

sell or give to such person, or to any other person for him, any spirituous, ardent or intoxicating liquors of any kind whatever, the council may declare the license of such licensed person forfeited, and such person, or any other person who shall give, sell, buy or procure for such person any strong, ardent or spirituous liquors or beer, shall be liable to a penalty of twenty-five dollars (\$25), which shall be sued for and recovered, with costs, of such persons violating this section, in an action wherein the city shall be plaintiff, in the same manner as for the violation of city ordinances hereinbefore provided in this chapter.

REPEALING CLAUSE.

SECTION 40. All acts incorporating the city of Oshkosh, and amendatory to the city charter, are hereby repealed; and all acts and parts of acts inconsistent with and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contracts, acts, suits, claims or demands that may have been entered into, performed, commenced, or that may exist under, or by virtue or in pursuance of the said acts, or any of them, but the same shall exist and be in force, and carried out as fully and effectually to all intents and purposes as if this act had not been passed. Repealed.

SECTION 41. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1883.

[No. 141, S.]

[Published April 5, 1883.]

CHAPTER 184.

AN ACT to revise, consolidate and amend the charter of the city of Neenah, approved March 13, 1873, and the several acts amendatory thereof.

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

TITLE 1.

CITY AND WARD BOUNDARIES.

SECTION 1. All the district of country in the county of Winnebago contained within the limits and boundaries hereinafter described, shall be and Corporate name.

remain a city by the name of Neenah; and the people now inhabiting, and those who shall hereafter inhabit the district of country so described, shall be a municipal corporation by the name of the "city of Neenah," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of law or equity, and shall have a corporate seal, and may change and alter the same at pleasure.

City bounda-  
ries.

SECTION 2. The territory described as follows shall constitute the city of Neenah, to-wit: All the east half ( $\frac{1}{2}$ ), and the east half ( $\frac{1}{2}$ ) of the west half ( $\frac{1}{2}$ ) of section twenty-eight (28), all of sections twenty-six (26) and twenty-seven (27), and the south half ( $\frac{1}{2}$ ) of sections twenty-one (21), twenty-two (22) and twenty-three (23), excepting the west half ( $\frac{1}{2}$ ) of the south-west quarter ( $\frac{1}{4}$ ) of section twenty-one (21), all in township twenty (20) north, of range seventeen (17) east, excepting therefrom a strip of land on the north side one hundred feet wide, running from Lake Winnebago west to Commercial street in said city, which said strip shall be and remain a portion of the city of Menasha.

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

First ward.

First ward. The first ward of said city shall contain all that portion of said territory lying south of the center line of the south channel of Fox river and east of the center line of Cedar street and La Grange avenue.

Second ward.

Second ward. The second ward of said city shall contain all that portion of said territory lying south of the center line of the south channel of Fox river and little lake Buttes des Morts, west of the center line of Cedar street and La Grange avenue, and east of the east line of L. B. Brien's addition and Cronkhite and Sherry's addition, and including Sherry's second addition to Sherrytown, and the east half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section twenty-eight (28), town twenty (20) north, of range seventeen (17) east.

Third ward.

Third ward. The third ward of said city shall contain all that portion of said territory lying

north and east of the center line of the south channel of Fox river and little lake Buttes des Morts.

Fourth ward. The fourth ward of said city shall contain all that portion of said territory lying south and west of the center line of little lake Buttes des Morts, and west of the west line of the second ward of said city, as above described. Fourth ward.

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

## TITLE 2.

### OFFICERS AND ELECTIONS.

SECTION 5. The elective officers of said city shall be a mayor, two aldermen from each ward, constituting the common council, a city treasurer, two assessors, two justices of the peace, one superintendent of schools, and one county supervisor from each ward; and the appointive officers shall be a city clerk, city attorney, chief of police, superintendent of the poor, chief of the fire department, a city surveyor, street commissioner, one school commissioner for each ward, three park commissioners for the city, and as many firemen, policemen and other officers and agents as may be provided for by this act, or as the common council may determine to be necessary. The aldermen and county supervisors shall be elected by the voters of their respective wards; all other elective officers by the voters of the city at large. Elective officers.

SECTION 6. The annual municipal election in said city shall be held on the first Tuesday in April in each year, at such place in each ward as the common council shall designate, at which time there shall be elected by the qualified electors of said city, in the manner herein provided, all officers required to be elected at such general municipal election. The polls of such election shall be opened and closed at the same hours which are or may be prescribed by law for the opening and closing of the polls at general elections in the state of Wisconsin. Ten days prior to each general municipal election, the mayor shall cause to be published in a newspaper printed Appointive officers.

Annual election. When held.

in said city a notice, in which shall be stated the officers to be elected, and the time and places of holding such elections.

Terms of office.

SECTION 7. The mayor, treasurer, assessors and supervisors shall hold their respective offices for the term of one year, and until their successors are elected and qualified. The justices of the peace, aldermen and school superintendent shall hold their respective offices for two years, and until their successors are elected and qualified. The terms of office of all elective officers shall commence on the second Tuesday of April, in the year of their election, except the school superintendent, whose term of office shall commence on the first Monday of July, in the year of his election. The school commissioners shall hold their offices for the term of two years from the first Monday in July in the year of their appointment. All other appointive officers, except park commissioners, shall hold their respective offices until the second Tuesday of April next after their appointment, and until their successors are appointed and qualified.

Representation of wards.

SECTION 8. Each of the several wards in said city shall be represented in the common council by two aldermen, who shall be residents and qualified electors in their respective wards, and, except as herein otherwise provided, shall hold their offices for the term of two years, from the second Tuesday in April in the year of their election.

First meeting of common council.

SECTION 9. The first common council, under this act, shall be organized and enter upon its duties, on the second Tuesday of April, 1883, and shall be composed as follows: The aldermen from each ward whose term of office will expire in 1884 shall serve as one of the aldermen from such ward under this act until the end of his said term. At the annual election in 1883, the qualified electors of each ward shall elect one alderman for the term of two years, and thereafter one alderman from each ward shall be annually elected for the term of two years.

What constitutes a vacancy in office.

SECTION 10. If any alderman shall remove from the ward represented by him, or shall engage or continue in any service, business or employment, causing a continuous absence from the city of more than three months, his office shall thereby become vacant, and whenever any vacancy shall in any

manner occur in the office of alderman, or in case of a tie vote, or a failure in making an election, the common council, within ten days after such vacancy shall happen, shall order a special election in such ward to fill the vacancy, of which due notice shall be given, as herein provided for the annual municipal election. This, however, shall not be done unless more than four months of the alderman's term shall then remain unexpired, or more than four months intervene between the occurring of such vacancy and the next general municipal election. In the latter case an alderman shall be elected at such general municipal election to fill the unexpired term.

SECTION 11. In case of vacancies in the office of justice of the peace, the same shall be filled at the charter election next ensuing; but the council may, in its discretion, order a special election to fill such vacancy, of which notice shall be given as provided for the general municipal election, and the person so elected shall hold his office for the unexpired term.

Vacancies—  
How filled.

SECTION 12. Two justices of the peace shall be elected at the charter election in 1883. The justices of the peace of the several wards of said city, and the justice of the peace at large for said city, now in office, shall hold their respective offices until the expiration of the terms for which they were elected; and upon the completion of such terms the said offices shall be and are hereby abolished. Each of said justices shall thereupon transmit to the nearest justice elected under this act all the books and papers relating to his office, and all the dockets in his possession as such justice, and the justice receiving the same shall be deemed the successor in office of the justice whose docket he shall receive, for the purpose of trying and determining any action then pending, and of issuing execution on any judgment or transcript of any judgment appearing on such docket. In case at any time neither of the justices provided for in this act shall be able for any cause to discharge the duties of his office, any justice of the peace of the county of Winnebago is authorized to take jurisdiction of any matter or proceeding, original jurisdiction of which is conferred upon the justices provided for in this act.

Regarding jus-  
tices of the  
peace.

SECTION 13. All officers of said city not declared elective by this act, and all other officers

Common coun-  
cil may elect  
certain officers.

necessary for the proper management of the city affairs, shall be elected by the common council. All elections by the common council shall be by ballot, and a majority of the votes of the aldermen entitled to seats in the council shall be necessary for a choice. In case of an equal division the mayor may give the deciding vote.

Election to be by ballot.

SECTION 14. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All qualified electors of this state, and who shall be residents of the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this act, and qualified to hold any office hereby created.

Inspectors of election. How appointed.

SECTION 15. Inspectors and clerks of election for each ward of said city shall be appointed in such manner as now is, or hereafter may be provided by the general laws of the state of Wisconsin; and such inspectors and clerks shall act as inspectors and clerks of all municipal elections in their respective wards. All general laws of the state relative to filling of vacancies in office of inspectors and clerks of elections in cities shall be applicable to all municipal elections in said city; and when any inspector or clerk of election shall be a candidate for any municipal office, his place shall be filled in the same manner as if a vacancy had otherwise occurred.

Penalty for illegal voting.

SECTION 16. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if any vote shall be challenged by an elector, the inspectors, before receiving the vote of such person, shall require him to take the following oath, which either of said inspectors is hereby authorized to administer: "You do solemnly swear (or affirm) 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 are a resident of this ward; that you have been a resident of this state for one year immediately preceding this election, that you have not voted at this election, and that you have made no bet or wager, and have not become directly or indirectly interested in any bet or wager depending on the result of this election. If the person so offering to vote shall take such oath, his vote shall be received; if not, it shall be

rejected. If such person shall ~~take such oath~~ or affirmation falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, shall suffer the punishment provided by law for persons guilty of perjury.

SECTION 17. If any person who is not a qualified voter shall vote at any election, or if a person 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 deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred (100) dollars, nor less than twenty-five dollars (\$25) or imprisonment in the county jail not more than six months, or both, in the discretion of the court.

Penalty for illegal voting.

SECTION 18. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes shall be challenged as aforesaid, and who shall swear in their vote; and if any inspector shall knowingly receive the vote of any person not authorized to vote, or shall make out false returns for an election, or if any clerk shall knowingly fail to write down the name of every voter as he votes, or shall wilfully make untrue or incorrect counts and tallies of votes, such inspector or clerk shall be liable to prosecution therefor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars (§100) nor less than twenty-five (25) for each offense, or imprisonment in the county jail not exceeding six months, or both, in the discretion of the court.

Shall keep a list of challenged votes.

SECTION 19. When the election shall be closed, the number of votes cast for each person voted for shall be counted, and the inspectors shall then publicly declare the result and make returns thereof, stating therein the number of votes cast for each person for any office, and shall deliver or cause to be delivered, such returns to the city clerk within twenty-four hours after the closing of the polls, with the defective ballots cast, if any, at such election, enclosed in a sealed envelope. The second day after any election, at 7½ o'clock P. M., the common council shall meet at their usual place of meeting and canvass such returns, and declare the result as it appears from the same, and the clerk shall forthwith give notice of his election to each officer elected.

Votes. How counted.

Proceedings in  
case of a tie  
vote.

SECTION 20. In case of a tie vote, or a failure in making an election of an officer to be elected by the people, or when any officer elected or appointed for the city, or any ward thereof, shall remove his residence without the limits of the city, or when any officer elected by the people for any ward of the city, shall remove his residence without the limits of such ward, or when any such officer shall neglect or refuse to qualify within ten days after his election, the office shall be deemed vacant. Whenever a vacancy shall occur from any cause in any elective office, except aldermen and justices of the peace, the common council shall, within ten days after the occurrence of such vacancy, elect by ballot a person to fill such vacancy, who shall possess the qualifications required for the holding of such office, and who shall hold his office until the next general municipal election, and until his successor is elected and qualified. If the term of office in which the vacancy shall have occurred shall not expire on the next Tuesday following such election, a qualified person shall be elected at such election to fill the unexpired term in which the vacancy occurred. But the provisions of this section shall not apply to vacancies in the offices of justices of the peace or aldermen.

Regarding  
special elec-  
tions.

SECTION 21. Special elections by the people to fill vacancies, or for any other purpose, shall be held and conducted by the inspectors and clerks of election of the several wards in the same manner, and canvassed by the council within the time prescribed for the annual municipal election.

Term of office.

SECTION 22. Every person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Term of office.

SECTION 23. All the officers now in office in said city, whether elective or appointive, shall hold their respective offices until the expiration of the term for which they were elected, and until their successors shall be chosen and qualified as by this act provided.

Penalty for  
failure to de-  
liver.

SECTION 24. If any person, having been an officer of said city, shall not, within ten days after demand, deliver to his successor in office all property, money, books, papers and effects of every



description belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay one hundred dollars (\$100), besides all damages caused by his neglect or refusal so to deliver, and for such damage he and his bondsmen shall be liable as for a breach of his official bond, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

SECTION 25. The mayor, sheriff or deputy sheriff of Winnebago county, each and every alderman, justice of the peace and policeman, shall be officers of the peace, and suppress in a summary manner all rioting or disorderly behavior within the limits of the city, and for such purpose shall have the same powers to call upon others for assistance as is herein conferred upon the chief of police of said city. And all policemen appointed by the council or the mayor as herein provided, shall have and may exercise all the powers of constables under existing laws.

Who are officers of the peace.

SECTION 26. Each alderman shall be entitled to receive a compensation of fifty (50) cents for each and every attendance upon meetings of the council during his term of office, and also compensation for all other actual services rendered the city. The mayor shall receive fifty dollars (\$50) per year.

Aldermen's compensation for services.

SECTION 27. No member of the common council shall be directly or indirectly interested in any contract made with or in behalf of said city, and no officer of said city shall directly or indirectly purchase or be interested in the purchase of any city or school order or certificate of indebtedness for less than the face thereof. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100), or imprisonment in the county jail for not more than six months, or both, in the discretion of the court.

Common council shall not be interested in any contract.

SECTION 28. The city treasurer shall receive the compensation provided for in this act and no more. The superintendent of schools shall receive a compensation of two hundred dollars (\$200) per annum. The assessors and members of the board of review, inspectors and clerks of election shall receive two dollars (\$2.00) per day for each day's actual service in such capacity. A l

Compensation of officers.

other officers of said city, whose compensation is not herein expressly prescribed, shall receive such compensation as the common council shall prescribe, not exceeding to the city clerk six hundred dollars (\$600), to the city attorney three hundred dollars (\$300), to the chief of police seven hundred dollars (\$700), to the poor commissioner two hundred dollars (\$200) per annum, and to the street commissioner two dollars and fifty cents (\$2.50) per day for each day's actual service. The salaries of these officers shall be fixed within one month after their election and shall not be increased or diminished during their term of office, and unless otherwise ordered by the council, shall be paid monthly.

### TITLE 3.

#### QUALIFICATION OF OFFICERS AND THEIR DUTIES.

Shall take the oath of office.

SECTION 29. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer administering the same, with the city clerk; and the treasurer, chief of police, street commissioner, and such other officers as the common council may direct, shall each before entering upon the duties of his office, execute to the city a bond with two or more sureties, the aggregate amount of whose property within this state, over and above all their respective debts, exemptions and liabilities, as shown by their several and respective affidavits attached to such bond, shall be double the penalty named therein, and such bonds shall be in such form and for such penalties and contain such conditions as the common council may deem proper, and shall be approved by the said council, and the common council may, from time to time, require new or additional bonds, and remove from office any officer neglecting to give the same when required. All official bonds executed to the city of Neenah shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct.

Bond. How witnessed and acknowledged.

SECTION 30. The bond of the city treasurer shall be duly witnessed and acknowledged, and shall be recorded in the office of the register of deeds for

the county of Winnebago, and a duly certified transcript of the record of such bond from the office of said register of deeds, shall have the same force and effect as evidence in all courts and places as the original bond.

SECTION 31. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all 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 advantageous to the city. When present, he shall preside at the meetings of the common council, and shall vote therein on an equal division of the members present. The mayor shall be the chief executive officer of the city, and may appoint as many special or temporary policemen to serve on election days, or other unusual occasions, as he may deem expedient. Such appointments shall be in writing, and shall specify the time the person so appointed shall serve, and shall be filed with the city clerk.

Duties of mayor.

SECTION 32. The common council shall, at the first meeting for organization, each year, after the annual election, choose by ballot, from their number, a president, who shall preside over their meetings, in the absence of the mayor, and in case of vacancy in the office of mayor, or his inability to act, either by reason of absence, sickness or other cause, the president of the council shall have and exercise all the powers and discharge all the duties of mayor until the mayor shall resume his office, or the vacancy be filled by a new election.

Shall choose a president.

SECTION 33. In case both mayor and president shall be absent from any meeting of the council, it shall proceed to elect a temporary presiding officer from its number, who, for the time being, shall discharge the duties of mayor.

Election of temporary presiding officer.

SECTION 34. The city clerk shall keep the corporate seal and all papers and records of the city. It shall be his duty to attend all meetings of the common council, and to keep a full record of their proceedings. The records of the common council kept by him shall be evidence in all legal proceedings and copies of all papers filed in his office, and transcripts from the records, certified by him, under the corporate seal, shall be evidence in like manner as if the originals were produced. He shall keep a full and accurate account of all certificates

Duties of city clerk.

of appropriations and orders drawn on the city treasurer, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all sums of money properly collectible by such treasurer. Whenever the clerk shall be absent from any meeting, the council may appoint from their number a clerk *pro tem.*, who, for the time being, shall discharge the duties of clerk. The city clerk shall have power and authority to administer oaths, and affirmations and take acknowledgments of deeds and other instruments. The city clerk may, with the consent of the council, appoint a deputy, and such deputy shall possess all the powers and may discharge all the duties of clerk, but shall receive no compensation from the city.

Duties of city treasurer.

SECTION 35. The city treasurer shall collect all moneys properly payable into the treasury, except as herein otherwise provided, and keep a detailed account of the same together with a detailed account of all disbursements in such manner as to show the source of all receipts and the time when received and on account of what fund and the amount of each disbursement, and for what purpose and from what fund paid. He shall report to the common council as often as required; and annually, at least ten days before the annual election, give a full and detailed account of all receipts and disbursements after the last annual report, and also the state of the several city funds. His books shall be open at all times to the inspection of the council. He shall collect all city taxes and collect and return the state and county taxes in said city in the manner prescribed by the general laws of Wisconsin relating to the collection of taxes by town treasurers, except as otherwise provided in this act, and shall have, in addition to the powers herein specifically conferred, all the powers of town treasurers for the collection of taxes and all general laws of the state relative to collection of taxes, shall apply to and be in force in said city, except as otherwise expressly provided in this act.

Duties of assessor.

SECTION 36. The assessor shall assess all the taxable property in said city, and shall make out the annual assessment roll for the said city in accordance with the general laws of the state relating to the assessment of property, and the duties

of assessors; and said assessment roll shall be equalized and notice thereof given at the time and in the manner required by law, and all the general laws of the state applicable to the composition of boards of review for the equalization of taxes in cities shall be in force and apply to said city. Immediately after such assessment roll is equalized the same shall be verified by oath of each said assessors as required by law, and the assessment roll deposited in the office of the city clerk.

SECTION 37. The city attorney shall conduct all law business of said city and the departments thereof, and all other business in which the city shall be interested, and when requested by the mayor or council he shall furnish written opinions on subjects submitted to him in which the city or any departments thereof, may be interested. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments in writing as may be ordered by the common council, and to perform such other duties as may be prescribed by the ordinances of the city or by any resolution of the common council.

Duties of attorney.

SECTION 38. The chief of police shall have the general supervision of all the police force of said city, and be specially charged with the preservation of the peace and the enforcement of the ordinances within the said city. He shall give a bond in such penalty as the council may prescribe, which shall not be less than one thousand dollars (\$1,000), and shall contain conditions similar to those required by law of constables. He shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. It shall be his duty to obey all lawful orders of the common council, to arrest with or without process, and with reasonable diligence to take before one of [the] justices of the peace, every person found in such city in a state of intoxication, or engaged in any disturbance of the peace or violating any law of the state or ordinance of said city. He may command all persons present in such case to assist him therein, and any person refusing to assist him when requested, shall forfeit the sum of ten dollars (\$10). He shall be en-

Duties of chief of police.

titled to the same fees allowed to constables for similar services, except that he shall receive no fees for services performed for said city, but shall be paid such salary as the common council shall fix.

Duties of super-  
visors.

SECTION 39. The supervisors shall represent their respective wards in the county board of Winnebago county, and perform the duties required of them by law as members of the said county board.

Duties of jus-  
tices of the  
peace.

SECTION 40. The justices of the peace shall each execute and file with the city clerk a bond, the same as required by law of town justices. Each of such justices shall have concurrent jurisdiction and power throughout said county with other justices of the peace, and shall have and possess all the power conferred upon justices of the peace under the general laws of the state; and shall be taken as included by that designation in any general law relative to justices of the peace. Each justice shall quarterly report to the common council, a list of all proceedings instituted before him on behalf of the city, and the disposition thereof, and shall, at the same time account to, pay over to the treasurer, all penalties which may by law accrue to the city, and annex the treasurer's receipt therefor to his report. Said justices shall account to the county treasurer for all fines collected for violations of the general laws of the state or of acts hereby declared misdemeanors, in the manner that other justices of the peace are required to do by law.

Duties of street  
commissioner.

SECTION 41. The street commissioner shall have the general supervision of the streets, sidewalks, crosswalks, alleys, gutters and sewers within said city. He shall give a bond to said city in such penalty as the common council may direct, conditioned for the faithful discharge of his duties as such officer, and for the payment to the city treasurer of all moneys coming into his hands belonging to the city within the time required by law. He shall collect the poll tax provided for by this act, and pay the money received therefor to the city treasurer, on or before October 1st, in each year, and at the next council meeting shall report to the council the names of all persons liable to pay such tax, whose tax remains unpaid, and shall annex to such report the treasurer's receipt for the amount paid him. He shall

perform such other duties as the council may from time to time require, and shall, monthly, report to the council the amount of labor and material expended upon the streets, etc., of said city, at what expense, and where and for what purpose used.

SECTION 42. The poor commissioner shall have the same powers and shall perform the same duties as overseers of the poor of the several towns, under the general laws of the state; provided, however, that he shall keep such accounts as the council may direct, and at all times be subject to and obey all orders and resolutions of the common council concerning his duties, and shall report from time to time as the council shall direct.

Duties and powers of poor commissioner.

SECTION 43. There shall be elected by the first common council organized under this act as other officers are elected, and as soon as practicable, a "board of park commissioners," which shall consist of three members, one of whom shall be elected for the term of three years, one for two years, and one for one year, and annually thereafter the council shall elect one commissioner to serve on such board for three years. The board of park commissioners shall have the care and management of the public parks of said city, and all the improvements made on the same. Such board shall not expend in the management or improvements of such parks more than two hundred dollars (\$200) in any one year, unless by and with the consent of the council. But the council shall not authorize the expenditure of more than five hundred dollars (\$500) on the city parks in any one year. The park commissioners shall receive no compensation from the city. All bills contracted by such board within the limits above fixed shall be audited and paid by the council.

Board of park commissioners.

#### TITLE 4.

##### THE COMMON COUNCIL; ITS GENERAL POWERS, ETC.

SECTION 44. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Neenah, do ordain," etc. The common council shall hold stated meetings at such time and place as it shall appoint, and may adjourn from time to time as it deems proper. Five aldermen shall constitute a quorum for the transac-

Common council.

tion of business, but a smaller number may adjourn to a set time.

Duties of mayor.

SECTION 45. The mayor or president of the council may call special meetings, by notice to each member, to be served personally, or left at his usual place of abode. In case of the absence of the mayor and president, three aldermen may call a special meeting.

Government of common council.

SECTION 46. The common council shall determine the rules for its own government and proceedings, which shall not be inconsistent with this act. Its sessions shall be public; the council shall be the judge of the election and qualification of its own members, and may prescribe penalties enforceable against its members or other persons present at its meetings for disorderly conduct, or violation of its rules, such penalties to be enforced or collected as other fines and penalties under this act.

May compel the attendance of its members.

SECTION 47. The council may compel the attendance of its members upon its sessions, and employ the police of said city for that purpose; and may punish any member for failure so to attend, or for any wilful neglect of duty as before provided for disorderly behavior. The ayes and noes may be required by any member upon any question, and all votes upon the passing of ordinances, and upon all resolutions for levying or assessing taxes, or for the appropriation or disbursement of money, or creating any liability or charge against said city, or any fund thereof, shall be taken by ayes and noes, and be entered in the proceedings of the council, and a majority of all the aldermen elect shall be necessary for the passage thereof.

Shall have management and control of finances.

SECTION 48. The common council shall have the management and control of the finances and of all the property of said city, except as herein otherwise provided, and shall, in addition to all other powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for maintaining the government and good order of the city, for the benefit of the trade, commerce and health thereof, for the suppression of vice and prevention of crime, for the protection of persons and property, and for carrying into effect the powers vested in said common council, as it shall



deem most expedient. It shall have power to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations or by-laws; and such ordinances, rules, by-laws and regulations are hereby declared to be and to have the force of law; provided, that they are not repugnant to the constitution or laws of the United States or of this state. For these purposes the common council shall have authority, by ordinances, resolutions, rules, by-laws or regulations:

1. To regulate taverns, victualing houses, saloons, gardens, and all other places within said city where wine, beer or other liquors are sold to be drank on the premises; and to license, regulate and restrain tavern keepers, keepers of ordinaries, saloons, victualing houses, or other houses or places, or the selling or giving away of spirituous, vinous or fermented liquors, and to restrain any person from giving away or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council; and prescribe the hours within which such places may be kept open. The license fee for the sale of vinous, spirituous, fermented or malt liquors shall be seventy-five dollars (\$75) per annum, and the license shall date from the filing of the application, and remain in force until the fifteenth day of April next after their issue unless sooner revoked by the council. If any license be granted more than six months prior to its expiration, the full annual license shall be paid; if less than six months, one-half the same. Every applicant for such license shall, at the time of filing his application, file the bond prescribed by section 1549 of the revised statutes, and also the receipt of the city treasurer, showing the payment to him of the license fee; and in case such application be refused, such license fee shall be immediately returned to the applicant. All general laws of the state, relative to excise and the sale of intoxicating liquors, and especially the provisions of chapter 66 of the revised statutes, shall apply to and be in force in said city, except as otherwise expressly provided in this act.

Regulate and license taverns, saloons, etc.

2. To tax, license, regulate, suppress or prohibit the keeping of billiard tables, bagatelle, pigeon hole tables, bowling or ten pin alleys, for

Billiard tables.

purposes of gain, and prescribe the hours within which the places where the same are kept may be opened.

Common showmen.

3. To license, regulate, suppress or prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, exhibitions and amusements.

Restrain gaming.

4. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purpose of gaming in said city, and to restrain and prohibit the keeping open of groceries, shops, stores, saloons, halls, parks, gardens, and all places of amusement or business on Sunday, in said city, and to prohibit the performance of all secular business on that day.

Riots, etc.

5. To prevent any riots, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses and houses of ill-fame; and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Nauseous places.

6. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, hog-pen, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as often as it may be necessary for the health and comfort or convenience of the inhabitants of said city.

Unwholesome business.

7. To regulate and direct the location and management of breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city, distilleries, slaughtering establishments for steaming or rendering lard, tallow, offal, or such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Public markets.

8. To establish and regulate public markets, determine their location and make rules and regulations for the government of the same, and to restrain sales on the streets; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

9. To control and regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city; and to cause the seizure and destruction, or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Butchers.

10. To direct or prohibit the location and direct the management of houses for the storing of gunpowder or other combustible and dangerous materials in the city.

Gunpowder.

11. To regulate and restrain the keeping or conveying of gunpowder and other combustible or dangerous materials, and the use of candles or lights of any description in barns, stables and out-houses.

Conveying of gunpowder.

12. To prevent the shooting of firearms or fire crackers within said city, or fishing from any bridge, street, alley or sidewalk, and to prevent the exhibition or use of any fireworks at any time or in any situation which may be considered, by the council, dangerous to the city or to any property therein, or annoying to any citizen thereof.

Firearms and crackers.

13. To prevent, in any manner whatever, the encumbering of the streets, lanes, alleys, sidewalks, public grounds, wharves and docks with carriages, carts, wagons, drays, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings, or any substance or material whatsoever.

Encumbering of streets.

14. To prevent horse racing, immoderate riding or driving in the streets, and to compel persons to fasten their horses, oxen or other animals, attached to vehicles, or otherwise, while standing or remaining in any street, alley or public place.

Horse racing.

15. To regulate and determine the times and places of bathing or swimming in the rivers or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Bathing and swimming.

16. To restrain and punish vagrants, mendicants, beggars and prostitutes, and to restrain drunkards, immoderate drinking or obscenity in the streets, saloons and all other public places within said city, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Vagrants and beggars.

17. To restrain, regulate or prohibit the running at large or feeding in the streets, parks or uninclosed grounds within said city, of cattle,

Restrain cattle.

horses, mules, swine, sheep, goats, poultry, geese, etc., and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings; and also to impose penalties on the owners of any such animals for a violation of any ordinances in relation thereto.

**Dogs.** 18. To prevent the running at large, of dogs in the said city, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

**Licensing of dogs.** 19. To provide for licensing the keeping of dogs in said city at a rate of not less than one (1) nor more than five dollars (\$5) a year for each dog, and to provide for a badge or token to be carried by each licensed dog. To provide also for the secure muzzling of licensed dogs, and for the killing and destruction in a summary manner of all dogs not licensed wherever the same may be found in the city (whether owned therein or not), and of licensed dogs running at large in said city contrary to the ordinances, and to punish persons keeping unlicensed dogs.

**Hackmen etc.** 20. To license and regulate hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen, and all others, whether in the permanent employment of any person or corporation or otherwise, who may pursue like occupations with or without vehicles; also to license and regulate bill posters and prescribe the places where bills may be posted.

**Rolling of hoops, etc.** 21. To regulate and prohibit the rolling of hoops, flying of kites, playing of ball, riding of bicycles, velocipedes and the like, or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

**Infectious diseases.** 22. To prevent the entrance into said city of persons or articles supposed to be infected with contagious diseases and to make such disposition of the same as is deemed best to preserve the health of said city. Also to make regulations to prevent the introduction of contagious diseases into the city, or their spread therein; and to make quarantine laws and regulations and enforce the same within the city.

**Boards of health.** 23. To abate all nuisances which are or may be injurious to the public health in any manner they may deem expedient, and to do all acts and make

all regulations which may be necessary or expedient for the preservation of health and the prevention and suppression of disease.

24. To provide for and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same, dispose of burial lots therein at such price per lot as shall be established by said common council, to make conveyances therefor in the name of said city, such conveyances to be signed by the mayor and clerk of said city. The council shall have power to construct and keep in repair any sidewalk or public highway leading from the corporate limits of said city to any such cemetery grounds. To regulate the burial of the dead, and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for failure to comply with such requirements; also to provide for and hold grounds for the interment of dead animals.

Cemetery grounds.

25. To abate and remove all nuisances under the ordinances or at common law, and punish the authors thereof by penalties, fine and imprisonment; to define and declare what shall be deemed nuisances, and to authorize and direct the summary abatement thereof; but nothing in this act shall be construed so as to oust any court of its jurisdiction to abate and remove nuisances in the street, or any other part of said city or within its jurisdiction, by indictment or otherwise.

Nuisances.

26. To prevent any person from bringing, depositing or having within the limits of said city, any putrid carcass or unwholesome substance, and to require the removal or destruction of the same by any person, who shall have upon or near his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer or officers of the city at such person's expense.

Unwholesome substances.

27. To erect or establish one or more pest houses, hospitals or dispensaries, and to control and regulate the same.

Pest houses.

28. To prevent the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks,

Ringling of bells.

by auctioneers, hawkers, peddlers or others, for the purpose of business, amusement or otherwise.

Steam whistles. 29. To control, regulate or prohibit the use of steam whistles within the limits of the city.

Snow and dirt. 30. To compel owners or occupants of buildings or grounds to remove snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and keep them clean therefrom, and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the health officers of the city shall direct; and on their default, to authorize the destruction or removal thereof, by some officer of the city, at the expense of such owners or occupants.

Repair of streets. 31. To control, regulate, construct, repair, and clean the streets, alleys, bridges, sidewalks and crosswalks of the city, and provide for sprinkling the streets. To open, widen, straighten and vacate streets and alleys, and establish and alter the grade thereof, and to regulate the manner of using the streets and pavements, and to protect the same from injury.

Riding and driving on sidewalks. 32. To prevent all persons from riding or driving any horse or other animal on or across the sidewalks in said city, or in any way doing damage to such sidewalks.

Pounds. 33. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs.

Lighting of streets. 34. To erect lamps and regulate the lighting thereof; and to provide for lighting the streets, public grounds and buildings with gas or otherwise.

Weights and measures. 35. To require every merchant, retailer, trader or dealer in merchandise or property of any description which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standards of such weights and measures shall be conformable to those established by law in this state.

Hay and fuel. 36. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the cutting and sale of ice, and to restrain the selling of such ice as is impure; also to regulate the sale of wood, the weighing and selling of coal and lime, and the places and manner thereof; and to appoint suitable persons to superintend and con-

duct the same, and to define their duties and powers.

37. To regulate the times, places and manner of holding public auctions and vendues. Public auctions.

38. To tax, license and regulate auctioneers, distillers, brewers and pawn-brokers, and all keepers of junk-shops and places for the sale or purchase of second-hand goods, wares or merchandise; to regulate hawkers, peddlers, runners or solicitors for boats, cars, railroads, stages, public houses and other establishments; also to tax, license, or regulate keepers or proprietors of gift stores, concerts, or other gift enterprises; to fix and regulate the amount to be paid for licenses under this sub-division, and to prescribe the time for which such licenses shall be granted; to provide and enforce penalties for carrying on any of said trades, kinds of business or employments without license, and to regulate the manner in which they shall be carried on. No such license shall be for a longer time than one year, and the amount of such license shall not be less than at the rate of ten dollars (\$10) per year, nor more than at the rate of five thousand dollars (\$5,000) per year, for the carrying on of either of said trades, kinds of business or employment, and to prohibit sales on the streets. Auctioneers.

39. To regulate or prohibit the keeping of any lumber yard, or the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city. Lumber yards.

40. To regulate the measuring and inspecting of lumber, shingles, timbers, posts, staves and heading, and all building materials, and to appoint one or more inspectors. Lumber inspecting.

41. To provide for the inspection and regulation of stationary steam engines and boilers. Engines and boilers.

42. To appoint inspectors and weighers and regulate their duties and prescribe their fees. Weights.

43. To establish and regulate public pounds. Pounds.

44. To require railroad companies to station flagmen at street crossings. Flagmen.

45. To appoint watchmen and policemen, and regulate the police and prescribe their duties. Watchmen.

46. To compel the owners or occupants of houses, or stores or other buildings in said city, to number the same in such manner as the common council may from time to time prescribe. Numbering houses.

47. To direct and regulate the planting and Ornamental trees.

preserving of ornamental trees in the streets and public grounds.

**Bridges.** 48. To construct bridges and keep the same in repair.

**Waters within the city.** 49. The common council shall have jurisdiction over the entire waters within the city, and have power to prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city, or the purity of the water, or its usefulness for hydraulic purposes shall be impaired; and to declare all unlawful obstructions of the rivers in said city nuisances, and to provide for the abatement of the same, and punish violations of the ordinances relative to the waters in said city.

**Set out trees.** 50. To compel the owner of any lot or grounds in said city to set out shade or ornamental trees in the streets or street in front of, or bounding such lot or grounds, and in default thereof, to cause the same to be done, and levy a special tax upon such lot or grounds, to pay the expense thereof, in whole or in part.

**Public parks.** 51. To purchase, hold, improve and otherwise control the use and management of public parks, and make such regulations for the care and protection of the same, and of all property of said city, as it may deem necessary.

**Sprinkling and cleaning streets.** 52. To provide for sprinkling, cleaning or sweeping any of the streets of the city, in whole or in part, at the expense of the lots abutting on such streets, and to provide for the collection of the amounts chargeable to such lots therefor, by the levy of a special tax on such lots, or otherwise.

**Care of destitute children.** 53. To authorize the taking up of all children who are destitute of proper parental care, or growing up in mendicancy, ignorance, idleness or vice, to provide for their safe keeping and education for such periods of time as may be deemed expedient.

**Vagrants.** 54. To authorize the arrest, fine and imprisonment, as vagrants, of all persons who, not having visible means of support, are without employment, loitering about said city, frequenting drinking saloons, houses of ill fame, gambling houses, railroad depots or fire engine houses, or who shall be found trespassing, in the night time upon the private premises of others; and also of all persons who shall have in their possession any gaming device or article or thing used for



obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, or places where religious worship is held, or any lawful assemblage is convened.

55. To prevent minors from going upon or being on any railroad track in said city, except at the regular street crossings; and to prevent minors from playing in the streets of said city, or catching or attempting to catch upon any vehicle while in motion in any streets or alleys of said city. Minors.

56. To control and regulate the construction of buildings, chimneys and smoke-stacks and to prevent and prohibit the erection or maintenance of any insecure or unsafe building, smoke-stack, wall or chimney, and declare them nuisances, and provide for their summary abatement. Also to prohibit the use of any hall, theater, opera house, church, school or other building for public gatherings which are unsafe or not provided with suitable and sufficient means of exit in case of alarm. Construction of buildings.

57. To prohibit the riding or driving on any of the bridges in said city faster than a walk. Riding on bridges.

58. To provide for, erect and control water works for the supply of water to the inhabitants of said city. Water works.

59. To authorize or adopt any general survey of the city or part thereof, and to cause to be recorded in the office of the register of deeds of Winnebago county any map embracing such survey as the recorded map of said city, and in the assessment of property in said city and in all proceedings for collection of taxes appropriate reference to such map shall be sufficient description. Survey of city.

60. To alter or change the name of any street, alley, or public ground within said city; to alter or change or subdivide the recorded plat or any part thereof surveyed, platted or recorded in the office of the register of deeds of Winnebago county, such change to represent subdivisions made by deed subsequent to the date of the plat; to cause all out and in lots within said city containing ten acres or less that have not been platted or recorded to be so platted and recorded. Change names of streets.

61. Whenever any grave or heinous crime shall have been committed in said city against life or property, the mayor, with the concurrence of the common council, may offer a reward for the arrest and conviction of any of the perpetrators of such May offer a reward.

offense; provided, that such reward shall in no case exceed five hundred dollars (\$500). The city shall be liable for the payment of such reward according to the terms of such offer.

Pardon power.

62. To confer upon the mayor of said city power to pardon persons convicted of offenses under the ordinances, under such restrictions as it may deem proper.

In case of failure to comply with above sections.

SECTION 49. In all cases where, by the preceding section or otherwise, authority is conferred upon the common council to compel, prohibit or prevent the doing of any act or thing, the common council shall have power to provide for the punishment of any and all persons failing to comply with the rules, regulations or ordinances of said city, lawfully made in pursuance of such powers, by fine or imprisonment, or both. In no case shall the fine exceed one hundred dollars (\$100), or the term of imprisonment exceed six months. All violations of the laws, rules, regulations, resolutions or ordinances so passed shall, and the same are hereby declared to be misdemeanors, and except as otherwise provided by law or the common council, shall be punished by fine not exceeding twenty-five dollars (\$25), or imprisonment in Winnebago county jail for a term not exceeding thirty days, or both, in the discretion of the court. In all prosecutions where the offense is hereby declared to be a misdemeanor, when a fine is imposed as the whole or any part of the punishment for such offense, the court shall also sentence the defendant to pay the costs of prosecution, and to be committed to the county jail of Winnebago county until the fine and costs are paid or discharged; but the court shall limit the time of such imprisonment in each case, in addition to any other imprisonment, in its discretion, in no case, however, to exceed six months, and the court may also issue an execution against the property of the defendant for said fine and costs.

Ordinances.

SECTION 50. All laws, rules, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of all the aldermen entitled to seats in the council, and shall be signed by the mayor, and shall be published in the official paper of said city, or in book form, as hereinafter provided, before the same shall be in force. Within fifteen days after such publication they shall be recorded by the city clerk in books

provided for that purpose, but before being so recorded, the publication thereof shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times and in all places such record shall be deemed *prima facie* proof of the passage of such resolution, ordinance, regulation or by-law, and of its publication.

SECTION 51. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen entitled to seats in said council, which vote shall be taken by the ayes and noes, and entered in the proceedings of the council, and when the grade of any street shall have been established by ordinance, and such street shall have been made to conform to such grade under the direction of the proper authorities of said city, such grade shall not thereafter be changed without a vote of two-thirds of all the aldermen, including the votes of all the aldermen representing the ward or wards in which such change is proposed to be made in favor thereof. In every such case the votes shall be taken by ayes and noes and entered in the minutes.

Majority vote  
must be had.

SECTION 52. All ordinances, petitions and communications to the common council, and all accounts and resolutions appropriating money, or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted upon at a subsequent meeting not held on the same day, unless by consent of all the aldermen present. Action upon any report of a committee shall be deferred to the next regular meeting of the council at the request of three aldermen. But the same matter shall not be deferred more than once under this provision.

Work of com-  
mittees.

SECTION 53. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as when such vote was taken, and no business shall be transacted at any special meeting except that named in the notice calling such meeting.

Reconsidering  
votes.

Mayor to approve ordinances, etc.

SECTION 54. Every act, ordinance, by-law, regulation, resolution or appropriation which shall have been passed by the council, and to which the signature of the mayor is required, shall be presented by the city clerk to the mayor for his approbation. If he approve, he shall sign it, if not, he shall return it within five days with his objection stated in writing, to the city clerk, and the clerk shall submit such objections to the common council at their next regular meeting thereafter; such objections shall then be entered in the minutes, and the council shall proceed to reconsider the matter. If after such reconsideration three-fourths of the aldermen entitled to seats in the council shall vote to pass such act, ordinance, resolution, by-law, regulation or appropriation, it shall take effect and be in force without the mayor's signature or approval, and the clerk shall attach thereto a certificate showing the manner of its passage and acquiring validity. If the mayor shall not return any act, ordinance, by-law, regulation, resolution or appropriation so presented to him within five days thereafter, it shall take effect in the same manner as if he had signed it; and if it shall not receive his signature, the clerk shall attach thereto a certificate showing the manner it acquired validity. If the mayor shall fail to return to the city clerk any act, ordinance, by-law, regulation, resolution or appropriation upon demand by such clerk after the expiration of five days from its presentation to him, he shall be punished by a fine not exceeding one hundred dollars (\$100), or imprisonment in the county jail not more than one month, or both in the discretion of the court.

Council shall examine and adjust accounts.

SECTION 55. The council shall examine, audit and adjust the accounts of the clerk, treasurer and all other officers or agents of the city, at such times as it may deem proper, and also at the end of each year, and before the time shall have expired for which the officers of said city were elected or appointed. The council shall require each and every such officer or agent to exhibit his books, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall fail to comply with the orders of the common council in the discharge of his said duties prescribed by this section, or shall neglect or refuse to render his accounts or present his

books and vouchers to the council, or any authorized committee thereof, it shall be the duty of the council to declare the office of such person vacant. The 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 it shall make a full record of all settlements made with officers or agents of the city.

SECTION 56. The common council shall have power, by an affirmative vote of six aldermen, upon reasonable notice, for cause, to remove from office any officer of the city elected by the council or by the people, except justices of the peace; and the common council shall provide by resolution, the manner of hearing and disposing of cases arising under this section. Witnesses may be sworn as in the trial of actions, but the testimony need not be reduced to writing. The general laws of the state relative to compelling attendance of witnesses shall apply to proceedings under this section.

Removal from office.

## TITLE 5.

### OPENING STREETS, ALLEYS, ETC.

SECTION 57. The common council shall have power to lay out and open public squares, streets and alleys, and to change, widen or extend the same; to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water courses. For such purposes it may take private property in the following manner: 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 wards where such petitioners reside, for the public use, for any of the purposes herein mentioned, specifying in such petition the purpose for which such lands are required, and the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners. If the common council shall determine that the prayer of such petition should be granted, it shall cause an accurate survey and plat of such land to be made and filed with the city clerk, and it may purchase or take by donation from

Public squares and alleys.

such owners, such ground as may be needed, by agreement with the owners, and to take from them conveyances thereof to the city for such use or in fee; but otherwise it shall, by resolution, declare their purpose to take the same and therein by metes and bounds or other appropriate description, describe the lands proposed to be taken, defining separately each tract owned by a distinct owner, mentioning the names of each owner so far as known, and therein fix a day, hour and place when and where it will apply to the county judge, or one of the justices of the peace of said city, for the appointment of a jury to condemn and appraise the same. The provisions herein contained authorizing the city to take such property by purchase or donation from the owner, shall not be construed as requiring an effort on the part of the council to so obtain the lands, but the council may proceed in the first instance to condemn the same.

Notice of resolution.

SECTION 58. It shall thereupon cause to be made by the clerk a notice of the adoption of such resolution, embracing a copy thereof, and notifying all parties interested that the council will, at the time and place named, apply to the judge or justice named for the appointment of a jury, to determine the necessity of taking such lands and the compensation to be paid therefor. A copy of such notice shall be served on the owner of each such parcel of land to be taken residing within the state, and upon each person having an interest therein, by lien or otherwise, in the manner that a summons in an action in the circuit court is required to be served, and proof of such service shall be made in the same manner as of the service of a summons in the circuit court, and shall be *prima facie* evidence of the facts therein stated. If the notice cannot be so given as to all the parcels, then the same shall be also published once in the official paper, and the affidavit of the printer or foreman of such newspaper shall be *prima facie* evidence of such publication. Such notice shall be so served or published at least five days prior to the time for such application. If any such owner be a minor, or of an unsound mind, the judge or justice, before proceeding shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give

security to such person to the satisfaction of the magistrate, and act for such person.

**SECTION 59.** At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of such notice, as provided in the last section, shall be filed with the judge or justice, who shall thereupon make a list of twenty-four disinterested freeholders of said city. He shall hear and decide any challenge for cause or favor made to any one, and if sustained shall replace his name with an unobjectionable juror until the list shall be perfected. Thereupon, under direction of such magistrate, each party, the common council by its representatives on the one side, and the owners of land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the judge or justice, on the other, shall challenge six names, one at a time, alternately, the council beginning. To the twelve jurors remaining, such judge or justice shall issue a precept, requiring them at an hour on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the chief of police of said city, or sheriff of the county, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy thereof at his usual place of abode, in the presence of a member of his family.

**SECTION 60.** The jurors summoned shall appear at the time and place named; and if any be excused by the judge or justice, or fail to attend, he shall appoint other jurors having the requisite qualifications, in their place, and such appointment shall be endorsed upon or annexed to the precept, and such person shall be forthwith summoned, and like proceedings shall be had until a jury is obtained. It shall be the duty of every person appointed as such juror to act, unless excused for reasonable cause by the judge or justice appointing him, and every person summoned to serve on such a jury who shall, without being so excused, neglect to serve, shall forfeit and pay the sum of fifty dollars (\$50); no person shall be compelled to

Hearing of application.

Jurors shall appear at the day named.

serve upon such jury more than once during the same calendar year.

Jurors shall take an oath.

SECTION 61. Each of said jurors shall then, and before entering upon the discharge of their duties, severally take and subscribe an oath to be endorsed upon or annexed to such precept, to be administered by said judge or justice: "That he is a resident and freeholder within said city, and is not interested in the premises proposed to be taken; that he will well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully and impartially discharge their duties as jurors according to law."

Proceedings to be continued without adjournment.

SECTION 62. From the time fixed in the precept for the meeting of the jury, the proceedings shall be continued before such judge or justice without adjournment, except from day to day, as necessity shall require, until a jury is appointed and qualified and a verdict rendered.

Jury shall view the lands and appraise damages.

SECTION 63. Under the direction of such magistrate, the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party, and for such purpose, such magistrate shall possess the same powers as a court in session with a jury, and if there be necessity, may adjourn the sitting from day to day. Such magistrate shall decide all questions upon the admissibility of evidence. The jury shall render a separate, unanimous verdict in writing, signed by them, in which they shall find whether it be necessary to take such lands, or any part thereof, for such purpose, describing such as they find necessary to be taken. If any be found necessary to be taken, then they shall render a verdict or appraisal of damages, specifying therein the damages of each owner, stating separately the value of the land taken from each, and the damages otherwise sustained by each by reason of the taking thereof, and from such last named sum they shall deduct any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisal of damages and shall sign the same. If the land be subject to lease, contract, mortgage or judgment, or there be any estate therein less than an estate in fee, or the buildings thereon belong to some person other



than the owner of the land, the person claiming such interest may file with the magistrate a notice in writing specifying the interest claimed, and the jury in such verdict may award to such person the damages which his interest in such lands sustains by the taking thereof, and deduct the same from their award to the owner; and any person filing such notice shall have the same right of appeal as is given to the owner, and in case of failure to appeal shall likewise be concluded by the verdict. Any technical error in such verdict may be immediately corrected with the assent of the jury. The verdict shall be filed by the magistrate. In case the jury shall fail to find a verdict, the council may, upon the same petition, proceed to obtain the appointment of another jury in like manner. The testimony need not be reduced to writing, but the magistrate shall indorse upon the verdict the time of filing same.

**SECTION 64.** After the filing of such verdict, if it shall appear therefrom that any damages have been awarded, such jury shall again view the said premises, under the direction of the magistrate, and shall then sit before him to hear such competent evidence, relative to any special benefits that may accrue from such improvements to any other tracts of land in the same manner as provided in the next preceding section. The city on the one hand, and any taxpayer or property owner on the other, shall have a right to be heard thereon. The jury shall, thereupon, consider and determine what proportion of the whole award of damages, as found by their verdict, provided for in the preceding section, should be assessed upon the property, if any, specially benefited by such improvement, and shall then apportion and assess the same upon the lands and premises by them deemed specially benefited, in proportion to the benefits received, and shall make a verdict specifying the proportion of damages to be so assessed, and the particular lots or tracts of land determined to be benefited, and the amount of such benefits accruing to each shall be set opposite thereto; and a majority of such jury may render such verdict determining the proportion of damages to be specially assessed as benefits, and upon what parcels of land, and the amount on each, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the assent of the jury, and their

Duties of jury  
after filing the  
verdict.

verdict shall be filed by the magistrate, and he shall indorse thereon the time of filing the same. The jury shall then be discharged. Any lot owner against whom any such assessment is made, may appeal from the verdict, as hereinafter provided.

In case there is a building on premises.

SECTION 65. If there should be any building standing, in whole or in part, upon the lands to be taken, the jury shall also, in making their verdict of damages, find and determine, first, the whole value of such building to the owner, aside from the value of the land, and secondly, the value of such building to remove, and shall state such determination in their verdict, and in such cases the award of damages shall be the value of the land taken and the damage to the owner by the taking, over and above such value, less any special benefits, as provided in the second preceding section 63, together with the value of such building to the owner, less its value to remove. The owner of such building may, within ten days after the finding of such verdict, file with such magistrate a notice in writing, that he elects to take such building at the value thereof to remove, as fixed by the jury, and he shall have such reasonable time to remove it as the council shall allow. But if such owner shall neglect to file such notice within the time aforesaid, and to remove such building within the time allowed by the council, the council shall order such building to be sold at public or private sale, in their discretion, and shall direct by whom the sale shall be made. In case of public sale they shall prescribe the time and manner of giving notice, and the proceeds shall be paid to the owner or deposited with the city treasurer, and be subject to his order.

Time given for appeal.

SECTION 66. Within ten days after such verdict any land owner whose land has been found necessary to be taken, or against whose land any assessment has been made, may appeal from the award of damages to him, or assessment of benefits, in such verdict, to the circuit court of said county, and the council may likewise appeal from the award of damages to any owner. The party appealing shall file with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or assessment against him, or a part, and, if a part, what part, and therewith an undertaking with two sufficient sureties, to be approved by the magistrate, to pay all costs

that may be awarded against such appellant on the appeal; and, at the time of filing such notice of appeal and undertaking, shall pay the magistrate for his return to such appeal. Any person not so appealing shall be forever concluded by such verdict, appraisal of damages or assessment of benefits. The appeal herein provided for shall be the only remedy for damages sustained by the acts or proceedings of the said city, or its officers, in the matters which such verdict should cover, and no actions at law or in equity shall be had or maintained for or on account of such acts or proceedings. Upon an appeal being taken, the magistrate shall transmit to the clerk of the circuit court, within ten days, the notice of appeal and undertaking, and thereto annex a copy of all the papers in the proceeding, with his certificate thereof, and he shall, after the time for appealing expire, file with the city clerk, annexed together, all the original papers, including the verdict, with a certificate that no appeal has been taken, except as the fact is, which he shall briefly specify, and the clerk shall record all such papers.

SECTION 67. Upon filing such transcripts in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, and the city as defendant, and be subject to a change of place of trial and appeal to the supreme court as other actions. The appeal shall be tried by a jury, unless waived, and costs shall be awarded against the appellant, if a more favorable verdict be not obtained; otherwise, against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Upon filing of transcripts.

SECTION 68. If the verdict of the jury find it necessary to take such lands, or any part thereof, the council may upon return thereof to the clerk, enact an ordinance according thereto, for laying out, changing, widening or extending and opening any such street, lane, alley, public ground, square or other public place; or constructing, opening, altering, enlarging or straightening any such drain, canal, sewer or water course; but shall not appropriate the land until the damages awarded the owner or other party interested, be paid or tendered him, or the amount thereof be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him to be de-

Council may enact an ordinance to cover the ground.

posited with the city clerk to permanently remain subject to his order, at any time before causing any such land to be actually taken for such purpose, and before the rendition of any judgment in the circuit court for damages, the council may discontinue all proceedings theretofore taken, and the city shall, in that event, be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when they recover costs in the circuit or supreme court.

Council shall  
levy and assess  
amount.

SECTION 69. Upon the filing with the city clerk of the verdict and other proceedings mentioned in section 66, the council shall proceed to levy and assess upon each tract of land mentioned in the verdict of the jury against which any assessments of benefits has been made, the amount assessed thereon by the jury as a special tax, and the same shall be inserted in the tax roll next made out thereafter and collected as other taxes.

Judgment for  
the difference.

SECTION 70. If on the appeal by any person against whom such assessment is made, judgment is rendered in favor of the appellant, such judgment shall be for the difference between the assessment and the amount determined to be justly chargeable against the property affected by such appeal on the trial in the circuit court.

Compensation.

SECTION 71. The said jurors shall each receive as compensation for his services on such jury, one dollar for each day's service on such jury.

Opening of pub-  
lic streets.

SECTION 72. Whenever the said common council, with the concurrence of three-fourths of the members elected thereto, shall declare by their resolution, that it is necessary for the public interest to open a public street or alley, or take land for any public purpose authorized by this act, the said common council shall have power to open such public street or alley, or take land for such public purpose, as the case may be, without any petition therefor, and to proceed thereafter in that behalf, as in cases of petition therefor, duly made; provided, that in cases of streets and alleys, such resolution shall also be approved by the aldermen of the ward in which the land proposed to be taken may be situated. The resolution provided for in this section shall declare why it is necessary for the public interest so to proceed; and no such resolution shall be passed by the common council at the same meeting in which it is first considered; but the same shall lie over to a future meeting

thereof, and the yeas and naves on the passage of such resolution shall be taken, and duly entered in the journal of proceedings of the council.

SECTION 73. Upon the petition, in writing, of all the owners of lots or lands on any street or alley, and not otherwise, the council may vacate any street or alley, or any part thereof. At least ten days before acting on such petitions, the council shall cause the same to be published in the official paper of said city, with the notice of the time the same will be acted upon; and the votes of all the aldermen entitled to seats in the council shall be necessary to pass any ordinance or resolution vacating a street, lane or alley, or any part thereof.

Publication of petition.

SECTION 74. Whenever the owner or owners of any land in said city shall desire the continuation of a street or alley or highway, or a new street or alley through or over the same, and shall have filed his or their written consent thereto, specifying the width, course and termination of such street, with the clerk of said city, the common council may, by resolution, lay out, establish and name and open said street or alley in accordance with said consent, and said street or alley shall thereafter be subjected to all laws and ordinances of said city applicable to streets and alleys.

In regard to continuation of streets.

SECTION 75. Whenever complaint shall be made to the common council that any highway, street, or alley in said city has been or shall be encroached upon by any fence, building or other fixture, the said council may, by resolution, require and direct the removal of such encroachment, and thereupon the mayor of said city shall make an order under his hand, requiring the occupant of the land through or by which such highway, street or alley runs, and to which such fence, building or other fixture shall be appurtenant, to remove the same beyond the limits of such highway, street or alley, within twenty days thereafter, and he shall cause a copy of such order to be served upon such occupant, and every such order shall specify the width of such highway, street or alley, the extent of the encroachment, and place or places in which the same may be with reasonable certainty.

Encroachments.

SECTION 76. If the fence, building or other fixtures causing such encroachment shall not be removed within said twenty days after the service of such order, and such occupant shall not have denied such encroachment, as provided in the next

Further regarding encroachments.

succeeding section herein, such occupant shall forfeit the sum of one dollar (\$1.00) for every day after the expiration of said time during which such encroachment shall continue; and in such case if such encroachment shall not be removed within thirty days after the service of such copy, in addition to the collection of said penalty or forfeiture, the common council may, by resolution, authorize and direct the superintendent of streets of said city to forthwith remove such encroachment or encroachments; and it shall thereupon be lawful for and the duty of said superintendent of streets, without delay, to remove or cause to be removed such fence, building or other fixture, beyond the limits of such highway, street or alley, as specified in the order mentioned in the next preceding section.

Notice to occupant.

SECTION 77. If the occupant upon whom a copy of such order shall be served shall, within ten days after the service thereof in writing, deny such encroachment, and file the same or a copy thereof with the city clerk, the said clerk shall thereupon make out and serve upon such occupant a notice that at a time and place therein named to be not less than twenty-four hours after said service, application will be made to a justice of the peace of said city, to be named therein for the selection of six disinterested freeholders of said city, to enquire into the premises at the time and place therein designated, the said justice shall make out a list of eighteen disinterested freeholders of said city, from which six shall be selected and struck in the same manner that juries are selected and struck in justices' courts; the said justice shall thereupon issue his precept directed to the chief of police, deputy sheriff, or any constable of the county, commanding him to summon the six freeholders thus selected to meet at a certain day and place not less than two days after the issuing thereof, to enquire into said alleged encroachment, and should either party not be present at the selection of said jury, said constable shall give such absent party at least one day's notice of the time and place at which such freeholders are to meet.

Swearing of jury.

SECTION 78. On the day specified in the precept the jury so summoned shall be sworn by such justice well and truly to inquire, whether any encroachment has been made, as described in the order of said mayor, and by whom; and the wit-

nesses produced by either party shall be sworn by the justice and the jury shall hear the proofs and allegations which may be produced and submitted to them, and in case any person so summoned as juror shall not appear, or shall be incompetent, his place may be supplied by a talesman, as in other cases.

SECTION 79. If the jury find that any such encroachment has been made, they shall make and subscribe a certificate in writing of the particulars and extent of such encroachment and by whom made, and shall file the same in the office of the city clerk; and the occupant of the land, whether such encroachment shall have been made by him or by any other person, shall remove the fence, building or other fixtures causing such encroachment within twenty days after the filing of such certificate, and in default of such removal shall forfeit and pay a penalty of one dollar (\$1.00) for each day after the expiration of such time during which such encroachment shall continue, and if such encroachment shall not be removed within twenty days after the expiration of said time, in addition to the recovery of said penalty, the common council may proceed to cause such encroachment to be removed, as provided in said section 76 of this title. Any person who shall replace any encroachment, after the same shall have been removed by the officers of the city, as provided in this title, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court.

Finding of jury in regard to encroachments.

SECTION 80. If the jury find that any encroachment has been made as aforesaid, the occupant shall pay the cost of such inquiry, and if the same shall not be paid in ten days the justice shall issue an execution for the collection thereof, directed to the chief of police of the city, sheriff or deputy sheriff, or any constable of the county, commanding him to levy such costs and his fees thereon, of the goods and chattels of such delinquent, and make return thereof to such justice within thirty days from its date, and the justice, constable, jurors and witnesses shall be entitled to the same compensation as other similar services in trials before justices of the peace.

Occupant to pay cost.

SECTION 81. If the jury find that no encroach-

City to pay  
costs.

ment has been made they shall so certify, in which case the city shall be liable to pay the costs of the proceedings, including the fees of witnesses of said occupant who shall have been sworn in said matter, and the common council shall allow the same as other accounts against said city.

Width of lots  
and alleys.

SECTION 82. In all cases where lands in the city shall hereafter be sub-divided in lots and blocks, or where streets, alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to the lot or tract so platted, and shall submit such maps or plats thereof to the common council of said city for their approval; and if such plat or map shall be approved by the common council it shall be lawful for the party or parties making such plat to record the same and the evidence of such approval in the manner prescribed in the revised statutes of this state concerning town plats; but except such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified by the city clerk shall be affixed to said plat, it shall not be lawful for the register of deeds of Winnebago county to receive such plat or map for record or to record the same, and the same shall have no validity, and the person or persons neglecting or refusing to comply with the requirements of this section, shall forfeit and pay a sum not less than one hundred dollars (§100), nor more than two hundred dollars (§200), and the register of deeds, who shall record such plat without such copy of a resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than fifty dollars (§50) nor more than one hundred dollars (§100).

Public streets  
and alleys.

SECTION 83. All streets and alleys which have been heretofore laid out, or which may be hereafter laid out, by the common council or otherwise, and which shall have been opened and used or worked and improved for four years successively, shall be held to be public streets and alleys, and no defect or irregularity in the proceeding of opening the same, or in the direction thereof, shall affect the same.



## TITLE 6.

## IMPROVEMENT OF STREETS, ETC.

SECTION 84. The common council of the city of Neenah shall have power to establish the grade of streets, alleys, gutters, sidewalks, etc., of said city, and to change and to re-establish such grade as it shall deem expedient; provided, that whenever it shall change or alter the grade of any street, the city shall be liable to any person who shall have sustained damages by such change or alteration of grade, for the damages so sustained.

Establishing  
grades.

SECTION 85. The common council shall have power to cause sidewalks, curbstones and gutters to be built, re-built or repaired of such material and in such manner as it may direct, and to assess the cost thereof against the particular lot or lots in front of which such work shall have been done. Such work may be done, and required to be done, without any petition therefor, upon the passage of an order or resolution by the common council, describing the location of the lots or lands in front of which such work shall be done, and naming the owners thereof, if known, and containing a particular description of the work, and naming the time (which shall not be less than fifteen days) in which the same shall be done; notice of such order or resolution shall be given, either by the service of copies thereof upon the owners of such lands personally, or by leaving a copy with the occupants of any building on such lot or lots, if they shall be occupied, or by a publication of such order or resolution in the official paper of the city at least ten days before such work is required to be done. The affidavit of the officer serving such order, describing the manner of such service, or the affidavit of the printer of the publication of such order, shall be *prima facie* evidence of such service. If, after the time mentioned for the performance of such work in such order, such work, or any part thereof, shall not have been done, the common council may cause such work to be done by contract, or by men in its employ, and shall charge the particular cost of such work done in front of or contiguous to any lot or parcel of land as a special assessment against the respective lot or lots in front of or

Building of side-  
walks, etc.

contiguous to which such work shall have been done, and such assessment shall be collected as other taxes are collected.

Repair of sidewalks.

SECTION 86. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four hours, if, in the opinion of the street commissioner, it will not cost to exceed the amount of five dollars (\$5.00) in front of any one lot to repair the same, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired. When the same is completed he shall make out an itemized bill of the cost of such repairs, specifying the lot or parcel of land adjacent to which such repairs were made, verified by his oath, and shall deliver the same to the city clerk. Said clerk shall present all such statements to the city council at its first meeting in November, and the council shall levy and assess the amount of the cost of such repairs, or so much thereof as it shall determine to be just, upon the lot or tract of land adjacent to which such repairs were made as a special tax, and the same shall be inserted in the tax roll and collected as other taxes.

Owner of lots to keep sidewalks in repair.

SECTION 87. It is hereby made the duty of every owner of lots or tracts of land within said city, and they are hereby required to keep and maintain the sidewalks in front of and adjacent to their respective lots in good repair, and the existence of defects in such sidewalks for the space of twenty-four hours shall be notice to the owners of the adjacent lot of their need of repair, and no other or further notice need be given, but no lot owners shall be liable for damages on account of injuries from any defect in any such sidewalk.

Re-grading of streets, etc.

SECTION 88. The common council shall have power to cause any street, lane or alley, or part thereof, to be graded or regraded without any petition therefor, at the expense of the lots or lands fronting or bounding the same, in the same manner as is provided in section 85 for the construction and repair of sidewalks, etc.

Extraordinary filling.

SECTION 89. Whenever the general interests of the city require deep cutting or extraordinary filling, in grading any street, and the owners of the lots or lands fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the council, in writing, that the

expense of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the adjacent property, the council may, in its discretion, order such cutting or filling to be done under the direction of the street commissioner, and shall, in such order, fix the amount justly chargeable to such lots or lands, and such sum shall be assessed thereon, and collected as other special assessments; provided, that such representation shall be made before the time fixed for the performance of such work.

SECTION 90. The expense of all improvements in construction or repair of streets, at their intersection with streets or alleys, and across public grounds, and to the middle of streets and alleys adjacent to public grounds, and the building and repairing of crosswalks, and the laying and repairing of drains to carry the surface water at the intersection of streets, the construction and repair of sidewalks, curbstones and gutters adjoining any public ground or square, and the construction and repair of sewers across streets and alleys and adjacent to public grounds, and the construction and repair of bridges and culverts, and the graveling of streets and alleys, and the ordinary repairs of all streets and alleys shall be paid out of the general "street, highway and bridge fund."

Expense of improvement of streets at their intersection to be borne by city.

SECTION 91. The council may cause any streets, or parts of streets, to be paved or macadamized at the expense, in whole or in part, of the adjacent lots, upon a petition in writing therefor, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least half the frontage of such street, or part of street, to be so improved. If the council shall determine that such improvement be made, it shall cause to be made, by some competent person, an estimate of the average cost per foot of frontage on each lot, for the construction of the same to the center of the street. Such estimate shall include the cost of any cutting or filling necessary, and it shall be filed in the office of the city clerk for the inspection of all parties interested.

Paved and macadamized at expense of owner.

SECTION 92. Before proceeding to execute such proposed improvement, the council shall consider and determine what proportion of the costs of such improvement should be paid by the lot owners owning the respective lots fronting or bounding such streets, which shall be a uniform

Proportion of cost to be first considered.

proportion, and shall assess the amount so determined upon each such lot or tract of land as a special tax, specifying the amount, and shall thereupon cause notice to be published in the official paper that such assessment has been made, and that at a time and place to be named in such notice, not less than ten days from the publication thereof, the council will meet to review such assessment; that all persons interested will then be heard in objection to the proposed assessment; and any tax payer of said city shall be deemed interested. It shall be sufficient to state briefly in such notice the nature of the proposed improvement and the locality, and no further or other notice of such assessment shall be necessary. At the meeting mentioned in such notice the council shall hear such objections as may be offered, and may review and modify such assessment preserving uniformity throughout in such a manner as it may deem just, and for the purpose of such review may adjourn from time to time as may be necessary; provided, no such assessment shall be increased without notice to the lot owners, if residents of said city.

Final adjustment of assessments.

SECTION 93. Such assessments as finally adjusted by the council shall thereupon be levied and assessed upon the respective tracts of land as a special tax and be inserted in the tax roll first made out thereafter and collected as other special taxes.

Whom council to employ..

SECTION 94. In all cases mentioned in this or the next preceding title wherein the common council is authorized to cause improvement or repairs to be made of any kind the council may, in its discretion, cause the same to be done by men in its employ, and may procure the necessary material therefor, or may let the same by contract. If let by contract it shall be to the lowest responsible bidder, and notice of the time within which bids will be received shall be given by publication in the official paper at least ten days prior to the expiration of such time, and in all cases the council may require bonds from contractors in such form and penalty as it may direct for the faithful performance of contracts awarded to them.

Dangerous sidewalks.

SECTION 95. Whenever any sidewalk or part of any sidewalk shall, in the judgment of the common council, declared by a resolution to that effect, be in a dangerous condition to persons

passing over it, for want of being repaired or remade, it shall have power to order the same to be forthwith repaired or remade, and thereupon forthwith to employ fit persons to repair or remake the same for a fair price, and charge the expense thereof to the lots, parts of lots or parcels of land abutting thereon, by a special assessment; and such assessment shall be a valid charge and lien upon such lots, parts of lots or parcel of land, without any estimate, notice, letting or other proceeding preliminary to the doing of such work, except the resolution of said council so declaring such walk to be dangerous.

SECTION 96. All work provided for in this title shall be done under the direction and supervision of the street commissioner, and to his acceptance. And in all cases wherein the council is authorized to do any work, or cause the same to be done, and to assess the whole or any part of the cost thereof upon the adjacent lots, the expense of such work and material used may, in the first instance, be paid out of the "general street, highway and bridge fund," and all special taxes collected for the purposes mentioned in this title, shall be credited to said fund. The street commissioner shall keep an accurate account of the cost of all labor and material expended upon improvements, or repairs, the whole or any part of which is chargeable to the adjacent lands, and before the first day of November in each year, shall report the same to the council, and if found correct the council shall levy and assess the amounts so chargeable upon the respective tracts of land assessable therefor, as a special tax, and the same shall be inserted in the tax roll for such year, and collected as other city taxes.

Work done  
under street  
commissioner.

SECTION 97. All the foregoing directions given in this title shall be deemed directory only; and no error, irregularity or informality, in any of the proceedings under the provisions of this title of this act, shall in any way affect the validity of the proceedings, unless it shall appear that the party complaining shall have been actually damaged thereby.

Only directory.

## TITLE 7.

### FINANCES AND TAXATION.

SECTION 98. The assessors hereinbefore provided for shall be elected by the city at large, and

Assessors.

shall together assess all the real and personal property in said city, as provided by law, and perform all duties and possess all powers of town assessors, except so far as they may be altered by this act. In case of a disagreement of values between such assessors in assessing any property, the matter shall be presented to the mayor, and his decision shall determine such value for the purpose of completing the assessment roll.

**Assessment of property for taxation.**

**SECTION 99.** All property in said city, real, personal or mixed, shall be subject to taxation for all purposes authorized by law, excepting only such property as is or shall be exempted from taxation throughout the state (by general laws exempting from taxation), particular classes of property belonging to particular classes of persons or corporations, but no real estate shall be exempt from special taxes for local improvements provided for in this act.

**Assessment roll.**

**SECTION 100.** The assessors shall make out an assessment roll of all taxable property in each ward in said city, and for the purposes of determining the ward in which any property should be assessed, each ward shall be considered a distinct assessment district, and the general laws of the state relative to the place of assessment shall control. In the apportionment of state and county taxes, the said city shall be regarded as one assessment district, and in all other transactions with the board of supervisors of Winnebago county, except as herein otherwise provided.

**When roll shall be delivered.**

**SECTION 101.** The assessors shall, on or before the first Monday in August, annually, deliver the assessment roll so completed, as provided by section 36, and all the sworn statements and valuation of personal property to the clerk of said city, and the same shall be preserved in his office. All the general laws of the state relative to the duties and powers of assessors and city clerks in all matters relating to the assessment of taxes, shall apply to, and be in force in said city, except as otherwise provided in this act.

**Clerk shall make out a tax roll.**

**SECTION 102.** Upon receiving the annual statement of state and county taxes, the city clerk shall make out a tax roll of all the real and personal property in said city, as required by the general laws of the state, and shall, upon a uniform percentage, calculate and carry out in one item, opposite to each valuation in said tax roll,

the amount required to be raised upon such valuation to realize in the said city the whole amount of state, county, school and other taxes so certified, together with all the city taxes, except taxes to pay judgments and special assessments; and all other taxes, including taxes to pay judgments and special assessments in separate columns, opposite the valuation of the property to be charged. Upon receiving the county treasurer's receipt, prescribed in section 1080, of the revised statutes, said clerk shall attach to said tax roll a warrant substantially in the following form:

THE STATE OF WISCONSIN—To \_\_\_\_\_, Form.  
treasurer of the city of Neenah, in the county of Winnebago:

You are hereby commanded to collect from each of the persons and corporations named in the annexed tax roll, and from the owners or occupants named of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation, upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, you are first to pay to the treasurer of said county, on or before the last Monday of January next, the sum of \_\_\_\_\_ dollars for state taxes; you are to retain and pay out as treasurer, according to law, the sum of \_\_\_\_\_ dollars; and the balance of said moneys you are required to pay to said treasurer for county purposes, on or before the day above specified, by which day you are further required to make return to said treasurer of this warrant, with said roll annexed, together with your doings thereon, as required by law.

\_\_\_\_\_, Mayor.  
\_\_\_\_\_, Clerk.

Said warrant shall be signed by the mayor and clerk, and sealed with the corporate seal of said city. The said clerk shall endorse upon or annex to said warrant a statement of the percentage, each, of state, county, general, city tax, street, highway and bridge tax, city school tax and poor tax; and shall deliver such tax roll and warrant

to the city treasurer on or before the second Monday in December, or as soon thereafter as practicable.

Duty of city treasurer.

SECTION 103. The city treasurer upon the receipt of such tax roll, shall proceed to collect the taxes therein named in like manner as town treasurers are, or may be required to do by law, except as otherwise provided in this act. The city treasurer shall receive one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes and collected with the same. He shall also receive as compensation two per centum upon all other moneys paid into the treasury, except when said city shall borrow money, he shall receive one per centum for receiving and disbursing the same. The compensation herein provided for, shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

Shall return list of delinquents.

SECTION 104. The said treasurer shall, within the time required by law unless such time be extended by the council, as authorized by section 1108, revised statutes, make out and return to the treasurer of Winnebago county a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as is or may be required by town treasurers.

Shall not receive tax certificates in payment for taxes.

SECTION 105. The city treasurer shall not receive from the county treasurer tax certificates in payment of any indebtedness which may become due from said county to said city. The county treasurer shall sell all delinquent lands and lots returned from the city of Neenah at the same time and in the same manner as other delinquent lands are sold in said county.

Notice to be given.

SECTION 106. On the receipt of the said tax roll, the treasurer shall give one week's notice thereof in the official paper. Such notice shall specify "that the tax roll for said city is in his hands for collection, and that the taxes charged therein are subject to payment at his office at any time prior to the first day of January next. That after said first day of January, he will proceed to collect the taxes charged in such roll and remaining unpaid, as provided by law." The first publication of such notice shall be deemed a sufficient



demand, and neglect to pay such taxes and assessments prior to said first day of January shall be deemed a refusal to pay the same. It shall be the duty of such treasurer to call at least once upon each person taxed, at his usual place of abode, if a resident of said city, for the payment of such tax. In case of his failure so to do, and such tax remain uncollected, the treasurer shall be liable to said city on his official bond for the amount thereof.

SECTION 107. All taxes or assessments, general or special, levied pursuant to the provisions of this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed until paid. And all taxes or assessments, general or special, levied pursuant to the provisions of this act, upon personal property of any person or corporation, shall be and remain a lien upon the whole and every part of the personal property so assessed or taxed, from the date of the warrant for the collection thereof until such taxes shall be paid, and no transfer of such personal property shall affect such lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes, and all general laws of the state relative to the distress and sale of property for the non-payment of taxes, shall apply to and be in force in said city.

Taxes to remain a lien.

SECTION 108. The fiscal year of the city of Neenah shall commence on the first day of September, on which day or within twenty days thereafter, the common council shall, by resolution, determine what amount of money, including the estimated resources of the city not derived from direct taxation, for the year then next ensuing, will be required for general city purposes during that year. The council shall thereupon, by resolution, levy a tax upon all the taxable property of said city, for general city purposes, not exceeding in amount one per centum of the assessed value of real and personal property for that year.

Fiscal year, when to commence.

SECTION 109. The said common council shall, at the same time as the general city tax is to be levied, determine and levy the amount of street, highway and bridge tax in said city, as an addition to the general fund for the ensuing year, for the purpose of repairing bridges and graveling streets and highways in said city of Neenah, which

Street, highway and bridge tax, to be levied at same time.

amount shall not be less than one, nor more than four mills on the dollar, upon all taxable property of said city, as the same shall appear upon the assessment roll of property in that year. The aldermen of each ward shall have the special care of all streets, alleys, highways, bridges, culverts and sidewalks in their respective wards, and shall, from time to time, recommend to the council the making of such improvements in their respective wards as they deem necessary. At the same time the general city tax is levied, the common council shall annually levy a tax not exceeding one mill upon the dollar of the assessed valuation of the real and personal property of the said city, for the purpose of the support of the poor of such city lawfully entitled thereto, such tax to be levied and collected in the same manner as other city taxes. All the laws of the state of Wisconsin for the relief and support of the poor in towns, shall apply to the said city of Neenah, except as otherwise provided in this act. At the same time the general city tax is levied, the common council shall annually levy a tax for general school purposes, upon all the taxable property of said city, which shall be a sufficient percentage upon the assessed valuation to raise the amount necessary for school purposes, as shown by the estimate furnished by the board of education, as hereinafter provided, which shall not exceed one per centum upon the assessed valuation.

No error shall invalidate.

SECTION 110. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes not affecting the substantial justice of the tax itself, shall invalidate or vitiate or anywise affect the validity of the assessment or tax.

Funds to be under control of council.

SECTION 111. All the funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out only upon the order of the mayor, countersigned by the city clerk, duly authorized by a vote of the common council. All orders drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable only out of the fund upon which they are drawn. Such orders shall be drawn payable to the person in whose favor they are allowed.

SECTION 112. No debts shall be contracted

against the city, or certificates of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the city council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and any alderman who shall vote for any expenditure of city funds not authorized by law, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding one hundred dollars (\$100), or imprisonment in the county jail not exceeding six months, or both, in the discretion of the court.

Only a majority of council can adjust debts.

SECTION 113. All moneys received from licenses shall be paid into the city treasury and become part of the general fund.

License moneys.

SECTION 114. All moneys raised or received for school purposes shall constitute a separate fund, denominated the "school fund." All moneys raised and received for the support of the poor shall constitute the "poor fund." All moneys raised or received from the "street, highway, or bridge tax," poll tax and special assessments or improvements or repairs on streets, sidewalks, gutters, sewers, etc., shall constitute the "street, highway and bridge fund." All other moneys received into the treasury shall constitute the "general fund." All receipts into the treasury shall, as received, belong to the said several funds in proportion to the several amounts of each fund; and no moneys raised or received on account of any special fund shall be appropriated or used for any other purpose than that of their respective funds. No interest shall be allowed or paid on any city order or certificate whatever. In no case shall the city be liable for any script or other evidence of debt issued, or upon any appropriation made, or upon any agreement or contract entered into by the common council beyond the sums which the said common council is by this act authorized to levy upon the taxable property of said city.

School funds.

SECTION 115. All accounts or demands against the city, whether arising on contract or tort, except salaries and amounts previously fixed before the same shall be allowed, shall be verified by affidavit; and any person who shall falsely swear relative to such account or demands shall be deemed guilty of perjury.

Payment of salaries.

SECTION 116. In case any person shall present

Disallowing  
claims.

his claim or demand to the common council, and the said council shall disallow such claim in whole or in part, it shall not thereafter entertain such claim unless by consent of a majority of all the aldermen entitled to seats in the council. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim or demand, except that such persons may appeal to the circuit court of said county as provided in the next section.

Disallowing  
claims in whole  
or in part.

SECTION 117. Where any claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of the council disallowing such claim, to the circuit court of the county of Winnebago, by causing a written notice of such appeal to be served on the clerk of said city, within twenty days after written notice of the making of such decision, and executing a bond to the said city, with sufficient surety, to be approved by the said clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the applicant by the court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Winnebago county, and thereupon, such appeal shall be entered, tried and determined in the same manner as cases originally commenced in the circuit court. Such court may, in its discretion, order formal pleadings to be filed, and issue formed, as in other actions, and costs shall be awarded, as on appeals from justice courts. The clerk, upon such appeal being taken, shall, forthwith, give notice thereof to the mayor, and shall also report the same to the council at its first meeting thereafter.

Claims to be  
first presented  
to council.

117a. No action shall be maintained against said city by any person, corporation or body politic upon any claim or demand arising on contract or tort, until such person shall have first presented such claim or demand to the common council for allowance, and said council shall neglect or refuse to act thereon for the period of three months from its presentation.

SECTION 118. In addition to the taxes herein authorized to be levied by the common council, said council is hereby empowered to levy a tax sufficient to pay any judgments that may be recovered against said city.

Tax to pay judgment.

118a. Whenever the common council shall determine to make any unusual expenditure for any of the purposes provided in this act, if it have reason to believe that such public improvement or unusual expenditure will require an outlay of more than three thousand dollars (\$3,000), it shall, before taking any steps by which the city may become liable therefor, submit to the people at some general or special election the question of making such improvement or incurring such expenditure. The ballots shall read, "For the improvement or expenditure," or "Against the improvement or expenditure," and unless a majority of the ballots cast on such question shall be in favor of the same, the said improvement or expenditure shall not be made. In case of submitting any such proposition, notice thereof shall be given in the election notice provided in this act; but this provision shall not apply to the erection of school houses, or repair of bridges.

Raising money for unusual expenditures.

## TITLE 8.

### POLL TAXES AND COLLECTION OF SAME.

SECTION 119. Every male inhabitant of the city of Neenah, over twenty-one years of age and under fifty years, except active members of the fire department in the city, and persons receiving pensions from the United States, paupers, idiots and lunatics, shall pay into the city treasury, annually, the sum of one dollar and twenty-five cents (\$1.25) each, as a poll tax.

Poll tax.

SECTION 120. The assessor of said city shall, in the month of May in each year make out duplicate lists of all persons liable to pay said tax, designating the ward in which each person on said list resides; and shall, on or before the first Monday in June, each year, deliver one of said duplicate lists to the city clerk, which shall be filed and preserved in his office. The other duplicate list he shall at the same time deliver to the street commissioner of said city.

Duplicate lists.

SECTION 121. Upon receiving such list said clerk shall cause to be published in the official

Notice to be published.

paper, a notice to the effect: "That the list of poll taxes is in the hands of said street commissioner for collection, and that all persons failing to pay the same prior to August 1st, in such year, will be proceeded against as provided by law."

**Money or work.** SECTION 122. After such list is in the hands of the street commissioner, any person may pay to such commissioner the amount of his tax in money, or, if he desires to, he shall be permitted to perform ten hours' work upon the streets of the city, under the direction of such commissioner, at such time and place as he shall direct, within the month of July, in lieu of money.

**Board to determine liability.** SECTION 123. The mayor, city clerk and city treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from poll tax shall apply to said board to be relieved therefrom before July first. A failure so to apply shall be deemed conclusive evidence of the liability to pay such tax. Said board shall meet at the city clerk's office on the third and fourth Mondays of June for the purpose of hearing such complaints.

**Street commissioner shall collect.** SECTION 124. The street commissioners of said city shall, in the name of said city of Neenah, sue for and collect the said poll tax from all persons liable to pay said tax who shall not have paid the same on or before the first day of August of each year.

**Five per cent. for collection.** SECTION 125. Said street commissioner, upon receiving the poll list, shall proceed to collect the same, and shall receive as compensation therefor five (5) per centum upon the amount of such taxes collected in money, in addition to all other compensation.

## TITLE 9.

### FIRE DEPARTMENT.

**Fire limits.** SECTION 126. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall not be erected, placed, raised, enlarged, or repaired; and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire proof material; and to prohibit the repairing or rebuilding of wooden buildings

within the fire limits, and to prevent the moving of any wooden building into or within such limits.

SECTION 127. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous; to require the inhabitants to provide as many fire buckets, and in such manner and time as they may prescribe; and to regulate the use of them in time of fire; to prevent and regulate the carrying on of manufactories, dangerous in causing or promoting fire; to regulate and prevent the use of fireworks or firearms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons; and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention and extinguishment of fires and for the safety and protection of persons from injury thereby, as the common council may deem expedient.

Construction of chimneys.

SECTION 128. The common council shall have power to purchase fire engines and other fire apparatus, and to maintain or organize a fire department, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men between the ages of fifteen and fifty, and may elect its own officers, and form its own by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed, shall be exempt from poll tax, from serving on juries and from military duty, during the continuance of such membership.

Power to purchase fire engines.

SECTION 129. The fire department shall, on the

Meetings of fire  
department.

third Monday of March of each year, at seven o'clock in the afternoon, meet at such place as the common council may appoint, at which time and place it may appoint one chief engineer and two assistant engineers of the fire department, which appointments shall be confirmed by the common council before the same shall be in force; and if for any reason such appointments shall not be made at the time and in the manner provided in this section, and confirmed by the common council, then the common council may, at such time as it deems proper, elect one chief engineer and two assistant engineers of the fire department.

Duties of chief  
engineer.

SECTION 180. The chief engineer of the fire department of the city, shall in all cases have the exclusive control of the different fire companies of the city, their engines, steamers and fire apparatus, and also the direction and control thereof when called out on duty, subject only to the control of the common council; he shall see that the engines, steamers, and apparatus of the fire department are kept in perfect order and readiness for immediate use, and cause all necessary repairs to be made without letting the same by contract, and report the same to the common council for approval and allowance; he shall use his utmost endeavors in preventing and subduing fires, and controlling the firemen thereat; he shall perform such other and further duties as are prescribed in other provisions of this act, and by the ordinance of the common council, and shall annually on the first Monday in March report to the common council the condition of the fire department, and make such recommendations as he may deem advisable, and file with the city clerk a full inventory, verified by his affidavit, of all the apparatus, engines, carts, hose, ladders and tools belonging to the fire department, and shall file with the city clerk a report showing the number of members in each company, and the number of times the department has been called out to fires during the preceding year, and generally such other matters as the council may require. It shall be the duty of all persons present at fires to obey all lawful orders of the mayor, chief engineer, the assistant engineers, members of the common council, chief of police or other policemen, and either of said officers is hereby authorized to call upon any per-



son present to assist in working the fire engines or moving the same from place to place.

SECTION 131. At the time of choosing the chief engineer, or as soon thereafter as may be, the members of the fire department shall, in the same manner, appoint one fire warden for each ward, which appointment shall be confirmed by the council as provided for the chief engineer. Such fire warden shall examine as to the construction of all chimneys, fire places, hearths, stoves, stove-pipes, ovens, smoke stacks, boilers and fire apparatus used in and about any building, and shall have power to prevent the improper construction thereof, and may cause them to be removed, and placed in a safe and secure condition. They shall prevent the depositing or keeping of ashes or any combustible material in any place except such as is safe; and they shall perform other and such further duties as may be ordered or prescribed by the common council.

Appointment  
of fire wardens.

SECTION 132. Whenever any person shall refuse to obey any lawful order of the chief engineer of the fire department, or assistant engineer, or the mayor, or aldermen, or any policeman at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally any policeman, constable or watchman to arrest such person, or to confine such person or persons 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 or confinement of any person at such fire who shall be intoxicated or disorderly; and any such person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the council may prescribe, not exceeding ten dollars (§10).

Penalty for re-  
fusing to obey.

SECTION 133. The common council may employ engineers and all other necessary help to run and conduct steam fire engines, at stated salaries, and to provide and to keep the necessary teams, houses and conveniences for the efficient operation of the fire department.

Employment of  
help to run fire  
engines.

SECTION 134. There shall be paid to the treasurer of the city of Neenah, for the benefit of the fire department of the city, on or before the first day of February of each year, by every person who shall act in said city as agent for or on be-

Tax for fire  
purposes.

half of any individual or association, or association of individuals, whether incorporated by the laws of this state or by the laws of any other state, territory or country, to effect insurance against loss or injury by fire, the sum of two dollars (\$2.00) upon each hundred dollars (\$100), and at that rate upon the amount of all premiums which, during the year or part of year ending on the next preceding first day of January, shall have been received by such agent or person or company, or by any other person or persons for him or it, or which shall have been agreed to be paid for any insurance effected or agreed to be effected or promised by him, or such agent or otherwise, or by such company against loss or injury by fire in said city of Neenah. No person shall, in said city of Neenah, as the agent or otherwise, for any individual or individuals, association or corporation, agree to effect or effect any insurance upon which the duty mentioned in the next preceding article is required to be paid, or as an agent or otherwise, procure such insurance to be effected, unless he shall have first executed to said city of Neenah, and deposited with the clerk of said city, a bond, to be approved by the mayor of said city, in the penal sum of three hundred dollars (\$300), with sureties thus approved by said mayor, conditioned that he will render to said clerk of the city, on or before the first day of February next, a just and true account, verified by oath, that the same is true and just of all premiums which, during the year ending on the first day of January preceding such report shall have been received by him or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire in said city, which shall have been effected or promised by him or agreed or promised by him to be effected for any individual, individuals, association or corporation; and that he will, on such first day of February, pay to the treasurer of said city of Neenah, for the use and benefit of the fire department, two dollars (\$2.00) upon every hundred dollars (\$100), and at that rate upon the amount of all such premiums.

**Filing of bonds.**

**SECTION 135.** Each and every such agent shall annually file such bond with said city clerk on the first secular day of January in each year; provided, that in lieu of an annual bond, any such agent may file a bond with like conditions, in the penal

sum of one thousand dollars (\$1,000), which shall be a continuing bond while such agent shall engage in the insurance business in said city, and any person who shall in said city effect, agree to effect, promise or procure any insurance specified in the preceding section, without having given such bond, shall forfeit and pay for each offense and for each insurance so effected or agreed, or promised to be effected, the sum of one hundred dollars (\$100); and such sum shall be recovered as other penalties or forfeitures accruing under this act; and said city may maintain an action on such bond, or against such agent, to recover all moneys required by section 134, of this act, to be paid into the city treasury.

SECTION 136. Any person who shall pay any <sup>Penalty.</sup> premium, or agree to pay any premium for insurance on property within said city, to any person, association or corporation, who shall not have filed the bond hereinbefore provided for, shall forfeit and pay three times the amount of the percentage upon such premium, which should be paid into said treasury, as aforesaid, to be recovered as other forfeitures under this act.

## TITLE 10.

### PRINTING.

SECTION 137. The common council shall, at its first meeting after organization in each year, or as soon thereafter as practicable, cause notice to be given that at the next regular meeting of such council, sealed proposals will be received for doing the city printing for the current council year, which notice shall contain directions as to the form of bids which will be considered, and the classes of printing for which separate bids will be received. There shall be two classes. The first class shall be denominated "folio work" and shall include the printing and publishing in a weekly public newspaper regularly printed and published in said city, and which shall have been so published at least six months prior to the date of such notice, of all ordinances, by-laws, rules, regulations, reports of officers including reports relative to the public schools, and the official minutes of the proceedings of the common council, and all notices required to be published by this act or the ordinances of said city. The second class shall <sup>Printing to be let to lowest bidder.</sup>

include all other printing. The bids shall specify the paper in which the folio work will be done. A copy of such notice shall be delivered by the city clerk to each printing establishment in said city. At such next regular meeting the common council shall proceed to open the bids, and shall let the same by contract to the lowest bidder; provided, such bids shall not exceed the rates allowed by law, or the ordinance provided for in the next section, and may require a bond for the fulfillment of such contract. The paper which shall secure said folio work shall be denominated the official paper of said city, and all ordinances, notices, etc., shall be published therein. The printer of said newspaper, or his foreman, shall immediately after the publication of any such ordinance, by-law, regulation, resolution, notice or official minutes, make and file with the city clerk his affidavit, showing the length of time the same has been published, which shall be *prima facie* evidence of such publication. If no bids be received within the limit allowed by law or authorized to be fixed by the common council in the next section, if it shall have fixed the same, it shall, as soon thereafter as practicable, designate any newspaper regularly published in said city as such official paper.

Maximum  
price.

SECTION 138. The common council may, by ordinance passed prior to the annual letting of the city printing, fix the maximum price per folio that may be charged for the printing mentioned in the first class, which shall not be less than thirty (30) cents per folio for the first insertion and twenty (20) cents per folio for each subsequent insertion. If the printer or publisher of any paper so designated as the official paper, shall refuse or neglect to publish any such ordinance, regulation, by-law, resolution, notice or official minutes, unless for reasonable cause, he shall forfeit twenty-five dollars (§25) for each offense, to be collected as other forfeitures under this act.

## TITLE 11.

### THE DEPARTMENT OF EDUCATION.

Board of edu-  
cation.

SECTION 139. The public schools of the city of Neenah shall be under the control and supervision of a board of education, consisting of the school superintendent, who shall be *ex-officio*,

president of said board, and one school commissioner from each ward, who shall be a qualified elector of said ward. A majority of such board shall constitute a quorum.

SECTION 140. The board of education herein provided for shall be organized and enter upon the discharge of its duties on the first Monday of July in 1882. The school commissioners from the first and third wards from said city, now in office, shall serve as members of such board from their respective wards until the first Monday of July in 1883. The common council shall annually, prior to the first day of June, elect one school commissioner from each ward in which the term of office of the commissioner will expire in such year, who shall hold his office for the term of two years.

When duties  
to begin.

SECTION 141. The board of education of the city of Neenah, at its first annual meeting in July, shall elect, by ballot, some suitable person, an elector and resident of said city, not of their own number, to act as clerk of said board, who shall hold his office for one year, unless sooner removed for misconduct, incompetency or other sufficient cause by a two-thirds vote of all the members of said board. Said board shall also, at its first annual meeting, determine the salary of said clerk, which shall not be increased nor diminished during his term of office.

Clerk.

SECTION 142. The clerk of said board of education shall keep a full and correct record of the proceedings of said board, and all records and papers belonging thereto, which record or a transcript thereof, certified to by the clerk and president of said board, shall be received by all courts as *prima facie* evidence of the fact therein set forth, and such records, and all the books and accounts of said board shall be always subject to the proper inspection of any elector of said city, and the said books, records and accounts shall be the property of said board of education and their successors in office.

Duties of clerk.

SECTION 143. Between the first and tenth days of September in each year, the said clerk shall take, or cause to be taken, a census of all the children residing in said city on the last day of August of such year, between the ages of four and twenty years, and report the same to the state superintendent of public instruction as provided by law; and he shall perform such other duties as

Census to be  
taken, and  
when.

the board may prescribe, and shall have power to administer oaths and affirmations.

President to  
preside.

SECTION 144. The president of the board of education shall preside at all meetings of the board when present, and in his absence one of its number shall be selected as president *pro tem*. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the board; he shall sign all orders drawn by the clerk for the payment of teachers' and janitors' wages, and all other incidental expenses which may have been allowed by said board (not including the salary for superintendent or for their own services). He shall declare the result of all questions coming before the board, and upon all questions requiring the appropriation of moneys or the adoption of text books, the ayes and noes shall be necessary to determine, and in case of a tie, said president shall have the casting vote. Any member of said board may require the ayes and noes upon any question submitted to them.

One regular  
meeting each  
month.

SECTION 145. The board of education shall have at least one regular meeting in each month, at such time and place as shall be designated by it, and it may hold special meetings at such other times as it may deem necessary; but no such special meeting shall be legal unless each member of said board shall have first been served with notice in writing of the time and place of such meeting.

Duties of board  
of education.

SECTION 146. The duties of the board of education shall be as follows:

1. To decide upon the number of teachers to be employed, the grade of schools to be kept by each, and the amount of salary to be paid each and to hire and make contracts with teachers and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the president of the board of education or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk of the board of education and the other copy delivered to the said teacher.

2. To arrange and determine terms and vacations in all public schools in said city, to establish uniformity in the school system, and to require

and secure uniformity in text-books, and to adopt and reject text-books at will.

3. To establish rules and regulations for the public schools of said city, not in conflict with the laws and constitution of this state, but the mayor and common council of said city may, in their discretion, do away with, amend or abrogate any such rule or regulation by a two-thirds vote of all the members of the common council of said city.

4. To make contracts for fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs in school houses; to provide for building and lighting fires, sweeping and care of school rooms and all such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school funds of said city, which orders shall be signed by the president of the board of education, and countersigned by the clerk of said board.

5. The said board shall, annually, on or before the first day of November in each year, submit a statement to the mayor and common council of said city, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract, or otherwise, that has been made by order of the said board, and for that purpose it shall cause a record to be made in a book, or books, provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures, made or authorized by said board, at the time the same shall be made or authorized, which book or books, shall be subject to inspection in the same manner as the records of the proceedings of said board, and it shall, at the same time, submit for the consideration of the common council a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically; nothing in this section contained, however, shall prevent the mayor and common council from taking into consideration in the levy of school taxes, the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

SECTION 147. Whenever repairs to a larger amount than one hundred dollars (\$100) shall, in Regarding repairs.

the opinion of the board of education, be required for any one school house, it shall cause a statement to be made, showing the repairs required and an estimate of the cost thereof, which statement and estimate shall be laid before the mayor and common council of said city at their next meeting, and whenever in its opinion another school house shall be required, it shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the costs of the same, to be made by some persons of competent ability and experience, and shall submit the same for the consideration of the mayor and common council of said city, who shall forthwith proceed to provide by tax or otherwise for the amount necessary to defray the costs of such repairs or the erection of such building or buildings, and the purchase of such site or sites, unless there shall be a two-thirds majority of all the members of the common council of said city against such appropriations and improvement, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased or buildings be erected. But if a two-thirds majority of said council be not opposed to such improvements and appropriations, it shall be the duty of the board of education to enter into contracts for making such repairs or for the erection of such buildings, or for the purchase of such sites whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and common council of said city.

Orders to be drawn.

SECTION 148. It shall be the duty of the president and clerk of the board of education to draw orders on the city treasurer, payable out of the school fund, for teachers' and janitors' wages and all other appropriations and expenditures authorized by this act.

No interest in any contract.

SECTION 149. No member of the board of education shall have any interest, directly or indirectly, in any contract made by said board, and every contract so made in which any member of said board shall have such interest shall be absolutely void.

Duties of city superintendent.

SECTION 150. The duties of the city superintendent shall be as follows:

1. To examine all applicants for a license to



teach in the public schools of said city, and if approved to grant certificates therefor.

2. To annul teachers' certificates whenever he may think proper; provided that such teacher shall have the right to appeal to the board of education.

3. To visit each school or school department in said city at least once during each month.

4. To report for the consideration of the board of education such text-books as he may think advisable and proper for the use of the schools, and to report such alterations therein from time to time as he may think most beneficial for the schools of said city.

5. To report to the board of education at each regular meeting relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall, in his judgment, conduce to their welfare, and perform such other duties as may be required of him by the said board of education.

6. He shall, between the first and tenth days of September in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, enumerated by wards, residing in the city on the last day of August previous to the day of such report, and shall in each year make and transmit to the state superintendent such reports, and at such times as are or may be required by law, a copy of which report he shall present to the board of education at its first meeting thereafter.

7. He shall attend all meetings of the board of education, and make such suggestions as he may think advisable, relative to the government of the schools in said city.

SECTION 151. The real and personal property now vested in said board of education, as such board, shall vest in the board of education provided for in this act, and with the consent of the council said board may sell and convey the same. Such conveyances shall be signed by the president and clerk of said board and sealed with the corporate seal of said city.

SECTION 152. All moneys received or collected for school purposes in said city shall be disbursed

How money shall be disbursed.

by the city treasurer of said city, only upon orders duly signed by the president and clerk of the board of education of said city, and the said city treasurer and his sureties shall be held accountable to said board of education for all moneys which may come into his hands belonging to the school fund of said city, in the same manner as he is liable for moneys coming into his hands as city treasurer.

Outside children may attend.

SECTION 153. Said board of education shall have power to allow children of persons, not residing within the city, to attend any of the schools in said city upon such terms as said board shall by resolution prescribe.

Trustees of city library.

SECTION 154. The said board of education shall be trustees of the district library in said city, and all the provisions of law which now are or hereafter may be passed relating to district school libraries, shall apply to the said board in the same manner as if they were the trustees of an ordinary school district. It shall also be vested with the discretion as to the disposition of the money appropriated by any law of the state for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be its duty, whenever it shall deem it advisable, to provide a library room and all the necessary furniture therefor, to appoint a librarian, to make all purchases of books for said library, and from time to time to exchange or cause to be repaired, the damaged books belonging thereto. It may also sell any books it deems useless or of an improper character and apply the proceeds to the purchase of other books.

Report, when published.

SECTION 155. It shall be the duty of the said board, in the month of July of each year, to publish in the official paper of said city, if there be such, a full report of its doings for the preceding year.

Rules of state superintendent.

SECTION 156. The said board shall be subject to the rules and regulations which have been or may be made by the state superintendent of public instruction, so far as the same may be applicable to it, and not inconsistent with the provisions of this act.

City school limits.

SECTION 157. The territory embraced within the city limits is hereby declared to be, and is independent of the jurisdiction of the county superintendent of schools of Winnebago county,

and exempt from all taxation for his support and salary.

SECTION 158. The provisions of this title of this act shall be construed as a continuation of the provisions of chapter 52, laws of 1875 (so far as they are the same in substance) and not as new enactments. Continuation.

## TITLE 12.

### OF JUSTICE COURTS, AND THE EXECUTION OF THE LAWS AND ORDINANCES.

SECTION 159. Each of the justices of the peace provided for in this act, shall hold a court for the trial and determination of such actions, civil and criminal, as they have jurisdiction of as justices of the peace under the general laws of the state, or the provisions of this act. All the general laws of the state of Wisconsin, relative to the proceedings in justice courts in civil or criminal proceedings, shall apply to the courts of such justices, except as otherwise provided in this act. Duties of justices of peace.

SECTION 160. The justices of the peace of said city shall have exclusive original jurisdiction of all criminal cases arising in said city, to try and determine, or commit for trial, as may be, and of all cases, civil or criminal, arising under the ordinances, rules or regulations of said city. All the general provisions of law concerning the trial of criminal offenses, and the conducting of criminal prosecutions, appeals from the judgments of the justice, the fees of officers, and proceedings in which, upon trial, the justice finds he has not final jurisdiction of the case, shall govern trials under this act, except as otherwise provided in this act. When an act or omission, declared to be an offense by the general laws of the state, is also made an offense by the provisions of this act or the ordinances of the city, passed pursuant thereto, a conviction or acquittal in a prosecution under the general law shall be a bar to a prosecution under this act, or such ordinances. The persons accused shall have the same right to a removal of the case for prejudice as provided by the general laws of the state. Original jurisdiction.

SECTION 161. All prosecutions for violations of the provisions of this act, or the ordinances, rules or regulations of said city, which under the provisions of this act are declared to be misdemean- Actions, how commenced.

ors, shall be in the name of the state of Wisconsin, and shall be and are hereby declared to be criminal prosecutions, and be subject to the general laws of the state governing criminal prosecutions, except as otherwise expressly provided in this act. Whenever complaint is made to any such justice, by any peace officer of said city or other person, that an offense has been committed within said city, against the provisions of the charter of said city, or of the laws, regulations or ordinances passed in pursuance thereof, the justice shall reduce the complaint to writing, and the same shall be subscribed and sworn to by the complainant before such justice, and if it shall appear that any such offense has been committed, such justice shall issue his warrant requiring the officer forthwith to arrest the accused and bring him before such justice, to be dealt with according to law: provided, when the complaint is made by any person other than a peace officer of said city, the said justice, before issuing his warrant, shall require from the complainant security for costs, as in civil actions; and the persons signing as such security shall be responsible for the costs, the same as in civil actions. In all such prosecutions the following, or equivalent forms may be used:

## FORM OF COMPLAINT:

Form. STATE OF WISCONSIN, }  
 Winnebago County, } ss.  
 City of Neenah. }

A. B., being duly sworn and examined, makes complaint and says, that in said city on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—, one C. D. was guilty of (here state the nature of the offense), in violation of law, and prays that the said C. D. may be apprehended, to answer therefor.

A. B.

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

\_\_\_\_\_, Justice of the Peace.

Upon such complaint being filed with the justice, he may issue a warrant for the apprehension of the party complained of, which warrant may be in the following form; provided, always, that in any case where an offender may have been arrested without warrant the said justice may proceed upon the complaint alone. In such cases the

complaint shall be read to the defendant, and he shall plead to the offense charged therein.

FORM OF WARRANT.

STATE OF WISCONSIN, }  
 Winnebago County, } ss.  
 City of Neenah. }

Form.

The state of Wisconsin, to the sheriff or any constable of said county:

Whereas, A—— B—— has this day complained to me in writing, on oath, that in the said city on the —— day of ——, A. D. 18—, one C—— D—— was guilty of (here name the nature of the offense). Now, therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the said C—— D——, and bring him before the undersigned, one of the justices of the peace of said city, to answer to said complaint, and to be dealt with according to law.

Given under my hand, this —— day of——, 18—.

E— F—, Justice of the Peace.

SECTION 162. Any person who shall be found in or upon any street, alley or public ground within said city, or within any saloon, shop, store, grocery, hall, church, school house, barn, building or other place within said city in a state of intoxication, or who, in any of the aforesaid places, shall be guilty of immoderate drinking, improper reveling, obscenity, noisy, boisterous or disorderly conduct, or who, in any of the aforesaid places, shall use toward or in the presence of another, violent or insulting language, or be guilty of any breach of the peace, or of firing any gun or pistol, or fighting or threatening to fight, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding twenty-five dollars (§25) and costs of prosecution, or imprisonment in the county jail not more than ninety days, or both, in the discretion of the court.

Disorderly persons, how punished.

SECTION 163. It shall be the duty of the chief of police and all police officers of said city, and they are hereby authorized and required to summarily arrest and take before either of the justices of said city, any person offending as aforesaid, or who shall in any other manner be engaged in violating any of the provisions of this act, or any ordinance made, or to be made in pur-

Police may summarily arrest.

suance thereof, or any ordinance existing at the time of the passage of this act, and herein declared to be in full force until altered or repealed; and upon conviction thereof, shall suffer the punishment prescribed for such offense in this act or the ordinances of said city.

Use of jail.

SECTION 164. The use of the jail of Winnebago county, until otherwise provided, shall be granted to said city for the confinement of criminals, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases.

Watch house.

SECTION 165. Said common council shall have power to build, purchase or lease, and maintain and regulate a watch house or place for the confinement of offenders, and for the temporary detention of suspected persons, and it shall be lawful for the chief of police, policeman, watchman or other peace officer to temporarily confine in the lock-up of said city, any person under arrest until such person can properly be taken before a justice of the peace for examination or trial, and for such justice, after such person shall have been taken before him, to order such person for safe keeping to be confined therein from time to time, until such examination or trial shall have been completed.

Regarding penalties.

SECTION 166. Whenever, by the provisions of this act, a penalty or forfeiture is imposed, and the act or omission for which the same is imposed is not also declared to be a misdemeanor, such penalty or forfeiture shall be collected in an action in the name of the city before either of the justices thereof, to be commenced by warrant and prosecuted in the same manner as actions of tort before justices of the peace. In such actions the city shall be responsible for the costs, and one-half the penalty shall be paid to the city, the other half to the use of the state school fund. The affidavit for the warrant shall be the complaint, and be sufficient if it allege that the defendant is indebted to the plaintiff in the amount of such fine, penalty or forfeiture sued for, claiming the highest sum thereof according to the provisions of this act, or specifying the same by section, chapter, title, or otherwise with sufficient plainness to identify the same, with a demand for judgment for the amount thereof.

SECTION 167. Judgment shall be given, if for the plaintiff, for the amount of fine, penalty or forfeiture fixed by this act, or such ordinance, resolution or by-law, or such part thereof, if a discretion be given, as the court shall deem proportionate to the offense, together with the costs of suit; and shall in all cases further adjudge and order that in default of payment thereof, the defendant be committed to the common jail of such county for such time, not exceeding ninety days, as the court shall deem fit. If such payment be not forthwith made, the justice shall make out a commitment, stating the amount of judgment and costs, and the time for which committed. Every person so committed shall be received and committed to prison by the keeper of the county jail, and kept at the expense of the county until the expiration of the time, but he shall be released by order of the justice on payment to him of such fine and costs, or by due course of law.

Concerning  
judgments.

SECTION 168. Appeals may be taken to the county court of said county in the same manner as from judgments in civil actions before justices of the peace, except that if taken by the defendant, he shall, as a part thereof, execute a bond to the city, with surety to be approved by such justice, conditioned that if judgment be affirmed in whole or in part, he will pay the same, and all costs and damages awarded against him on such appeal; and in case such judgment shall be affirmed in whole or in part, execution may issue against both defendant and his surety; upon perfection of such appeal, the defendant shall be discharged from custody.

Concerning  
appeals.

SECTION 169. In all cases brought for the collection of a penalty or forfeiture, by civil action, unless the affidavit be made by an officer of said city, the justice shall, before issuing his warrant, require from the complainant an undertaking, with sufficient surety, to be approved by the justice, conditioned that such complainant will pay all costs and damages which may be awarded against the city upon the final determination of such action in such justice court or any appellate court.

Undertaking  
required.

## TITLE 13.

## MISCELLANEOUS PROVISIONS.

Not to work  
incompetency.

SECTION 170. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Neenah, in any proceeding or action in which the city shall be a party in interest.

Shall remain  
in force.

SECTION 171. All ordinances, by-laws, rules or regulations now in force in the city of Neenah, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council after this act shall take effect.

Shall be ab-  
solved.

SECTION 172. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may 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 officers at any specified time, are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

All city prop-  
erty exempt.

SECTION 173. All property, real or personal, now or at any time hereafter, belonging to said city or to either of the wards thereof or any department thereof, shall be exempt from levy and sale under or by virtue of any execution. Nor shall any real or personal property of any inhabitant of said city, or of any individual or corporation, be levied on or sold under or by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

City may lease  
and purchase.

SECTION 174. The said city may lease, purchase and hold real or personal estate sufficient for the public use, convenience or necessities of said city, and may improve, sell and convey the same. All property, real, personal or mixed belonging to the city of Neenah, shall be and continue to be vested in the corporation created by this act. All officers of the city of Neenah, now in office, shall continue respectively in the same until superseded in accordance with the provisions of this act, but shall



be governed by the provisions of this act so far as the same may be applicable.

SECTION 175. No general law of this state con- Not repealable.  
travening 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 176. The common council of the city May publish laws, etc., in book form.  
of Neenah is hereby authorized to cause this act, together with any other acts or parts of acts of the legislature of Wisconsin relating to or affecting said city, and also any ordinances, by-laws, resolutions, rules or regulations of said city or any of its departments, and any other acts, resolutions, contracts or other documents relating to or affecting said city, to be printed or published in book or pamphlet form, and the same shall be admitted and may be read in evidence in all courts in legal proceedings, from such printed books, so published by order of said common council, and such books shall be deemed *prima facie* evidence of the contents and due passage, and shall be sufficient publication of all such acts, ordinances, by-laws, rules, resolutions or regulations.

SECTION 177. Chapter 151, of the general laws Repealed.  
of the state of Wisconsin for the year 1873, and several acts amendatory thereof, and all acts and parts of acts relating to the government of said city inconsistent with or contravening the provisions of this act, are hereby repealed. The repeal of said acts shall not revive any acts or parts of acts heretofore repealed, and shall not, in any manner affect, injure or invalidate any contracts, acts, grants or license accrued or established in favor of or against said city, or any proceeding, suit or prosecution had or commenced in any civil case previous to the time when such repeal shall take effect; but every such act, right or proceeding shall remain as valid and effectual as if the provisions so repealed had remained in force; but the subsequent proceedings shall conform to the provisions of this act when applicable.

SECTION 178. No offense committed and no pen- Prior offense.  
alty or forfeiture incurred previous to the time when any of the acts aforesaid shall be repealed shall be affected by such repeal, except that when any punishment, forfeiture or penalty shall have been mitigated by the provisions of this act, the provisions of this act shall apply to and control

any judgment to be pronounced after this act shall take effect for any offense committed before that time.

Not eligible.

SECTION 179. No member of the common council shall be eligible to any other office provided for by this act, during the term for which he shall have been elected or appointed. No member of the common council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested.

Null and void.

SECTION 180. No member of the common council shall be a party to, or interested in any job or contract with the city, or any department thereof; and any contract in which any such member may be so interested, shall be null and void. No member of the common council shall sign any bond as surety for the performance of any contract or agreement with such city, or official bond to such city during his term of office.

Shall not invalidate.

SECTION 181. This act shall not invalidate any legal act done by the common council of the city of Neenah, or by its officers, nor divest their successors under this act of any rights of property, or otherwise, or of any liability which may have accrued to or against said corporation prior to the passage of this act, and all ordinances, rules and regulations now in force in said city, not contravening the provisions of this act, shall be and remain and be in force until altered or repealed by the common council.

Shall not be affected by repeal.

SECTION 182. No prosecution for any offense or the recovery of any penalty, or forfeiture, pending at the time when any of the acts aforesaid shall be repealed, shall be affected by such repeal, but the same shall proceed in all respects as if such acts had not been repealed.

Public act.

SECTION 183. This act is hereby declared to be a public act, and shall be liberally construed in all courts of this state.

SECTION 184. This act shall take effect and be in force from and after its passage and publication in the official state paper at Madison, without other publication mentioned in chapter 20, of the revised statutes of Wisconsin.

Approved March 30, 1883.