The office of police justice for the said city of Columbus is abolished after the second Tuesday of April, A. D. 1878. The common council, at its meeting on the second Tuesday of April, A. D. 1878. shall by resolution designate one of the justices of the peace elected in said city, who shall keep on file in his office the docket and all papers belonging to the police justice, which justice of the peace shall have the authority to issue executions and give transcripts from said docket: *provided, however*, that the present incumbent of said office shall be and remain in office until said time, notwithstanding any provisions in this act to the contrary.

Repealed.

SECTION 49. All acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, claims, suits, penalties or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating the city of Columbus or any of them, but the same shall exist and be enforced and carried out and completed, as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 50. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1878.