

ACTS OF A LOCAL NATURE,

PASSED BY THE

FORTY-EIGHTH GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

**BEGUN AND HELD IN THE CITY OF COLUMBUS, DECEMBER 3, 1849,
AND IN THE FORTY-EIGHTH YEAR OF SAID STATE.**

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1850.**

SEC. 10. The said town council shall have power, and they are hereby authorized to regulate the fisheries in said town, and to require and compel the abatement and removal of all nuisances within the limits of said town, under such regulations as may be prescribed by ordinances; and to cause all cellars, or grounds where water shall at any time become stagnant, to be raised, filled up or drained, at the expense of the owner of the same; and to require the removal of all putrid animal or vegetable substance within the limits of said town, to any necessary distance, for the protection of the inhabitants thereof; the town council shall have power, by ordinance, to prohibit any hogs, swine, horses, cattle or sheep from running at large by reasonable fines and penalties.

SEC. 11. The said town council shall have power to employ a competent surveyor to ascertain the corners of the streets, alleys and lots, or any of them in said town, and plant permanent stone for the preservation of the same.

SEC. 12. This act shall be taken and received in all courts, and by all judges, justices of the peace, and other public officers as a public act.

SEC. 13. All acts and parts of acts in relation to the town of Lower Sandusky, and in relation to the reserve of two miles square at the lower rapids of the Sandusky river, in Sandusky county, Ohio, inconsistent with this act, are hereby repealed. All ordinances and by-laws now in force under, and by virtue of a corporate authority of the town of Lower Sandusky, are hereby declared to be and remain in full force as ordinances under this act, until duly repealed. The town of Fremont, hereby incorporated, shall be held and bound for all the debts and liabilities of the late town of Lower Sandusky, and the town council elected under this act shall hold all the judgments, books, papers and property belonging to said town of Lower Sandusky. Officers shall be elected annually on the first Monday in April. This act shall take effect from and after its passage.

BENJAMIN F. LEITER,

Speaker of the House of Representatives.

CHARLES C. CONVERS,

Speaker of the Senate.

March 23, 1850.

AN ACT

To incorporate the town of Ripley, in the county of Brown.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Union, in the county of Brown, and State of Ohio, as is comprised within the following limits, to wit: beginning at the mouth of Red-oak creek, in the Ohio river, and in the southern boundary line of the State of Ohio, thence up the eastern bank of said creek, with the meanders of said creek, to the intersection of the same with the upper or north-eastern line of Archibald P. Hensley's land; thence a north-westerly course across said creek, and parallel to the original line between Poage's survey, number 418, and Baylor's survey, to the Ripley and Hillsborough turnpike road; thence a westerly course to the

most eastern corner of the land of John W. Humphreys ; thence a south-westerly course with the line of said Humphreys, and the line of John Rankins' land, to said Rankins' most southern corner ; thence a north-westerly course with the line dividing said Rankins' lands from the lands of D. B. Evans and Elizabeth Campbell and William McNishe, passing their corners and extending in the same direction so far as to intersect with a line running out from the Ohio river with the lower or north-westerly line of the addition to the town of Ripley, laid out by Robert Poage, and extending up the hill in the same direction to a sufficient distance ; thence to the Ohio river, with said last mentioned line ; thence up the river with the southern boundary of the line of the State of Ohio, to the beginning, be, and the same is hereby made a town corporate, to be known and distinguished by the name of the "Town of Ripley."

SEC. 2. That the qualified electors residing within said corporate limits, and who have resided therein for three months next preceding the election, shall, annually, on the first Monday in May, meet and elect one mayor, one recorder, and seven trustees in said town ; all of whom shall be qualified electors of said town, and shall hold their offices for one year, and until their respective successors are duly elected and qualified, and shall each take an oath or affirmation to support the constitution of the United States, and the State of Ohio, and an oath of office ; and the mayor and recorder and trustees so elected and qualified, shall be a body corporate with perpetual succession, and shall be known and designated by the name of the "Town Council of Ripley," and by and in such name shall have power to purchase, receive, possess, lease and convey any real estate or property for the use and benefit of said town, and shall be capable in law or equity of suing and being sued, pleading and being impleaded in any action, suit, or proceeding in law or equity in any court of competent jurisdiction ; and when any suit or other proceeding shall be commenced against said town council, service shall be made by the proper officer leaving an attested copy of the original process with the recorder, or at his usual place of residence, and said town council shall have and keep a common corporate seal.

SEC. 3. That at all elections the mayor and any two or more trustees, or any three or more trustees, shall act as judges, and the recorder as clerk of election ; and in case of the absence, inability, or incompetency of the recorder, a clerk may be appointed by the judges of election, who shall be sworn, and said elections shall be governed by the laws of the State, relating to the election of State and county officers, so far as the same may be applicable ; and the person acting as clerk, shall, within three days after the election, notify the officers elected, in writing, and the mayor shall give ten days previous notice of such elections in some newspaper published in said town, or if no newspaper is published therein, by written advertisements posted up in three public places therein.

SEC. 4. That the said town council of Ripley shall have power to ordain and establish laws and ordinances for the government of said town, and to alter, amend and repeal the same at their discretion, and by such laws and ordinances, to provide for the safety, peace, and good order of the inhabitants of said town ; to suppress and prohibit all riotous, noisy and disorderly conduct, and to adopt such measures as may be necessary and

proper for the prevention, removal and abatement of nuisances, and preservation of the health, promotion of the prosperity, and improvement of the morals of said town and the inhabitants thereof; to prohibit the sale of all kinds of intoxicating liquors; to prevent hogs, dogs, and other animals, the property of the inhabitants of said town, from running at large in the streets, or public grounds of the same, and to regulate the sale of gunpowder therein; and to cause all lots or lands in said town, where stagnant water may stand, to be drained or filled up by the owner or owners, and to cause all putrid or offensive substances to be removed from said town; and to prohibit or regulate the slaughtering of animals in said town, and to require of the owners of pork houses and manufactories to keep the same clean and free from impure, putrid or offensive matter; and also by any of the officers of said town, or committees of their own body, to visit and enter upon any premises within the town, for the purpose of inspecting the same, and ascertaining whether there are nuisances on the same, and the removal of the same, and for offences against the ordinances of said town, to fix penalties of fine or imprisonment, or both; provided, that no fine shall exceed one hundred dollars, nor the time of imprisonment exceed thirty days.

SEC. 5. That said town council shall have power to pass and establish all such laws and ordinances as may be necessary to compel the owner or owners of in-lots or parts of in-lots in said town to pave the streets and side-walks adjoining their respective in-lots, or parts of in-lots, in such part of said town as said town council shall prescribe; and in case the owner or owners shall neglect or refuse to pave, as above, within the time prescribed after being duly notified, the said town council may cause such pavements to be made at the expense of the owner or owners, and assess the costs of the same upon such in-lots, or parts of in-lots, and cause the same, or so much as may be necessary, to be sold by the marshal of said town, for the amount expended in paving in front of the same, and interest thereon, and the cost of such sale, and the said marshal, in making such sale, and as to the publication of notice of the same, and the execution of deeds of conveyance to freeholders, shall be governed by the provision of such ordinances as said town council may adopt, authorizing and regulating such sales, and all deeds made by such marshal, pursuant to the provisions of such ordinance or ordinances, for property so sold, shall convey to the purchaser or purchasers, good and valid titles in law and equity, and shall be received as prima facie evidence of such titles in all courts of this State.

SEC. 6. That when said town council shall require the owner or owners of the in-lots, or parts of inlots, in any part of said town to pave as aforesaid, such owner or owners, if residents of said town, or said county of Brown, shall have personal written notice, and as to owners who do not reside in said town or county, notice may be given by publication for six weeks by some newspaper published in said county; and such notice shall contain a particular description of such in-lots or parts of in-lots, and a statement of the time within which such improvement is required to be made, which in the notice by publication shall not be less than three months, and if the notice is personal, not less than two months after the service of such notice.

SEC. 7. That said town council shall have power to improve the landing places, and wharves of said town, and to fix rates of wharfage for landing, lading or unlading steamboats, flat boats, rafts, and other water craft, at said town, and to provide for the collection of the same.

SEC. 8. That the said town council shall have exclusive power of appointing supervisors within said town and of regulating their duties and settling with them ; and also of dividing said town into road districts ; Provided, that the citizens of said town shall be required to perform the two days labor annually, as now provided by law, under the direction of the supervisors of said town, which labor shall be performed on the streets or alleys within said town, as said town council may direct.

SEC. 9. That the town council shall have power to levy a tax annually on all lands, town lots and houses, and all personal property, moneys and credits within the limits of said town ; which tax so levied shall be certified to the auditor of Brown county, according to the provisions of the statute in such cases made and provided ; Provided, that no tax shall exceed one per centum of the assessed value of the taxable property within said town.

SEC. 10. That said town council shall have power to ascertain the will of the electors of said town on any proposition to borrow any sum of money, submitted to them by said town council for the purpose of paying the debts of said town, making public improvements therein, in improving and constructiong roads leading to the same ; and for such purpose at least two weeks public notice shall be given in a newspaper published in said town, or if no newspaper be published therein, by setting up written notices in at least five public places therein, to the electors to meet on a specified day to vote for or against such proposed loan, and such notice shall specify the amount proposed to be borrowed, and the object to which it is to be appropriated ; and if the majority of the votes cast at the time appointed shall be in favor of borrowing such sum of money, the said town council is hereby authorized to borrow the same, and to pledge the credit of said town for the payment of the same.

SEC. 11. That said town council shall have power to lay out and establish, and vacate streets and alleys within said town, and to appropriate such parts of the lots and lands therein, as may be necessary for that purpose, and to provide by the oaths of disinterested commissioners for the assessment of damages sustained and occasioned by establishing and vacating such streets and alleys, and in all cases such damages shall be paid before such streets or alleys shall be open or laid out over the property of the persons in whose favor said damages shall be assessed.

SEC. 12. The said town council shall meet from time to time, on its own adjournments, or on the call of the mayor, or recorder, in the absence of the mayor ; they shall have power to adopt rules for the regulation of their proceedings, and the mayor, when present, shall preside ; in his absence the recorder shall preside ; and if neither shall be in attendance, a chairman pro tem. shall be appointed ; a majority of the members of the council shall constitute a quorum for the transaction of all business.

SEC. 13. Said town council shall appoint a marshal and such other officers as may be provided for by ordinance ; shall fix their compensation and prescribe their duties where provision is not made for the same in this act ;

require them to give bond and security if deemed proper, and remove them from office for negligence or unfaithfulness in the performance of their duties.

SEC. 14. That said town council shall have power to fill all vacancies which may occur in their own body ; and the persons so appointed shall qualify as the officers whose places they are appointed to supply, were required to qualify ; and shall hold their offices until their successors are elected and qualified.

SEC. 15. That all ordinances passed and adopted by said town council shall be published three successive weeks in a newspaper printed therein, and if there be no such newspaper, they shall be written out in a plain, legible manner and set up in five public places in said town.

SEC. 16. That the mayor of said town within the limits of the same, is hereby vested with all the powers and required to perform the duties of justices of the peace in civil and criminal cases, with power to issue mesne and final process ; to hear, examine, and try all suits [and] prosecutions properly brought before him ; and perform all other acts which justices of the peace may do. He shall have exclusive original jurisdiction in all suits and prosecutions for the violation of the ordinances of said town, and is hereby invested with power to assess fines, and pronounce sentence in all cases of the violation of said ordinances, and to issue execution for the collection of the same against the goods and chattels, or bodies of defendants, or both, and his jurisdiction for the arrest of persons charged with offences committed within the said town, shall be co-extensive with the county of Brown ; and for the confinement of prisoners sentenced to imprisonment by the mayor, or arrested on execution issued by him, said town council may have the use of the county jail, or may provide a place of confinement within said town, and appoint a keeper of the same.

SEC. 17. That the mayor on complaint in writing, presented and signed by any person of a violation of any ordinance of said town, shall issue his summons for the appearance of the accused before him, at a time and place mentioned therein ; and if such complaint be made on oath, he shall issue his warrant for the arrest of the accused, to be brought forthwith before him to answer the same ; and in case of any offence committed in his presence or within his view, the mayor, who is hereby made a conservator of the peace, shall issue a like warrant against the offender or offenders.

SEC. 18. That the mayor before entering upon the duties of his office, shall give bond with two good securities in a sum not less than one thousand dollars, conditioned for the faithful performance of his duties, such bond and securities to be approved by the town council.

SEC. 19. That the mayor of said town, whenever he deems it necessary, may appoint one or more assistant marshals, who shall be sworn, and for the time of his appointment shall have all the powers of marshal of said town ; the mayor shall have the same fees as justices of the peace.

SEC. 20. The marshal of said town shall be a conservator of the peace within the same ; he shall serve all processes issued by the mayor, and for the service of the same his jurisdiction, for offences committed within said town, shall be co-extensive with said county ; and it shall be his special duty to preserve peace and good order, to prevent breaches of the peace and to suppress all violent, riotous, and disorderly conduct within said town, and

to arrest on the warrant of the mayor, or on view, all offenders against the criminal laws of the State, or the ordinances of said town, and bring them forthwith before the mayor; and as a ministerial officer he is hereby vested with all the powers of constables in criminal and civil cases, and he shall receive the same fees as constables are entitled to by law for services under the laws of this State; and for services under the ordinances of said town his fees shall be fixed by said town council.

SEC. 21. That the recorder shall act as clerk of the town council; shall keep the books, documents and papers of said town, and shall perform such duties as shall be prescribed by said town council, and shall be entitled to such compensation as shall be fixed by said town council, and required to give bond and security to their satisfaction in a sum, not less than five hundred dollars, conditioned for the faithful performance of the duties of his office.

SEC. 22. That this act shall take effect and be in force on and after the first day of May next, at which time the first election under its provisions shall be held and conducted according to the laws now in force, and the town council which shall then be elected, shall regularly succeed the present town council of Ripley, in its corporate rights and property, and liabilities, and to the immediate possession and control of all property real and personal, choses in action of said town, and as a party to all contracts heretofore made by the present town council, and to all debts owing to or by the same, and all such contracts and debts shall be the contracts and debts of the town council hereby incorporated; and all suits pending for or against the present town council shall continue and be conducted, and prosecuted as if this act had not passed; and the present town council of Ripley, and the town council of Ripley hereby incorporated touching the rights and liabilities of either or of said town, shall be construed and taken to be one and the same body corporate; and all ordinances now in force in said town, not inconsistent with the provisions of this act, shall continue in force until repealed, altered or amended.

SEC. 23. That this act shall be taken and construed as a public law, and the copies of the same printed by authority, shall be received in all courts of justice as evidence of its existence and provisions.

SEC. 24. That all laws and parts of laws heretofore enacted in reference to the incorporation of said town of Ripley, be, and the same are hereby repealed.

BENJAMIN F. LEITER,
Speaker of the House of Representatives.
CHARLES C. CONVERS,
Speaker of the Senate.

March 20, 1850.

AN ACT

To incorporate the town of Fredericktown, in the county of Knox.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Wayne, in the county of Knox, as is