PRIVATE AND LOCAL LAWS

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR

EIGHTEEN HUNDRED AND FIFTY-SIX.

PUBLISHED BY AUTHORITY.

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1856.
CHAPTER 452.

An Act to incorporate the city of Beloit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Incorporation. Section 1. From and after the first Tuesday of May next, the district of country in the county of Rock and town of Beloit, contained within the limits and boundaries hereinafter described, shall be a city by the name of Beloit, 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 Beloit," and shall have the general power possessed by municipal corporations at common law, and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, suing and being sued, pleading and being implored, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

Boundaries. Sec. 2. The territory lying in the town of Beloit, in the county of Rock, and included within the following described limits and boundaries shall constitute the city of

or assigns, shall fail to build and complete said bridge within one year from the date of this act, then, and in such case, the city council aforesaid, shall have authority to build and maintain a free bridge across the said Slough or Chute, whenever, in their opinion, the interests of said city shall be best promoted thereby, subject to a like previso for a suitable draw for craft as herein above contained.

Sec. 10. This act shall take effect from and after its passage.

Approved March 31, 1856.
Beloit, to wit: All of sections twenty-six (26), thirty-five (35), thirty-six (36), and twenty-five (25), in township one (1), range twelve (12), in the county of Rock.

SEC. 3. The city shall be divided into four (4) wards, as follows:

The first ward shall be that portion contained within the following boundaries, to wit: Commencing in the centre of Rock river, in the centre line of the bridge, crossing said Rock river, between Bridge street on the west bend and the public landing, so called, on the east bank, running from said point in the same line to the east bank of the river, thence in a straight line to the centre of School street, so called, thence in the centre of said School street, easterly till it intersects with the centre line of Hydraulic street, so called, thence running in a line in the centre of said Hydraulic street, till it intersects with the centre line of Second street, thence in the centre line of Second street, to its intersection with the centre line of the Milwaukee road, thence in the centre line of the Milwaukee road to its intersection with the line dividing the towns of Turtle and Beloit, thence south on said dividing line to the state line dividing the states of Wisconsin and Illinois, thence on said state line to the centre of Rock river, thence in the centre of Rock river to the place of beginning.

The second ward shall include all of that territory within the city limits upon the east side of the centre of Rock river, not included in said first ward.

The third ward shall include all of that territory within the city limits upon the west side of the centre of Rock river, north of the east and west quarter section line, dividing section thirty-five, in township one (1), range twelve (12).

The fourth ward shall include all of that territory within the city limits on the west side of the centre of Rock river, not included in the third ward.

CHAPTER II.

ELECTIONS.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday in May 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 o'clock 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. The elective officers of said city shall be a mayor, clerk, treasurer, attorney and marshal, one justice of the peace for each ward, one assessor, one constable and three 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. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified: Provided, however, the common council shall have power, for due cause, to expel any of their own members, and to remove from office any officer or agent under the city government, except justices of the peace, by a vote of two thirds of such body, due notice being first given to the officer complained of.

Sec. 2. Whenever a vacancy shall occur in the office of mayor, or alderman or justice, such vacancy shall be filled by a new election, which shall be ordered by the common council, and held within fifteen days after such vacancy shall be made known to the common council; and the notice for such election shall be from the same authorities, and for the same length of time, and be conducted in the same manner as annual elections. Any vacancy happening in any other office, 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, and with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Sec. 3. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an office shall receive an equal number of votes for the same office, then the same shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as they shall direct.

Sec. 4. All persons entitled to vote for county or state officers, who shall have resided for ten days within the ward where they offer to vote, shall be entitled to vote.
for any officer to be elected under this law, and to hold any office thereby created.

Sec. 5. The elections in said city after the first shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations as prescribed by the general election laws of this state to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof, filled, as required by the laws of this state regarding elections.

Sec. 6. If either of the inspectors shall suspect that any person offering to vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors before receiving the vote of any such person, shall require him 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 in this state one year, and within this ward ten days next preceding 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 wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to an 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 votes may be challenged as aforesaid, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of any voter as he votes, or shall wilfully
Make returns of election.

Sect. 7. When any election under this chapter after the first shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each and every officer, and shall deliver or cause to be delivered such returns to the clerk of the common council, who shall forthwith give notice to each of the aldermen elected of their respective elections; within one week after any election, the common council shall meet and canvass said returns, and declare the result as it appears from the same.

Sect. 8. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof shall be made in the same form as general or annual elections, and within such time as may be prescribed by the common council by ordinance.

Sect. 9. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as provided in section second of this chapter.

Sect. 10. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for two years, and two aldermen who shall hold their office for one year. At every annual election thereafter, there shall be elected one alderman who shall hold his office for two years, and one who shall hold his office for one year. The votes for the alderman who shall hold his office for two years shall be deposited in a separate ballot box; and the votes for aldermen holding their office for one year, and all other elective officers, shall be on one ballot, and deposited in another ballot box. There shall be written or printed, or partly written or partly printed, at the head of the votes for the aldermen for two years the words "aldermen for two years," and at the head of
the votes for aldermen for one year, "alderman (or aldermen) for one year." The aldermen in each ward elected for two years, shall be in the order of their election, members of the county board of supervisors, with all the rights, duties and liabilities of the chairman of the board of supervisors of the several towns; Provided, That, by Proviso, consent of the aldermen of any ward, the alderman for two years may substitute either of the other aldermen of his ward in his place in said county board, for such time as may be named by him in writing.

Sec. 11. The term of any officer elected under this law shall commence on the second Tuesday of May, of the year for which he was elected, and shall, unless herinafter otherwise provided, continue for one year, and until his successor is elected and qualified.

Sec. 12. Should there be a failure by the people to elect any officers herein required to be be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given, and said election shall be conducted in all respects so far as practicable in the same manner as annual elections as herein provided.

Sec. 13. The supervisors of the town of Beloit shall, at least ten days' previous to the first election of officers in said city, appoint the time and place of holding such election in each ward, and appoint the inspectors of elections, and two clerks in each ward, and give notice of such appointment at least five days' previous to such election, by publishing the same in a newspaper, printed in the town of Beloit; such inspectors shall at such first election have the powers and duties conferred by this chapter on the aldermen of each ward acting as inspectors of election; said election shall be held at the same time of day, and conducted in the same manner as the annual elections provided for in this act so far as practicable; and when the first election under this act shall be closed, the number of votes for each candidate or person voted for shall be counted and ascertained by said inspectors who shall make return thereof, stating the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such returns to the town clerk of Beloit within two days' after such election; within five days' after such election the present board of supervisors of the town of Beloit shall meet and canvass the said returns and determine who shall have been properly elected officers of
said city and wards, and shall cause such determination to be published in a newspaper printed in said Beloit, and shall notify each of the officers of his election to his respective office.

Sec. 14. The first election of officers under the provisions of this act, shall be held on the first Tuesday of May A. D. 1856.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Section 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, before some proper person authorized to administer oaths, and file the same, duly certified by the officer, taking it, with the clerk of the city, and the treasurer, clerk, marshal, constable, and such other officer as the common council may direct, shall severally before they enter upon the duties of their respective offices, execute to the city of Beloit, a bond with at least two sureties, who shall swear they are each worth the penalty specified in the bond over and above all debts, exemptions or liabilities, and such bond shall contain such penal sum and such conditions as the common council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer who shall neglect or refuse to give the same.

Sec. 2. The mayor, when present, shall preside over the meetings of the common council and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem for the prosperity and advantage of the city. The mayor shall be the chief executive officer and the head of the police of the city, and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie.

Sec. 3. At the first meeting of the common council each year, they shall proceed to elect by ballot one of their number president, and in 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 reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. 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 any act performed by them or either of them shall have the same force and validity as if performed by the mayor.

Sec. 4. The clerk shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced, countersign all orders drawn by the mayor on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed shall be as valid and have the same effect as if the same had been filed in the town clerk's office of any town. It shall also be his duty to do or perform any act required to be done by clerks of towns, not inconsistent with the provisions of this act, and he shall have power and authority to administer oaths and affirmations.

Sec. 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, in such manner as the common council may from time to time direct. The treasurer shall exhibit to the common council at least fifteen days before the annual election, and sooner if required by them, 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 account shall be filed with the clerk. The treasurer shall, in addition, have the same powers and
duties, and subject to the same liabilities, and be entitled to the same compensation as treasurers in towns.

Sec. 6. The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, and the collection of license moneys and fines; he shall possess the powers of constable at common law, or by the laws of this state, and receive like fees.

City attorney. Sec. 7. The attorney shall perform all professional services incident to the office, and when required, shall furnish written opinions upon any subject submitted to him by the common council.

City printing. Sec. 8. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate not more than one weekly newspaper printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws and ordinances of the common council, to be published in a public newspaper. And in case of the publication of any ordinance, notice, resolution or other matter which is required to be published, the editor or publisher of said paper shall file with the clerk of the city, a copy of such publication, with the affidavit of such editor, publisher or foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of such publication.

Sec. 9. 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, books, papers and effects of any description in his possession belonging to said city, or appertaining to the office he may have held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Sec. 10. No alderman shall be a party to, or interested in any job or contract with the city or any of its wards, and any contract in which any alderman shall be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue in the name of the city for, and recover the amount so paid from the party to such contract, and the alderman interested in the same: Provided, The money shall be received from no innocent party who was igno-
rant of the intent of such alderman at the time of his receipt of such money.

Sec. 11. The mayor or acting mayor, the sheriff or any deputy sheriff of Rock county, and each and every alderman, justice of the peace, marshal, attorney and constable, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behaviour 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, unless such individual so refusing, shall be so sick and infirm as to render it impracticable for him to comply with such command, which sickness or infirmity may be shown in defence.

Sec. 12. The justices of the peace, provided for in this act, shall have the same rights, powers, and jurisdiction as justices of the peace elected by towns, and shall have jurisdiction to hear all complaints, and conduct all examinations and trials, in criminal cases, within the city, cognizable before a justice of the peace, and try all offences against the ordinances of the city; and said justices shall have sole and conclusive jurisdiction in all cases of offence against the ordinances of said city, except in those cases when the fine or penalty imposed by such justice shall exceed the sum of five dollars, exclusive of costs. In such cases the defendant shall have right to an appeal, under the same provisions and requirements as are now provided for taking appeals from justices of the peace.

CHAPTER IV.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Section 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be "The mayor and common council of the city of Beloit do ordain, &c." The common council shall meet at such time and place as they, by resolution, shall direct, but they shall hold stated meetings on the first Monday of each month, and the mayor may call special meetings by notice to each of the members, or left at their usual place of residence. A majority of the aldermen shall constitute a quorum.
Sec. 2. The common council shall determine the rules of its proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

Sec. 3. The common council shall have the management and control of all the property and the finances of the city, and shall likewise, in addition to the powers herein granted, have full power and authority 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, for the prevention of crime, and for the benefit of the trade and health thereof; and as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: Provided, That they be not repugnant to the constitution and laws of the United States or of this state; and for those purposes shall have authority, by ordinances, restrictions, or by-laws:

1st. To license and regulate the exhibitions of common showmen and shows of any kind, the exhibitions of caravans, circuses and theatrical performances, the keeping of billiard tables and bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinance or at common law; and to grant licenses, and to regulate groceries, taverns and victualling houses, and also to regulate the sale of or dealing in spirituous, vinous or fermented liquors, and grant licenses for the same, for such sum, for such time and upon such conditions and restrictions as the common council may deem for the best interests of the city, and not inconsistent with the laws of this state.

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.

3d. To prevent any riots, noise or disturbance, or disorderly assemblages, suppress or restrain disorderly houses or groceries, or houses of ill-fame, and to authorize the destruction of all instruments of gaming used for such purpose.
4th. To compel the owner or occupant of any grocery, brewery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy sewer, or other unwholesome, nauseous house or place, to cleanse, remove, abate the same, from time to time, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

5th. To direct the location and management of slaughter houses and markets, and to establish rates for and license vendors of gunpowder and other combustible materials.

6th. To prevent the incumbering of the streets, side walks, lanes or alleys, with carriages, carts, wagons, sleighs, boxes, lumber, stone, brick, fire wood or any other materials, in substance whatever.

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.

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

9th. To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substance, [and] to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unwholesome or unsound beef, pork, fish, hides or skins of any kind, and in default of such person to authorize the removal thereof by some competent officer at the expense of such person or persons.

10th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of the city in case of fires, and to regulate and license hacks, drays, carts, and the charges of hackmen, draymen and cartmen in the city.

11th. To establish and regulate boards of health, provide hospitals for those infected with small pox and other contagious diseases, and order and regulate the removal of such persons from the city, when the health and safety of the city require, to provide grounds for the burial of the dead, and regulate the burial of the dead, and to exempt burial grounds set apart for public use from taxation.
12th. To prevent all persons riding or driving any animal on the sidewalks in said city, or in any way doing any damage to said sidewalks, and direct and regulate the setting of suitable hitching posts along the said walks in said city.

13th. To prevent the shooting of fire-arms, or the exhibition of any fire-works in any place which the common council may consider dangerous to the city or any property therein, or annoying to any person thereof.

14th. To restrain drunkenness or obscenity in the streets or public place, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

15th. To regulate the police of the city.

16th. To regulate the place and manner of selling and weighing hay, and measuring and selling fuel, either wood or coal, and to appoint suitable persons to superintend and conduct the same.

17th. To license and regulate butcher's stalls, shops and stands for the sale of game, poultry, butchers meat, butter, fish and other provisions.

18th. To regulate the time, place and manner of holding public auctions or vendues.

19th. To provide by ordinance for a standard of weights and measures, and for the punishment for the use of false weights and measures.

20th. To compel the owners or occupants of buildings or grounds to remove dirt or other rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Sec. 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and be published in one newspaper in the city, before the same shall be in force, and within ten days thereafter shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations, resolutions or by-laws shall be recorded, the publication thereof respectively within the said time, shall be proved by the affidavit of the editor, publisher or publishers or foreman 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. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be taken by ayes and nays and entered among the proceedings of the council.

Sec. 5. The powers conferred upon the said 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.

Sec. 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer and other officers and agents of the city, at such times as they shall 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 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 said council in the discharge of their 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 found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Sec. 7. The common council shall be overseers of the poor, and shall have the same powers and perform the same duties in respect thereto, as overseers of the poor in towns.

CHAPTER V.

FINANCES AND TAXATION.

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.

Sec. 2. The common council may annually levy a tax upon all the property in said city subject to taxation, not
Special taxes for purchasing fire engines and fixtures, cemetery grounds, public squares, or building roads or bridges, or fire engine buildings, or for the repairing or improving any road, bridge, public grounds or squares, or cemetery grounds, when a sum exceeding one hundred dollars shall be required for any such purpose, may be voted at any regular or special meeting of the voters in said city, but no such vote shall be taken unless such tax be first recommended by the common council, and a notice of the same, specifying the purpose for which such tax is to be levied, and time and place for voting, be published at least ten days before such meeting, in some newspaper in said city.

Sec. 4. The alderman of any ward shall certify to the common 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 to be levied and collected under the provisions of this chapter, to meet the current expenses of the year, assuming as a basis the tax list of such year, if then made out, if not then the tax list of the next preceding year.

Sec. 5. No alderman in any ward shall contract debts against such ward in any one year to an amount greater than the amount of tax which under the provisions of this chapter may be levied in such ward, to meet the current expenses of the year; and if any 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 alder-
man to the contracting of the debt or liability by the ward.

Sec. 6. The assessors elected by virtue of this act, shall in all things pertaining to their office, so far as practicable, be governed by the same laws as assessors in towns, except, as soon as they have completed their assessment rolls they shall return them to the city clerk.

Sec. 7. It shall be the duty of the clerk annually, upon the receipt of the assessment rolls, to lay the same before the common council for their consideration; and the said common council shall be a board of equalizers, and if they deem it necessary, may make such amendments, corrections or alterations as will produce an equality of assessment, agreeable to the true or comparative value, of or between the several lands and portions of property, and when so equalized, the common council may at any time thereafter proceed to levy upon the whole amount of such assessment as corrected and equalized such a percentage as a majority of the board shall deem necessary for all corporation purposes for the year in which it is made: Provided, That such percentage shall not exceed for city and ward purposes and expenses one cent on a dollar valuation. But no county or school or state tax shall be levied by said council, until the assessment shall have been equalized by the county board, the same as the assessment of towns; and after having been so equalized by the county board, the same rules and regulations shall be observed in levying and collecting said county, state and school taxes within said city, as are applicable to the same in towns.

Sec. 8. 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 from the time of the levying of such tax upon such assessment roll.

Sec. 9. 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 him and commanding him to collect the taxes and assess-
ments in said list, specified in the manner prescribed by this act; and in case said taxes and assessments shall not be paid within such time as in said warrant shall be specified, then the said treasurer shall proceed to sell the several lots or parcels of land, or the parts thereof upon which said taxes or assessments shall remain unpaid and to make due return thereof to the common council within such time as shall be fixed in said warrant.

Sec. 10. Such tax list before being delivered to the treasurer, shall be compared by the clerk with the assessment rolls as compared; to it he shall append his certificate that the same has been so compared by him and that the said assessment rolls, 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 said assessment was just and equal.

Sec. 11. On the receipt of such tax list, the treasurer shall give one week's notice thereof in some newspaper in said city, and such notice shall specify that taxes on personal property shall be paid within twenty days from the first publication of said notice; and taxes and assessments on real estate before the last day of December following; and that all tracts or parcels of land specified in such tax list, upon which the taxes and assessments shall not be paid by that day, will be sold at a certain time and place to be therein specified; 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.

Sec. 12. On the expiration of the twenty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of the personal taxes in the manner specified in title five of the revised statutes; and if any such personal taxes shall not be paid or collected in consequence of the delay or neglect of the treasurer, the common council may sue for and receive the amount thereof from the said treasurer and his securities. In case the taxes on personal property shall not be paid within the time limited in the eleventh 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 on personal property as shall then re-
main 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 herein-before given to the treasurer, and shall be entitled to the fees, for collecting which the treasurer would have had, had the taxes been collected by him.

Sec. 13. On the day and at the place designated in the treasurer's notice, he shall commence by public auction the sale, and continue the same from day to day, (till the whole are disposed of,) of all tracts or lots or parts thereof upon which the taxes or assessments shall remain unpaid. The same to be made for the smallest undivided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon.

Sec. 14. On receiving the amount of such taxes and charges the treasurer shall issue to the purchasers his or her heirs or assigns, a certificate containing a name of the purchaser, the description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a record of the lots or tracts sold, the date and amount of sale, the time, by whom and for what sum the same was redeemed, the time and to whom the same was conveyed, if not redeemed.

Sec. 15. In case any purchaser at such tax sale, shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the treasurer shall designate, he shall, on the day following, offer said lot or tract again for sale, and any person bidding off at any such sale any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act.

Sec. 16. Any tract or lot of land so sold or any portion thereof, may be redeemed within three (3) years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein paying to the treasurer the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms at any time within one year after such disability shall be removed. Any tract or lot of land
held in pursuance of this act, or any part thereof, which shall not be redeemed within three (3) years from the day, shall be conveyed by the treasurer to the purchaser or his assigns, as herein provided. The assignee of any tax certificate by endorsement thereon of any premises sold for taxes, by virtue of this act, 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.

Sec. 17. If at any sale of real or personal estate, for lands or assessments, no bid shall be made for any parcel of land, or any goods or chattels, the same shall be struck off to the city; and thereupon the city shall receive, in its corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property, by virtue of this chapter, the treasurer shall have the power to sell the same, at public sale; and in case the city shall become the purchaser of any real estate, at any tax sale, the treasurer is authorized to sell the certificate, issued therefor, for the amount sold and interest, and to endorse and transfer such certificate to the purchaser.

Sec. 18. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the tract or lot so omitted for such year or years that it shall be so omitted, the just value thereof, noting the year when such omission was made; and such assessment shall have the same force and effect as it would have had if made the year it was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such tract or lot as the same would have been chargeable, had not the same been so omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling, or conveying the same, but not effecting the equity or justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall, by ordinance direct: Provided,
That if the defect was in the assessment, the same shall again be assessed, at such a time as the common council may direct, and the said tax or assessment, so re-assessed, or re-levied, shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Sec. 19. 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 deed, so far as they effect the validity of the title conveyed by said deed.

Sec. 20. All of the directions hereby given for the assessment of lands and 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 effecting the substantial justice of the tax itself, shall vitiate or in any wise, effect the validity of the tax or assessment.

Sec. 21. The treasurer shall receive all moneys tendered legally to 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.

Sec. 22. The treasurer shall receive such sum for his services as the common council may allow him, not exceeding one hundred dollars per annum, and for all services performed by him, he shall collect for the use of the city, such fees as are allowed to the town and county treasurer for similar services.

Sec. 23. When any person shall bid off any lot or tract of land offered for sale for taxes, which lot shall have been bid off in the name of the city for the taxes of any previous year, and shall at the time of any subsequent sale remain the property of the city, such person shall, before being entitled to his certificate of sale, purchase of the city its certificate, by paying the amount of principal, interest and charges thereon, and receive from the treasurer an assignment thereof.
Sec. 24. When there shall be a sale by the county treasurer, and also by the city, of any piece or parcel of land for taxes, in the same year, the purchaser of such piece or parcel, who may be first in point of time, may redeem the same from the subsequent purchaser, and in case he shall not redeem, the right of the last purchaser shall be held paramount in case of the execution of any tax deed thereof. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale book, of the character in which such person may redeem, and the person so redeeming shall be substituted to all the rights of the holder of the certificate so redeemed as aforesaid.

Sec. 25. No person shall be permitted to institute any proceeding to set aside any assessment or special tax thereafter levied or assessed upon any lot or tract of land, or to set aside any deed executed in consequence of the non-payment of such taxes, and of the sale of premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the treasurer, the amount of all state, county and city taxes and assessments that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

Sec. 26. All property, real and personal, within 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 its debts and liabilities; Provided, Such lands within the said city limits while used for agricultural or horticultural purposes solely, and not plotted, surveyed, or in market for town lots, shall be subject to no more than one half per cent. on the appraisal, for city purposes, one half of which may be appropriated for general city uses, and one half for ward uses in the wards where such lands are located.

CHAPTER VI.

OPENING OF STREETS.

Section 1. The common council shall have power to lay out public grounds, squares, streets and alleys, and to widen the same, as follows, to wit: 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 said petitioners reside, for public
use, for the purpose of laying out public squares, grounds, streets or alleys, or for enlarging or widening the same, the courses and distances, metes and bounds of the lands proposed to be taxed, 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 owner or owners, occupant or occupants of such lands; if any portion of such lands are not in the actual occupation of any person, or the owner is not known to the council, or if known, does not reside within the city, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in some newspaper published in said city, or the county of Rock, for four weeks, once in each week.

Sec. 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 one of the justices of the peace of said city, naming such justice, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary, or for the interest of the city, to take the same for the purposes specified in said petition.

Sec. 3. Upon the presentation of such application and proof of the publication or service of the notice herein-before required, the said justice of the peace shall thereupon appoint twelve respectable freeholders and 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 justice shall thereupon issue his precept, directed to said jurors, requiring them, within twenty 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 for the interest of said city to take said premises for the purposes specified in said application.

Sec. 4. In case any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, said justice shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Sec. 5. The said jurors at such time as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered.
by any interested party, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses; 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 respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, having in view the best interest of the city, which said report, testimony and precept shall be returned to the common council within the time limited therein.

Sec. 6. Should the jurors report that it is necessary or for the interest of the city, to take said premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors within twenty days thereafter, or such future time as may be deemed proper, again to view said premises for the purpose of ascertaining and determining 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 to assess and return within the time limited, such damages and benefits to the common council.

Sec. 7. If there should be any building standing in whole or in part upon land 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 for having such building taken from him; and secondly, the value of such building to him to remove.

Sec. 8. 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 some newspaper published in said city, 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 to be 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 appropriated, 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,
be shall have such reasonable time for such purpose as the common council may allow. 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 the power to direct the sale of such building at public auction, for cash, giving ten days public notice of such sale. The proceeds of such sale shall be paid to the owner or deposited to his use.

Sec. 9. 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 some 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 said 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 such owner may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such land) as estimated by them as aforesaid, less the proceeds of the sales thereof, or if taken by the owner 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.

Sec. 10. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case, the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall, in any case, be collectable of them or payable to them.

Sec. 11. If the lands or buildings 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 interest, respectively, may be awarded to them by the jurors, less the benefits resulting to them respectively from the proposed improvement.
Sec. 12. 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, in proportion to the benefit resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessment may be made. The award of said jurors shall be signed by them, and returned together with the testimony taken, to the common council, within the time limited in their order of appointment.

Sec. 13. 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 tendered to the owner or his agent; or in case such 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 the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out.

Sec. 14. When the whole of any lot or tract of land or premises under lease or other contracts, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or other contracting parties touching the same, or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

Sec. 15. When only a part of a tract or lot of land or other premises, so under lease or other contract shall be taken for any of the purpose aforesaid, all the covenants, contracts or agreements respecting the same upon the confirmation of such report shall be absolutely discharged, as to the part thereof 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 so proportioned so that the part thereof justly and equitably payable for such residue, and no more, shall be paid or reservable in respect to the same.

Sec. 16. 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 such case shall be void; the benefit so assessed from the con-
firmation 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 grounds.

Sec. 17. When any known owner of any lands or tenements affected by any proceeding under this act shall be an infant, or labor under legal disability, the judge of the circuit court for Rock county, or in his absence, the clerk of such court, 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.

Sec. 18. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, and the 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.

Sec. 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 assessment of damages or benefits to the circuit court for Rock county, where such appeal shall be tried by the court and jury as in ordinary cases; and the common council shall have the same right of appeal.

Sec. 20. Whenever any public square, ground, street or alley shall be laid out, widened or enlarged, under the provisions of this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Sec. 21. All public squares, public buildings and public grounds within the limits of said city of Beloit, shall be under the control of said city, and the common council may make such ordinances and by-laws in reference to the protection of the same as they may deem proper.

CHAPTER VII.

COUNTY, STATE, AND SCHOOL TAX.

Section 1. Before the annual meeting of the board of supervisors of the county of Rock, it shall be the duty of the city clerk to cause a copy of the assessment roll of supervisors.
said city, for such year, to be transmitted to the clerk of the board of supervisors, who shall lay the same before the board at their meeting. Such board of supervisors shall have the right of equalizing the assessment of the taxes in said county and of said city, as provided by law; but in such equalization, shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Sec. 2. The said board of supervisors may levy a tax as now provided by law, but shall therein proceed, without regard to the division of the city into wards, and shall cause the amount of taxes to be levied, and the purposes to be certified to the city clerk, in the manner provided by the general laws of this state; and the said city clerk shall make out a tax list for that purpose, separate from the tax list for city purposes, and shall deliver the same to the city treasurer, as provided by law.

Sec. 3. The treasurer of the city, in giving bonds, collecting such tax, and making his return, to the county treasurer, and in all other respects conform to the general laws of this state.

CHAPTER VIII.

CITY IMPROVEMENTS.

Section 1. The aldermen of the several wards shall be street commissioners, in and for the their respective wards, two of whom shall be a quorum. One of their number, or some person appointed by them, shall be a clerk of the board of commissioners, 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 board of street commissioners shall make report in detail to the common council, of their acts and doings whenever required; and at the expiration of each year, and before their term of office shall expire, shall submit all their acts and doings, books, records, papers, receipts and vouchers, to the common council, for final settlement and adjustment.

Sec. 2. Any person deeming himself aggrieved by any act of the street commissioners, may at any time appeal to the common council, who shall inquire into, examine and correct the acts, or order complained of, as they shall deem just and proper; and the further action of the board in this respect, shall be regulated accordingly.
Sect. 3. The said street commissioners shall have power to contract for making, grading, repairing and cleaning of streets, alleys, public grounds, gutters and sewers within their respective wards, and to direct and control the persons employed therein.

Sect. 4. Whenever the said street commissioners shall deem it necessary to construct or repair any sidewalk within their wards, they shall direct the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper cost and charge. If such work is not done in the manner and within the time prescribed, the commissioners shall cause the same to be done, at the expense of the lots adjoining said sidewalk; and at some period prior to the time of the delivery of the tax list to the treasurer, it shall be the duty of the street commissioners to make a report to the common council of the amount of tax properly chargeable against each lot for work done under the provisions of this section, for any period not exceeding one year prior to such report, specifying the amount in gross, and such amount shall be a lien upon such lots, and be levied thereon a special tax, with all the legal consequences, both to the collection of taxes and sale of the lots, prescribed by this chapter for collecting city taxes.

Sect. 5. The costs and expenses of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to, and payable out of the fund of the city; opening, grading, graveling, planking or paving streets and alleys to the centre 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 respectively, benefited thereby, according to the benefit such improvement shall be to each of said lots or parcels of land respectively, said benefit to be estimated and ascertained by the said street commissioners: Provided, however, That when sewers are constructed through alleys, no lot shall be assessed therefor, except those situated in the block or blocks through which such sewers may be constructed; and when sewers are constructed through streets, no lot shall be assessed therefor, except those situated in the blocks fronting on such streets: And provided further, That in all cases where improvements or
work of any kind are 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 found of the city, in proportion to the width of the street, alley or public ground.

Sec. 6. Whenever the commissioners shall determine to make any public improvement, as authorized by sections 3, 4 and 5, 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 the said city, to the owner 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.

Sec. 7. Whenever the general interest of the city or any ward, requires deep cutting or excavations, or extraordinary filling in any street, and the owner or occupants 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 excavations or filling will exceed the benefit the same will be too such lot or parcel of land assessed therefor, the street commissioners shall require the marshal to summon five freeholders, not owners of or interested in said lots or lands, who after being duly sworn, faithfully and impartially to discharge the trusts reposed in them, shall examine the premises, and if in their opinion the cost of such work will exceed the benefit to be derived therefrom, it shall be their duty to make report thereof to said street commissioners in writing, and they shall state therein what portion of such work shall be chargeable to such lots or parcels of land, and how much and what portion shall be chargeable to the city fund, and such proportion as shall be reported as properly chargeable to the lots or parcels 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 city fund; Provided, however, that the petition of no owner feeling himself aggrieved by any 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 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 expenses thereof, it shall then be the duty of said commissioners to cause to be summoned a jury, as herein provided.

SEC. 8. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurious to health, by reason of stagnant waters running therein, in the paper printed in said city, at least five days, to abate said nuisance, by draining or filling such lot, within a reasonable time, therein to be specified; and if the same is not so done, then the street commissioner shall cause the same to be abated and removed at the expense of the property upon which the same shall exist.

SEC. 9. After the completion and performance of any contract entered into by street commissioners for work chargeable to lots or lands, by virtue of this act, they shall give to the contractor or contractors a certificate under their hand 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 endorsement thereof, 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 land respectively and collected for the benefit and use 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 such work is ordered to be done at the expense of any lot or parcel of land; shall the city be held responsible for the payment thereof.

SEC. 10. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chap...
ter, such owner may make his appeal as hereinbefore pro-
vided, at any time within twenty days after the publicat-
tion of the notice required to be given, and until the expira-
tion of said twenty days, no such order shall be executed.

SEC. 11. All work for the city or either of the wards,
amounting to a sum of fifty dollars or over, shall be let by contract, to the lowest responsible bidder, who shall get good securities, and due notice shall be given of the time and place of letting such contract.

CHAPTER IX.

FIRE DEPARTMENT.

SECTION 1. For the purpose of guarding against fire, the common council shall have the power to prescribe the limits within which buildings not considered fire proof, shall not be erected or repaired, and to direct or prohibit the repairing of wooden buildings within such limits, when the same shall have been damaged by fire to an extent exceeding fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such damage; Pro-
vided, The common council shall not prohibit the building of any building within the limits aforesaid, not considered fire proof without a vote of two thirds of the common council thus to prohibit.

SEC. 2. The common council shall have the power to prevent the dangerous construction and condition of chim-
neys, fire places, hearth stones, stove pipes, ovens, boilers and apparatus in or about any building, and to cause the same to be removed or placed in a secure and safe place or condition when considered dangerous. To prevent the deposit of ashes in unsafe places; to regulate the carrying on of any manufactories dangerous in causing or promoting fires; to prevent the use, or regulate the use of fire-
works and fire—arms; to compel the owners and occupants of buildings situated in the business part of the city to have scuttles in the roofs of such buildings and ladders leading to the same. To authorize the mayor and alder-
men, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by—standers to aid in the ex-
tinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention of fire and the extinguis-

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ment of the same as the common council may deem expedient.

[Sec. 3.] The common council shall have power to pur-
chase fire engines and engine houses, apparatus for fire
engines, and to authorize the promotion of fire companies
and to provide for the due and proper regulations 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 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 said companies shall be formed only by voluntary en-
listment; every member shall be exempt from poll tax and
highway work, and from serving on juries and from mili-
tary duty during the continuance of such membership.

Sec. 4. There shall be a meeting of the members of
such company or companies on the first Monday of May
of each year, at such place as the mayor may designate,
when they may nominate and recommend to the common
council for appointment one engineer, and the common
council shall thereupon confirm such nomination, and the
person so appointed shall perform such duties as the com-
mon council may prescribe. At the same time the said
company shall nominate and the common council shall
appoint the same, four fire wardens, one of whom shall re-
side in each ward, and who may from time to time as
they may deem proper, enter into or upon any house,
storehouse, or other building or enclosure, for the purpose
of inspecting the same, and with a view to guard against
fire.

Sec. 5. Whenever any person shall refuse to obey any In case of re-
lawful order of any fire warden, engineer, mayor, or alder-
man, at any fire, it shall be lawful for the officer giving
such order, to arrest, or to direct orally the marshal, con-
stable, watchman, 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; and any person who shall re-
fuse to obey any such lawful order shall be liable to such
penalty as the common council may prescribe, not ex-
ceeding ten dollars.

Sec. 6. The members of such fire company or compa-
Mbers of
ties are hereby authorized collectively or individually, at
fire companies
fires.
the time of any fire, to take charge of all property which may be exposed or endangered, and shall as far as may be in their power, preserve the same from destruction. The common council are hereby authorized to appropriate such sum as they may deem proper for the compensation of said members of said fire company or companies, and for the proper regulations and expenses of the same; Provided, The same appropriations shall not exceed one half of the proceeds of all fines and penalties recovered for the breaking of any ordinance, by-law or regulation made in pursuance of this chapter.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. No money shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Sec. 2. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or 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-law, or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Sec. 3. In all prosecutions for any violation of the provisions of this act, or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant as in other cases.

Sec. 4. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed according to the laws of this state. The execution shall require the defendant in 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 Rock county for a term not exceeding six months, in the discretion of the justice or judges rendering judgment, unless the same be sooner paid.

Sec. 5. 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 or interested.
Section 6. If any election by the people or common council shall from any cause not be held at the time and in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or dissolving said corporation, but such election and organization shall be had on any subsequent day, by order of the common council; 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 special time, and if the same are not then done or performed, the common council may appoint another time at which the said acts may be done or performed.

Section 7. The general laws for the preservation of trees and bridges, and punishment by such laws provided for the wilful and malicious injuries done to the same, are hereby extended to, and shall include all trees belonging to said corporation, and all bridges that are now built and may be hereafter built in said city, and shall apply to any wilful or malicious damage which may be done to the same by any person or persons whatever; and the common council may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of such trees and bridges, and enforce the same by adequate penalties.

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

Section 9. The said city may have, purchase, or hold real estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Section 10. No general law of this state 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.

Section 11. All officers of the town of Beloit shall remain in their respective offices, and perform the several duties thereof, until the officers elected by virtue of this act shall be elected and qualified.
SEC. 12. From and after the second Tuesday of May next, the connection between the said city and the town of Beloit for town purposes shall be dissolved, and the duties now or hereafter imposed upon the supervisors of the several towns, and other officers of towns, so far as they relate to the city of Beloit, shall be imposed on the officers of said city, and so much of said town of Beloit as is not included in the city of Beloit, shall continue to constitute the town of Beloit, for the purposes of town and county government; and they shall hold their next town meeting at such place within the original town of Beloit as the present board of supervisors shall appoint; and thereafter their place of meeting shall be decided by vote of their town meeting. The town business of the present town of Beloit, up to the time of the commencement of the city government under this act, shall be settled by the town, as constituted by this act, and the amount of funds remaining, or debts due, as the case may be, proportioned between the said town and city of Beloit, according to the amount of taxable property belonging to each, as taken from the last assessment roll; such settlement to be made with the city council, by the supervisors of said town.

SEC. 13. Any justice of the peace of the town of Beloit whose term of office shall not have expired at the time this act shall take effect, may hold and exercise the duties of his office for the residue of his term of office in the same manner as though this act had not been passed.

SEC. 14. The laws of this state for the relief and support of the poor in towns, shall apply to said city, and the common council shall annually levy such tax as will be necessary to comply with the provisions of such laws. The aldermen of the different wards of said city, shall be overseers of the poor in their respective wards.

SEC. 15. The superintendent of schools shall perform all the duties, and exercise the same powers within said city, and be subject to the same liabilities as superintendents of schools in towns, except that the bond required of said superintendent shall be approved by the common council and shall be filed with the city clerk, and except as otherwise provided in this act.

SEC. 16. Section twelve of this chapter shall be so construed as not to apply to the construction of a new bridge across Rock river in said city, on or near the site of the old one, but the expense of building such bridge shall be
paid by the city and town of Beloit, jointly, each paying the same proportions upon their assessment rolls, the same as though said town and city were not divided, and all bonds now issued, or which may hereafter be issued by the present board of supervisors of said town, before the first election under this charter, shall be paid when due, both the principal and interest by the said town and city, in proportion to the valuation of their respective taxable property as per their respective assessment rolls, the same as though said town and city were not divided, and all other sum or sums of money or bonds required to complete the construction of said bridge may be issued and paid, either by the supervisors of the town of Beloit, previous to the first election under this act, or by the town or city of Beloit, after such election, and in either case such funds or money shall be paid when due by the said town and city, equally in proportion to the respective amount of taxable property as by their respective rolls, and in case either pay more than their just and equal proportion, the other party shall be liable for the same in an action on the case brought by the party so paying for the same.

Sec. 17. All principal and interest upon all bonds which have heretofore been issued by the town of Beloit for railroad stock or other purposes, shall be paid when the same or any portion of the same shall fall due, by the city and town of Beloit, in the same proportions as if said town and city were not dissolved; such proportions to be apportioned in the same manner as provided in section sixteen of this chapter, and in case either town or city shall pay more than their just and equal portion of the same at any time, the other party shall be liable therefor, in the same manner as provided in said section sixteen of this chapter.

Sec. 18. This act shall be considered a public act, and shall be construed favorably in all courts and places.

Sec. 19. This act shall be considered a public act, and shall be construed favorably in all courts and places.

Sec. 20. At the next town meeting, to be held in the town of Beloit, on the first Tuesday of April next, the question of city charter or no city charter, shall be submitted to the qualified electors residing within the proposed city limits, and for that purpose there shall be provided a separate ballot box for the votes cast on that subject. Those voting in favor of city charter, shall deposit a vote on which shall be written or printed, the words "City
CHAPTER 453.

An Act to incorporate the Milwaukee and Raymond Plankroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That Jonathan Taylor, John Plankington, Jacob A. Hoover, Quincy P. West, James Kneeland, William P. Merrill and Hiram Bond, are hereby created a body corporate, by the name, style and description of the Milwaukee and Raymond Plankroad Company, with perpetual succession, and by that name shall be and are hereby made capable in law to purchase, hold, enjoy and retain to them and their successors, lands, tenements and hereditaments so far as may be necessary for the purpose of constructing a plankroad as hereinafter set forth, and the same to lease, sell, grant or in any manner dispose of, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use a common seal, and the same to alter or renew at pleasure, and generally may do and perform all and singular the acts and matters which to any corporation may lawfully appertain to do and perform for the well being of said corporation.

Section 2. The capital stock of said corporation shall be thirty thousand dollars, and shall be divided into shares of twenty dollars each, and the above named persons or a majority of them are hereby authorized to cause books to be opened for receiving subscriptions to the capital stock.