

ordinances. He shall receive an annual salary to be fixed by the council.

Relating to
city assessor
and his duties.

SECTION 3. Section 9, of chapter 3, of chapter 159, laws of 1882, is hereby amended so as to read as follows: Section 9. The common council shall, at their first regular meeting held after the passage and publication of this act, elect by ballot one assessor, who shall hold his office till the first Monday of September, 1883. The common council shall, on the first Monday of September in each year, or within twenty days thereafter, elect one assessor who shall hold his office for the term of one year. The assessor so elected shall assess all the taxable property of the city of Green Bay, and shall complete and return his assessment roll on the day fixed by the general law of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding the sum of five hundred dollars for the term for which he is elected.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.
Approved February 13, 1883.

[No. 66, S.]

[Published February 23, 1883.]

CHAPTER 4.

AN ACT to incorporate the city of Black River Falls.

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

CHAPTER I.

Corporate
name.

SECTION 1. From and after the fifth day of March, A. D. 1883, all that district of country in the county of Jackson, and state of Wisconsin, hereinafter described, shall be and remain a city by the name of Black River Falls, and they who now or may hereafter inhabit said district shall be a municipal corporation by the name of the city of Black River Falls, and shall have the general powers possessed by municipal corporations at common law and under the revised statutes, and in addition thereto shall have and possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with,

suing or being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

CHAPTER II.

BOUNDARIES AND WARDS.

SECTION 1. All of section fifteen (15), the east half ($\frac{1}{2}$) of the east half ($\frac{1}{2}$) of section sixteen (16), the east ($\frac{1}{2}$) half of the northeast quarter ($\frac{1}{4}$) of section twenty-one (21), all that part of section twenty-two (22) lying and being north and west of the east and south bank of Black river, and all that portion of section fourteen (14), lying north and west of the south and east banks of Black river, all in township number twenty-one (21) north, of range number four (4) west, in Jackson county, Wisconsin, shall be included within and constitute the territory comprising the city of Black River Falls. Boundaries.

SECTION 2. The said city shall be divided into four (4) wards, viz: The east half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) and the northeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section sixteen (16); and the northwest quarter ($\frac{1}{4}$) and the north half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) and all that portion of the south half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of section fifteen (15), town twenty-one (21), range four (4) west, in Jackson county, Wisconsin, lying north of Jefferson street in D. J. Spaulding's addition to Black River Falls, shall constitute and be the first ward. Ward bound-
aries. The southeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section sixteen (16); the northeast quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section twenty-one (21); and all that portion of section fifteen (15) south of Jefferson street aforesaid and west of what is now known as J street, continued south to the section line shall constitute the second ward. The southeast quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section twenty-one (21); and all that portion of section twenty-two (22) lying north and west of the south and east banks of Black river, and all that portion of section fifteen (15) lying west of Black river, and south of Main street, and east of J street, continued south to the section line, shall constitute the third ward. All the rest of the territory in said city shall constitute the fourth

ward. But the common council shall have power to change said lines of division as they may deem convenient and proper, but said boundary lines of said wards shall not be changed or altered, except by a three-fourths vote of the common council.

Corporate authority, in whom vested.

SECTION 3. The corporate authority of said city shall be vested in one municipal officer, styled the mayor, and in one board of aldermen, consisting of one member from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereafter mentioned, or may be created under this act.

ELECTIONS.

Regarding elections.

SECTION 4. The annual election for city and ward officers shall be held on the first Tuesday after the first Monday of March in each year, at such place or places as the common council shall designate and provide, and the polls shall be kept open from nine o'clock A. M. until twelve o'clock M., and from one o'clock P. M. until five o'clock P. M. The city clerk shall give at least ten days' notice of such election, stating time and place or places of holding the same, the officers to be elected thereat and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more newspapers published in said city of Black River Falls, and by posting the same in one or more public places in each ward of said city, and the city clerk shall file copies of the newspaper containing such notice, together with his affidavit of the publishing and posting of the same, but a failure to give the notice as above specified shall not invalidate the election.

Elective officers.

SECTION 5. The elective officers of said city shall be a mayor, clerk, treasurer, and assessor, two justices of the peace and two constables, elected by, and for the city at large; and one alderman from each ward, who shall represent his ward as supervisor on the county board for Jackson county; all other necessary officers shall be appointed by the common council.

Supervisors on county board.

Appointed officers and powers.

SECTION 6. The mayor, treasurer, assessor and aldermen shall be freeholders in said city, and all city and ward officers shall be qualified voters and residents of the city and in the ward for which

they were elected or appointed; all elective officers shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified, except justices of the peace, who shall hold their respective offices for two years and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent, under the city government, due notice being first given to the officer complained of. The mayor shall have the power to suspend any street commissioner, police officer, marshal or watchman appointed by the council, when complained of, for cause, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created, for the time being.

SECTION 7. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered by the common council, within twenty days after such vacancy shall occur; any vacancy happening in any other office shall be filled by the common council: the person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term except in case of justices of the peace, whose appointment shall continue only until the next charter election, when the vacancy shall be filled by an election and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vacancies, how filled.

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

Elections shall be by ballot.

SECTION 9. All persons entitled to vote for county and state officers, and who shall have an actual residence in the city for thirty days next preceding the election, shall be entitled to vote for any officer to be elected, or other questions that may be submitted to the people for their vote.

Who are qualified electors.

SECTION 10. The mayor of the city of Black River Falls shall nominate to the common coun-

Elections, how conducted.

cil of said city, at their first regular meeting in April of each year, and in case there be no such regular meeting, then at a special meeting, which shall be held on the last Tuesday of said month, two inspectors of election and two clerks for each ward therein, who, together with the alderman of said ward, shall constitute the board of inspectors of election for their respective wards; and the alderman for each ward shall be the chairman of the board of inspectors for said ward; said common council shall immediately approve or disapprove such nominations, and in case of disapproval of any person so nominated, such mayor shall immediately nominate another person for such position, and shall so continue to do until two inspectors and two clerks shall have been nominated and confirmed for each ward, at such meeting. The persons so appointed inspectors and clerks shall hold their offices for one year, and shall act as inspectors and clerks at every general, municipal and special election held within their respective wards during such term. Such inspectors shall fill any vacancies in their number or in the number of such clerks. Every person so nominated and confirmed as an inspector or clerk shall be an elector of the ward for which he is appointed, shall be able to read and write the English language understandingly, and shall not be a candidate to be voted for at any election for which he is so appointed; and not more than one of such inspectors so nominated and confirmed shall be of the same political party, and the clerks shall be of opposing political parties, and when appointed to fill a vacancy shall have the same qualifications and belong to the same political party as the person he succeeds. If, at the time fixed for the opening of the polls on the day of any election, such inspectors or clerks, or either of them, shall fail to appear or refuse to act, or have become incapable of acting by removal of residence from such election district, or for other cause, and the inspectors appearing shall refuse to fill any such vacancy, the electors present may fill the same by *viva voce* vote.

Qualification of
inspectors of
election.

SECTION 11. If any inspector of election shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote shall be challenged by an elector, the inspector, before receiving the vote of any such per-

son, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be), that you are twenty-one years of age and that you are a citizen of the United States (or have declared your intention to become a citizen conformably with the laws of the United States on the subject of naturalization), that you have resided within the state of Wisconsin one year and within the city for thirty days next preceding the election, and that you are a resident of the ward in which you offer your vote, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election;" which oath any inspector of election is hereby authorized and empowered to administer, and if any person offering to vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon information or indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any such election, or being duly qualified shall vote more than once at any one election, he shall forfeit and pay to the city a sum not exceeding two hundred dollars nor less than fifty dollars. It shall be the duty of the inspectors of election to keep a list of the names of persons whose votes may be challenged as aforesaid, and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of such elections shall be the same as that provided by the statutes of this state for similar conduct at any general election.

Penalty for
illegal voting.

SECTION 12. No person shall be eligible to any office under this act, unless he is at the time a resident elector of the city.

Must be a resi-
dent.

SECTION 13. When the election shall be closed the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return of the votes cast in their election precinct for each and every officer, and the number of votes cast for each and every person, for each and every office, which shall be subscribed by the inspectors, and shall be forthwith delivered to the city clerk and within one week after such election the council shall meet and canvass said returns and declare the result as it shall appear from the same. The clerk shall thereupon

Votes, how
counted.

immediately give notice to the persons elected of their election; as soon as the votes are counted and canvassed by the inspectors they shall be destroyed, except as otherwise provided for in section 45 of the revised statutes.

Special elections, how conducted.

SECTION 14. Special elections to fill vacancies shall be held and conducted in the same manner, and the same returns thereof, shall be made in the same form and manner, as general or annual elections, and within such times as shall be prescribed by the common council.

Removal from city, or refusal to act, deemed a vacation of office.

SECTION 15. Any officer removing from the city, or any alderman removing from the ward for which he was elected, or any officer who shall neglect or refuse for one week after notice of his election or appointment to qualify, and shall neglect or refuse to enter upon the duties of his office at the commencement of his term of office, shall be deemed to have vacated his office; and when any officer from sickness or any other cause shall be unable to attend to the duties of his office, said office may be filled by appointment during the time of such disability, but no longer, and the common council shall proceed to fill any such vacancy as herein provided.

Votes for all officers shall be by ballot.

SECTION 16. The votes for mayor and all elective officers, shall be on one ballot, and shall be deposited in one box, and all other questions submitted to the people at the city elections shall be on separate ballots and deposited in separate ballot boxes.

Terms of office.

SECTION 17. The term of every officer elected under this act, except to fill a vacancy, shall commence on the first Monday of April of the year for which, and in which, he was elected, and shall, except justices of the peace, continue for one year and until his successor is elected or appointed and qualified; and justices of the peace shall hold their office for two years and until their successors are elected and qualified.

First election, when held.

SECTION 18. The first election of said city shall be held on the first Tuesday in March, A. D. 1883. The qualified electors of said city shall elect one mayor, one clerk, one treasurer, one assessor, two justices of the peace, and two constables at large, and one alderman from each ward, who shall also represent his ward as supervisor on the county board of supervisors, for Jackson county; all of said officers to be resident and qualified electors

of said city, and the aldermen shall reside in the ward from which he is elected, each and all of said officers elected at the first election to hold their respective offices until their successors are elected and qualified. The first election for said city shall be held for all the wards, in what is now known as the "Town House" for the town of Albion, and in the third ward of said city; there shall be four ballot boxes, one for each ward, and on each box shall be printed, in red paint, the number of the ward for which said ballot box is to be used, and each voter when he offers his vote shall state to the inspectors the number of the ward in which he resides, and his ballot shall be deposited in the box for that ward; but in case any ballot should be, by mistake of the inspectors, deposited in the wrong box, it shall be counted for the ward in which it of right belongs; but if a ballot should be deposited in the wrong box, without fault or mistake of the inspectors, then said ballot shall be counted for all but ward officers, and for those it shall not be counted. The inspectors shall be the judges as to who made the mistake. The voters present at the opening of the polls shall have power to proceed by *via-voce* vote to elect three inspectors and two clerks, whose duty it shall be, after being sworn, to see that said election shall be conducted according to the laws of the state of Wisconsin; provided, further, that the returns of the first election shall be made to the village clerk of the village of Black River Falls, who, with the president of said village of Black River Falls, shall certify to and notify the officers elected within three days thereafter, and the officers so elected shall, on notice, forthwith qualify and enter upon the duties of their respective offices.

OFFICERS: THEIR POWERS AND DUTIES.

SECTION 19. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city and the clerk, marshal, constables, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Black River Falls, a

Duties and powers of officers.

bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the common council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two, nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities, or exemptions, and the aggregate of such amounts shall, at least, exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds, from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except that their bonds shall be approved by the mayor of the city.

Duties of
mayor.

SECTION 20. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state, and the ordinances of the city, are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time, give the common council such information, and recommend such measures, as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary constables, as he may deem necessary. The mayor shall have a vote in the council only in case of a tie. When the council shall be engaged in the election of any officer, the mayor shall have a vote the same as an alderman.

Election of
president.

SECTION 21. At the first meeting of the common council after their election in each year, they shall proceed to elect, by ballot, one of their number as president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case

both the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for time being shall discharge all the duties of the mayor. The president or the temporary presiding officer, while presiding over the board, or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. The common council may also, at their first annual meeting, or so soon thereafter as may be, appoint the following officers: City marshal, attorney, one street commissioner, and other officers or agents necessary to the good government of the city, who shall hold their said offices for one year, unless removed as hereinafter provided. They shall, at the time of appointing said officers, fix the compensation or salary, and may prescribe the duties pertaining to the same.

SECTION 22. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns; and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

SECTION 23. The justices of the peace elected under this act shall have the same jurisdiction in civil and criminal cases, and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto, shall have exclusive jurisdiction of all criminal cases

Duties of clerk

Regarding justices of the peace.

arising within the city limits, and in all cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise provided, and said justices may hold their offices anywhere in said city, not otherwise prohibited by the laws of this state, and in case of change of venue for any cause whatever, the case shall be removed to the next nearest justice qualified by law to try the cause, and but one change of venue shall be granted in the same case for any cause whatever; provided, that in all cases where the justice has final jurisdiction, the parties in civil actions, and defendants in criminal actions, shall have the right to a trial by jury.

Regarding constables.

SECTION 24. The constables elected under this act, shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns, except the official bond of such constable shall be approved by the mayor, and filed with his oath of office, in the office of the city clerk.

Duties of treasurer.

SECTION 25. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation, by virtue of this act, or by virtue of any by-law or ordinance of the corporation, and giving the person paying the same, his receipt therefor; all moneys shall be drawn from the treasury by warrant under the corporate seal, signed by the mayor, by order of the common council, and countersigned by the clerk, who shall keep a record thereof, and any such warrant, shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out the funds of the corporation in no other way whatever. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book, to be provided by the corporation, for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received, and the source whence the said sums arose respectively, and in the same book he shall duly enter an account of all sums paid out; and said book shall, at all reasonable times, be opened to the inspection of the voters of said city; and the said treasurer shall annually, and as often as it shall require, render to the common council

a minute account of all his receipts and disbursements; said annual report shall be made and filed with the city clerk at least ten days before the annual election. The said treasurer shall be collector of taxes within the corporation, and in addition to the powers and duties already specified, shall have the same powers and duties and be subject to the same liabilities as treasurers in towns. He shall, in the same manner, before receiving the tax roll of the city, execute his bond to the treasurer of the county of Jackson, which bond shall be approved by the county treasurer, and upon filing the same, the treasurer of said county shall give him a receipt therefor, and upon filing the receipt with the clerk of said city, the said clerk shall deliver the tax roll of the city to him; and he shall proceed to collect the taxes as hereinafter provided. No person having been city treasurer for two years in succession shall be eligible to a re-election, until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer, for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed four hundred dollars (\$400) per annum and shall be payable quarterly.

Shall be collector of taxes.

SECTION 26. The assessor shall assess all the taxable property of the city of Black River Falls as required by law, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding two hundred dollars for the term for which he was elected, and which shall be payable when the assessment roll is completed.

Duties of assessor.

SECTION 27. The marshal shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city, or laws of this state, and forthwith bring such per-

Marshal.

son before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have the power to appoint one or more deputies, to be approved by the council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

City attorney.

SECTION 28. The city attorney shall be a person duly admitted to practice in the courts of record, conformably to the laws of this state.

Street commissioner.

SECTION 29. It shall be the duty of the street commissioner within five days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report to the common council, recommending what, in his opinion, is necessary and ought to be done thereto. On the receipt thereupon, the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement that they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may, at other times, make such other reports as the necessities of the case may require.

Further duties of street commissioner.

SECTION 30. It shall be the further duty of the street commissioner to employ men, and procure utensils, implements, teams, materials, and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured and of all teams and utensils and men employed by him, and be

able to certify to the account therefor, and shall do and perform, or cause to be done, any and all other duties pertaining to his office that may be prescribed from time to time by the common council.

SECTION 31. All accounts against the city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the general fund, by orders drawn and issued by the common council. All such accounts for street purposes, except for work and hire, shall be duly verified, and, when they arose or were created under the direction of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may, at its option let all or any, of such street work by contract to the lowest bidder. The street commissioner shall be paid for his services, and for every day's service actually rendered, shall receive such compensation as the common council and said commissioner shall agree upon, at the beginning of his official year, or he shall be paid such sum per annum in lieu thereof, for the services required to be performed by him, as he and the common council can agree upon at the beginning of his official year.

Accounts against the city, how paid.

SECTION 32. The common council shall have the power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Further duties of any officer may be required.

SECTION 33. The common council at its first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Legal newspaper.

City printer shall file notices.

SECTION 34. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of the time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Penalty for not delivering to successor.

SECTION 35. If any person having been an officer in said city, shall not, within ten days after notification and request by the city clerk or mayor, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of said city one hundred dollars (\$100), besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

No alderman shall be party to any job or contract.

SECTION 36. No alderman shall be a party to, or interested in any job or contract with the city, or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract, and the aldermen interested in the same.

Who are officers of the peace.

SECTION 37. The mayor or acting mayor, sheriff of Jackson county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Jackson county, and policeman, watchman and constables of said city shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens; and if any person, bystander or citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not more than fifty dollars (\$50); and in case, when the civil power may be required to suppress riots or disorderly behavior, the superior

or senior officer present in the order mentioned in this section shall direct the proceedings.

SECTION 38. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city, or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

City surveyor
and his duties.

SECTION 39. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by them and belonging to said city; and said justices shall be entitled to receive from the county of Jackson such fees in similar cases as are allowed to other justices in the county for similar services.

Duties required
of justices of
the peace.

THE COMMON COUNCIL: ITS GENERAL POWERS AND DUTIES.

SECTION 40. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services as such, and the style of all ordinances shall be: "The mayor and common council of the city of Black River Falls do ordain," etc. The common council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Powers of the
common council.

SECTION 41. The common council shall hold its first annual meeting in each year on the second Tuesday after the annual election, and thereafter stated meetings at such times as it shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their places of abode. The common council shall determine the rules of its own pro-

Annual meet-
ings, when
held.

ceedings, and be judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

Shall have management and control of finances.

SECTION 42. The common council shall have the management and control of the finances, except school moneys, and all of the other public property in the city; and shall likewise in addition to the power 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, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof, and so enforce as it shall deem expedient; declaring and imposing penalties and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinance, resolution or by-laws:

License, showmen, etc.

1st. To license, regulate, suppress or prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, pool tables, bowling saloons, nine or ten pin alleys; to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state, or at common law, and shall grant, or refuse to grant, licenses to persons to sell, vend, deal or traffic in spirituous, vinous, malt or intoxicating liquors and drinks, within said city as shall be directed by the votes of said city at their annual election, and the question of granting or refusing to grant licenses in said city, to sell intoxicating liquors and drinks therein, shall only be submitted to the voters of said city at its annual election, and at no other time, and in case the question is not submitted to the voters at the annual election, the common council shall have no power or authority to grant any license to sell intoxicating liquors and drinks in said city. The question when submitted to the voters shall be upon a separate ballot, and the ballots on the license question shall be in the following form: Those in favor (For License), those against

Licensing of liquor selling.

(No License), and they shall be deposited in a separate ballot box provided for that purpose, and whenever a majority of the voters shall declare by their votes as aforesaid in favor of license then the common council shall grant licenses according to the provisions of the laws of the state of Wisconsin on that subject, and in case the majority of the voters should declare for no license, or fail to declare for license as aforesaid, then, and in every such case, the common council shall have no power or authority to grant licenses for the sale of intoxicating liquors and drinks in said city; and all such licenses granted shall run from the first day of May in each year to the first day of May following; provided, however, that when any such license may be applied for after that date the same may be granted to expire on the first day of May of each year, on applicant paying *pro rata* therefor; but no license shall be granted for a longer period than one year.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away for the purpose of evading the law or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers. Gaming.

3d. To prevent any riots, noises, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. Riots, disturbances etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. Nauseous places.

5th. To direct the location and management of slaughter houses and markets, and regulate the storage, keeping and conveying of gunpowder or other combustible materials. Slaughter houses, gunpowder.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, loco- Encumbering of streets, etc.

motives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood, or any other materials or substances whatever.

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

Restrain cattle. 8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry, and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings.

Dogs. 9th. 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.

Muzzling dogs. 10th. To provide for the secure muzzling of dogs, and for the killing and destruction in a summary manner, all dogs not muzzled, found within the said city running at large.

Putrid carcasses. 11th. To prevent any person from bringing, depositing, or having within said city, any putrid carcasses, or other unwholesome substances, and to require the removal of the same by any person, who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Public pounds, etc., etc. 12th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, to erect lamps, and to regulate and license omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Boards of health, pest houses, etc. 13th. To establish and regulate boards of health, provide hospitals, pest houses, and the return of the bills of mortality, and to exempt burial grounds, set apart for public use from taxation.

Size and weight of bread. 14th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Riding or driving on side-walks. 15th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the side-

walks in said city, or in any way doing damage to said sidewalks.

16th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein or annoying to any citizen thereof. Shooting of fire arms, etc.

17th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkenness.

18th. To restrain and regulate runners and solicitors for stages, public houses, or other establishments, and to establish and regulate the police of the city. Runners and solicitors.

19th. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish, from the sidewalks, streets or alleys opposite thereto, and compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant. Removal of snow, dirt and rubbish.

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

21st. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Railroad cars.

22d. To regulate the time, place and manner of holding of public auctions or vendues. Public auctions.

23d. To appoint watchmen and prescribe their duties. Watchmen.

24th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

25th. To protect trees and monuments in said city. Trees.

26th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury. Highways.

27th. To alter or change the name of any street in the city. Names of streets.

Ordinances.

28th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city by any ordinance thereof.

Breweries,
tanneries, etc.

29th. To direct the location, and regulate and license breweries, tanneries and packing houses.

Jurisdiction
over streams.

30th. The common council shall have jurisdiction over the streams within the limits of said city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof, at any time; and, may also, by ordinance or resolution, prevent any deterioration of the said waters, or by nuisance being cast therein by which the health of the inhabitants of the city or the purity of the waters shall be impaired, as it shall deem expedient.

Ordinances,
how passed.

SECTION 43. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall within fifteen (15) days after their passage, respectively, be published in the official paper or papers of said city once before the same shall be in force; and within fifteen days thereafter they shall be recorded by the said clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof respectively, within the same time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropri-

tion shall be made without a vote of the majority of the members of the common council in its favor.

SECTION 44. The powers conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Common nuisances.

SECTION 45. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers and agents of the city, at such time as it may deem proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books, funds, moneys and vouchers, to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Audit of accounts of officers.

FINANCE AND TAXATION.

SECTION 46. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk duly authorized by a vote of the common council, and all orders upon the treasury shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for

Control of funds.

all city taxes except school and special taxes, for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of said city, which shall be collected in money or in orders drawn upon such fund respectively; and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn.

Levy of taxes. SECTION 47. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city and its schools, a tax sufficient for that purpose.

Issue of bonds. SECTION 48. The common council of said city shall not have power to issue any bonds or other evidence of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, and duly authorized by a majority vote of the electors of the city, nor shall the common council issue, in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; provided, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose not exceeding two thousand dollars (\$2,000), in any one year; and the said taxes when so levied shall be collected at the same time as other city taxes are collected.

Levy of taxes. SECTION 49. Taxes may be levied by the common council, at any regular meeting, for the purpose of paying any outstanding indebtedness of the city of Black River Falls, and also for the payment of any bonds or any other evidence of debt hereafter issued or created in accordance with the provisions of this act, or by any authority of law. Said taxes, when so levied, shall be collected at the same time that other city taxes are collected.

Accounts to be verified. SECTION 50. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

Appeal from decision of council. SECTION 51. When the 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 such council to the circuit court for the county of Jackson by causing a written notice of such appeal to be served

on the clerk of said city within thirty days after the making of such decision.

SECTION 52. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with the decision thereon, and shall file the same together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Jackson, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

Notice of appeal, how made.

SECTION 53. No action shall hereafter be maintained by any person or persons against the city of Black River Falls, upon any claim or demand, other than a city bond or order, unless such person or persons shall have first presented his claim to the common council of said city, nor until ten days after the next annual city election thereafter.

Action, how maintained.

SECTION 54. 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, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be construed so as to prevent the institution and maintenance of any action, by said claimant, against said city.

Determination of council to be final.

OPENING OF STREETS, ALLEYS, ETC.

Opening of
streets.

SECTION 55. The common council shall have power to take, for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire engine house or any building in the construction of water works, or for flowing the same, for supplying the city with water or any other lawful municipal purpose, or for erecting hospitals or pest houses, for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with, or to execute and accomplish any other power, right or privilege, conferred on, or granted to the city by its charter, or any act amendatory thereof, or by any act of the legislature; and may take the same, and whether within or without the city, by conveyance from the owner upon a bargain, or upon a donation thereof, or in manner as follows: Whenever it shall, in the option of the common council, be necessary, said council shall declare, by resolution, that it is necessary to take any such lots or lands for any of the purposes above set forth, giving description of the premises, defining separately each parcel thereof separately owned and the purpose for which they are to be taken. The common council shall thereupon cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners of the same, if the place of residence of such owner or owners is known, or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of the state, or their place of residence, after due diligence by the city attorney of said city, cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners, or the owner or owners, the residence of whom cannot be ascertained, by causing the same to be published for six weeks in the official paper of the city, at least once each week, and by causing such notice to be mailed, postpaid, to the address of such owners within five days from the time of the

first publication of such notice when the post-office address of such owner is known.

SECTION 56. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further that at a time and place therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of the said county of Jackson, for a jury to enquire and determine whether it is necessary to take the land or any part thereof, described in such resolution, for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet to discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereinafter mentioned, and no other notice thereof shall be necessary.

Notice, by
whom signed.

SECTION 57. At the time fixed in said notice for the appointment of such jurors, the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be in the same manner as is now required to make proof of the service of a summons in civil actions in courts of record in this state, shall appoint twelve competent persons, having the qualification of jurors in and for the county of Jackson, and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be disqualified. The same rights of challenge peremptorily, or for favor or cause, may be exercised by the city attorney, and by such land owner whose land is sought to be taken, or by his agent or attorney, as a party to a civil action in the circuit court is entitled to have; and the judge shall decide the same in like manner, and replace the name of any jurors successfully challenged, by the name of some other competent person, until a jury of twelve be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county, or by any public officer of said city. The jurors so chosen shall, before entering upon

Condemnation
of premises,

the performance of their duty, take an oath before such judge faithfully and impartially to discharge their duty as such jurors, and a true verdict give, whether it is necessary to take such land, or any part thereof, mentioned in such resolution, for the purpose therein specified.

In regard to the jurors.

SECTION 58. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors shall view the premises.

SECTION 59. The said jurors shall forthwith under direction of said judge, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, whose testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Shall deliberate apart.

SECTION 60. After having made such view and heard such testimony as shall have been produced, the said jury shall, under direction of said judge, deliberate apart and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for Jackson county, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall, on application, furnish a certified copy of the same, or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had as hereinbefore provided for the first jury, except that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no other notice thereof shall be necessary to any party; and the like steps shall be taken in case of any further disagreement, until a verdict shall be found.

SECTION 61. Should the necessity for the taking of the premises, or any part thereof, mentioned in the resolution of the council, be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure, to be assessed and appraised the damages to the owner or owners of the premises so found necessary to be taken, by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court or judge of the county court for Jackson county, briefly setting forth the fact, that the necessity for taking such premises has been so established by the verdict of a jury, and praying the appointment of three commissioners to appraise the damages of each and all of the several owners of such lands, and showing the amount of land, giving the metes and bounds thereof, the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served on each owner in the cases, when required, and in the manner provided in section 55 of this act. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of, or persons interested in, the land so found necessary to be taken, and fix the time and place for the first meeting of said commissioners.

SECTION 62. If there should be any building standing, in whole or in part, upon the lands to be taken, the commissioners before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner aside from the value of the land and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

Shall determine value of building.

SECTION 63. At least ten days personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not

Notice to be given.

known or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks; such notice shall specify the building and the award of the commissioners. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the commissioners, and allow such building to be taken, with the lands appropriated, or their intention to remove such building, at the rate set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow.

May sell building.

SECTION 64. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct the sale of such building at public auction, for cash giving ten days notice of such sale. The proceeds shall be paid to the owner or deposited for him in the city treasury.

Commissioners shall take and subscribe oath.

SECTION 65. The commissioners shall take and subscribe the oath prescribed by the twenty-eighth section of the fourth article of the constitution, before entering on the discharge of their duties. A majority of them may adjourn the proceedings before them from time to time in their discretion. They shall cause notice to be given to each party interested of the time when, and the place where, they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party, or his authorized agent or attorney, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting. If such party is a non-resident of this state or his residence is unknown, and he has no authorized agent or attorney in this state, such notice shall be published in a newspaper as aforesaid, for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file a proof of such notices, or of the appearance of such parties before them, either personally or by attorney, with their report. But it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment.

SECTION 66. The commissioners shall view the premises described in the petition and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of compensation to be made to each of such owners therefor; and in fixing the amount of such compensation said commissioners shall not make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits, which the parties in interest may derive from the construction of the proposed improvement, for which such real estate may be taken; but special benefits to the real estate adjoining the lands so taken, shall be allowed in deduction of any damages sustained by the owner to such adjoining real estate. In case of any building on the land, and proceedings shall have been taken as provided in sections 62, 63 and 64, the said commissioners shall include the value of such building as estimated by them, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building. A majority of the commissioners, all being present, shall be competent to determinate all matters before them. The commissioners shall, within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof or separate estate therein, to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the city.

Commissioners shall view the premises.

SECTION 67. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively, may be awarded to them by the commissioners, less the benefits resulting to them respectively, from the proposed improvement.

If the lands or buildings belong to different persons.

Final duties of
commissioner.

SECTION 68. Whenever the commissioners shall have completed their duties and filed the report of their proceedings and determination as before provided, the common council may, if they shall deem it expedient, by resolution or ordinance, order such improvement to be made and the land which has been so found necessary to be taken therefor, to be taken and used; and in such case the city shall be absolutely liable to the owner or owners or parties entitled thereto, for all compensation that may be established against said city therefor; and the council may also in that case make an assessment of the compensation to be paid therefor, with the costs of proceedings, or such part thereof as they shall determine to be just, upon the lands found by them to be directly benefited by such improvement, in such proportion to the benefits enjoyed, as they shall determine. If the council shall not deem it expedient to make such improvement, they may, by resolution, order all further proceedings to be discontinued.

Right to appeal.

SECTION 69. Any person being dissatisfied with the amount of compensation for property taken, or the amount assessed as benefits, shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits, by serving on the mayor, or city clerk, a notice of appeal therefrom, and giving a bond to the city in not less than one hundred dollars (§100), to be approved by the mayor, acting mayor or city clerk, to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of compensation or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city, by giving notice to the opposite party, without giving bond. Upon filing such notice with the clerk of the circuit court, the appeal shall be considered an action pending in court for trial there, as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by jury, unless a trial by jury be waived by both parties; costs shall be allowed to the successful party, in accordance with the conditions of said bond.

SECTION 70. The report of the commissioners

shall be recorded by the clerk of the court, in whose office the same is filed, in the judgment book of such court, and at any time after the making of such award the city may set apart in its treasury, to the order of the owner or owners of the lands so taken, or pay the same to such owner or owners, or to the clerk of said court for the use of such owner or owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the land for the purposes for which it was condemned, and may obtain from either of said judges, upon twenty-four hours notice, a writ of assistance, to put its officers or agents into possession of the same. If such city be in possession or put in possession of such land, pending an appeal, the owners or parties entitled thereto shall be entitled to receive the money paid into court or set apart in the city treasury on account of the award appealed from, without prejudice to the appeal taken; but if the city shall have appealed, such money shall only be so withdrawn by leave of court, upon filing a bond in such sum and with such surety as shall be approved by the court or judge, to repay the amount by which such award shall be abated on such appeal, with costs. If any defect of title to, or encumbrance upon, any parcel of the premises, shall be suggested in said petition, or if any party to said proceeding, or any person not a party, shall petition to the said court, setting up a claim adverse to the title set out in said petition to said premises, and to the money or any part of it to be paid as compensation for the property so taken, the court shall hear and determine the right of the parties to said money, and for that purpose may order a reference or an issue to be tried by a jury. Either party may except to the decisions of the court and appeal to the supreme court in like manner as in actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party.

Report of commissioner to be recorded.

SECTION 71. When the whole of any lot or tract of land or other premises under lease or under contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof,

Contracts, etc., void.

shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

When part of
land only is
taken.

SECTION 72. When only a part of a lot or tract of land, or other premises so under lease or contract, shall be taken from any of the purposes aforesaid, all the covenants, contracts or agreements, respectively the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, and in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for, in respect to the same.

Infants in law.

SECTION 73. When any known owner of lands or tenants affected by any proceedings under this charter shall be an infant or labor under any disability, the judge before whom the proceedings are pending may, upon the application of the council, or such party or his next friend, appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by this charter shall be served on such guardian.

Powers of
judge or
court.

SECTION 74. The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as he deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

Survey to be
made.

SECTION 75. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Changing name
and vacating
streets.

SECTION 76. The council shall have the power to change the name of any street and to vacate any plat or portion thereof that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon, unless notice of such

application to the council shall have first been published in the official city paper or papers, for at least two weeks prior to the meeting of the council.

SECTION 77. Roads or streets may be laid out by the council through unplatted lands in the same manner as roads are laid out by supervisors in towns. Laying out roads.

SECTION 78. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings. Directions only directory.

CITY IMPROVEMENTS.

SECTION 79. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and sidewalks in the manner hereinafter mentioned, and direct and control the persons employed therein. Grading and paving streets.

SECTION 80. The cost and expense of surveying or repairing streets, alleys, sidewalks, drains and sewers, and of estimating work thereon, in the execution of any public improvement, shall be charged to and payable by the city. The cost and expense of opening, grading, graveling, paving, macadamizing or planking streets and alleys and constructing or repairing sidewalks, shall be payable out of the general funds of the city, sewers, crosswalks and drains may be ordered by the council, and all costs and expenses as well as the damages which shall be sustained by owners of lands through which the same shall pass shall be charged to and payable by the city. Cost and expense, to whom assessed.

SECTION 81. Whenever the council shall require any street to be repaved or macadamized, it shall determine the manner in which the work shall be done, and of what material; and the street commissioner, or such other person or officer as the council may designate to have charge of the work, shall let a contract for doing the whole of such work. Public notice of the letting of such contract shall be given by advertisement in the official paper of the city for at least twenty days, and the contract shall be awarded to some responsible bidder, whose bid it shall deem most reasonable and Work done on streets, how ordered.

proper; the cost of such paving or macadamizing shall be paid by the city out of the general funds of the city.

Work on streets, by whom supervised.

SECTION 82. In case no bids shall be received for the performance of any work required to be done by this act, the council may cause such work to be done under the supervision of the street commissioner, or a committee of the council, and the expense for doing the same shall be paid for by the city out of the general funds of the city.

Cemetery grounds.

SECTION 83. The cemetery grounds now owned by the village of Black River Falls, and controlled by the trustees of said village, shall hereafter be owned by the city of Black River Falls and controlled by the mayor and common council of said city of Black River Falls, and they shall be empowered to purchase in the name of said city additional grounds for cemetery purposes.

Village merged into city.

SECTION 84. All money and property of every nature and description whatever belonging to the village of Black River Falls, shall, after the passage and publication of this act, belong to and be the property, money and effects of the city of Black River Falls.

The county bridge.

SECTION 85. The county bridge across Black river, in the city of Black River Falls, shall be and remain a county bridge, and shall be kept up and maintained at the county expense, and in no event shall said county bridge be kept in repair or maintained at the city expense, and said city shall not, in any event, be liable for injuries caused by any defect in said bridge.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

In regard to taxable property.

SECTION 86. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers, and be subject to the same duties and liabilities, as township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors and make such rules and regulations

in relation to revising, altering or adding to such rolls as they may, from time to time, deem advisable.

SECTION 87. The assessor shall return the said assessment roll to the board of equalization of the city, on or before the first Monday in July in each and every year. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from, and otherwise revise and correct the same.

The assessment roll.

SECTION 88. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years, that it shall have been omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect, as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract, as the same would have been chargeable with, had not the same been so omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands the same may have come. Should the tax or assessment upon any parcel of land be set aside, or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relieved in such manner as they shall by ordinance direct; provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed, shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

In regard to omissions on assessment roll.

SECTION 89. The mayor, the city clerk, the assessor, and one alderman from each ward, shall constitute the board of equalization. Such board

Board of equalization.

of equalization, shall meet on the first Monday of July each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting, and equalizing the assessment roll of the city. The mayor shall be president of the board of equalization, and the city clerk, the clerk thereof, and all changes made in said roll by said board, shall be recorded by the clerk, and when finally completed, the said assessment roll shall be filed with the city clerk.

When taxes are to be determined.

SECTION 90. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes authorized by law and by this act, to be levied for general city purposes, for school purposes and for paying the city's indebtedness, due or to become due for the ensuing year; and shall, by resolution, levy the same; but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Taxes to remain a lien.

SECTION 91. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid; and no sales or transfers of such real property shall affect such lien. Any personal property belonging to the person taxed may be sold for the payment of taxes upon personal property or real property.

Abstract of assessment roll to be sent to county clerk.

SECTION 92. Before the annual meeting of the board of supervisors of the county of Jackson, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

City regarded as a town for equalization purposes.

SECTION 93. The board of supervisors shall regard the city of Black River Falls as a town, in equalizing the assessment of the several towns in said county, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll.

SECTION 94. The said board of supervisors may May levy a tax. levy a tax or taxes upon such city, as now is, or may be provided by law hereinafter, in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county said city shall be regarded as a town, except as herein otherwise provided.

SECTION 95. Upon receiving the statement of Assessment roll, how filled out. the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land, or persons named therein, which statement shall be called the tax list of the city of Black River Falls, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

SECTION 96. The tax list made out and preserved as aforesaid shall be *prima facie* Prima facie evidence. evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying of taxes, from the election of officers to the completion of the tax list, inclusive, has been done regularly and correctly as required by law.

SECTION 97. Immediately after making out the tax list as aforesaid, the clerk shall make out a Duplicate copy duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall, on or before the tenth day of December of the same year, deliver the same to the city treasurer, for collection, and make a record of such delivery on the tax list preserved in his office.

SECTION 98. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public Notice to be given.

notice of four days in a newspaper published in said city, and by posting the same in three or more public places in said city, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office therein, on and after the day in such notice to be specified.

Treasurer shall collect.

SECTION 99. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the tenth day of January, and five per cent. fees upon all taxes paid or collected after that time, which fees when collected shall be paid into the treasury of the city, for the benefit of the general fund.

State tax.

SECTION 100. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax apportioned to said city of Black River Falls by the board of supervisors of said Jackson county.

Returns, when made to county treasurer.

SECTION 101. On or before the last Monday in January in each year, unless the time be extended as provided by law, the said treasurer shall make out a return to the treasurer of the county in which said lands may be, a list of all lands and lots upon which the 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 now is or may hereafter be required of town treasurers. The said treasurer shall also, at the said time, make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalty or fees to such delinquent returns as are allowed, or are required by law upon delinquent returns from the several towns.

County treasurer shall sell.

SECTION 102. The county treasurer shall sell all delinquent lands and lots returned from the city of Black River Falls, at the same time and in the same manner as other delinquent lands are sold in said county.

Only directory.

SECTION 103. All the directions hereby given, except in section 90 of this chapter, for the assessing of lands and the assessing and levying, collections and returns of taxes and assessments, shall

be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

SECTION 104. The common council shall have power to levy a tax or taxes to pay any and all judgments against the city.

Judgment taxes.

SECTION 105. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Penalty for neglecting duties.

SECTION 106. At the expiration of the time, now or hereafter designated by the general laws of this state, for the collection of personal taxes, the treasurer shall proceed to enforce the collection thereof in the same manner as now is or may hereafter be prescribed by such law.

Collection of taxes may be enforced.

SECTION 107. Every male inhabitant of the city of Black River Falls over twenty-one years of age and under fifty, except active members of the fire department, shall pay into the city treasury annually the sum of one dollar and fifty cents (\$1.50) each, as a poll tax. It shall be the duty of the assessor of the city of Black River Falls to make out duplicate lists of all persons liable to said tax in the city, and said assessor shall, on or before the first Monday of July, in each year, deliver one of said lists to the city clerk and one to the treasurer of the city of Black River Falls. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax who shall not have paid the same within twenty days after demand, either personal or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for, by said treasurer in the name of the city of Black River Falls. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The moneys collected as above shall go to the general fund of

Poll taxes.

the city. The mayor, city clerk and treasurer shall constitute a board to determine the liabilities of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days after the demand or notice mentioned in this section.

FIRE DEPARTMENT.

Fire department.

SECTION 108. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Construction of chimneys, etc.

SECTION 109. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed, or placed in a safe condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time, as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; 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, fire-wardens and other officers of the city, to keep away from the vicinity of a fire, all idle and suspected persons, and to compel all 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 extinguish-

ment of fires, as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

SECTION 110. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineer, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of the state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work and poll tax and from serving on juries, and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of such companies, shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Purchase of
fire engines.

SECTION 111. The mayor shall appoint two fire-wardens for each ward subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may, at any time, enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

Fire wardens.

SECTION 112. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or direct, orally, the marshal, constable or watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; any person who

Penalty for
refusing to act.

shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack company. SECTION 113. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such names as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers; the members of the said company, either collectively or individually, are hereby authorized and empowered to act as special police in and for the city of Black River Falls, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction; such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state, or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Treasurer. SECTION 114. The treasurer of the fire department, who shall be the city treasurer, shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as may be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of said department.

Clerk or secretary. SECTION 115. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary and a treasurer, who shall, on or before the first Monday of May, in each year, return to the city clerk a list

containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

SECTION 116. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless his name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Jackson, a list of all members who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Shall keep a record.

SECTION 117. The council shall have power to raise a tax each year, not exceeding five (5) mills on the dollar of the taxable property within said city, for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city, and the moneys arising therefrom shall be expended under the direction of the council of said city for fire purposes.

Tax for fire purposes.

SECTION 118. All corporations, companies and associations, not incorporated under the laws of this state, engaged in said city in effecting fire insurance, shall pay to the city treasurer at the rate of two per cent. upon the amount of all premiums which shall have been received, or shall have been agreed to be paid for any insurance, effected or agreed to be effected, on any property in said city, by or with such corporation or associations respectively, in manner and at the times as prescribed by the general laws of the state in relation thereto. The money so received shall go to the general fund of the city, to be used and paid out for the purposes of said fire department.

Tax on fire insurance companies.

SECTION 119. The common council shall have power to purchase a stone crusher, and to purchase stone and cause the same to be broken and prepared for use in improving the streets of the

May purchase a stone crusher.

city. The council may, with the consent of the sheriff, or of the board of supervisors of Jackson county, deposit stone when brought upon the grounds connected with the jail, of said Jackson county, and may use in breaking said stone such labor of prisoners under sentence in said jail as the sheriff will furnish, or may use said labor in breaking stone or in doing any other work in any part of the city, on such terms as may be agreed upon between the city and the county of Jackson.

Shade trees.

SECTION 120. The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in front of the same, and to protect and preserve them, and, in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. It shall also have power to determine the lines on which the trees shall be set, the places where they are to be set, and the kind and size of the trees to be set, and the manner of protecting them, and for replanting them, when they have died or been so injured as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal when they have hitherto been set out. It shall also have power to provide for and direct the trimming of shade trees to such proper proportions, and to do all other needful acts as to them shall seem just and proper, to give this section proper effect.

Highways.

SECTION 121. The common council may expend for the improvement of any highway or highways leading into said city, not to exceed two thousand dollars (\$2,000) in any one year, to be expended under and by the direction of the common council.

Agricultural society.

SECTION 122. The common council may expend for the improvement of the Jackson County Agricultural Society's fair grounds in said city of Black River Falls, not to exceed one thousand dollars (\$1,000) in any one year, to be expended under and by direction of the common council of said city.

ACTION TO RECOVER PENALTIES, ETC.

SECTION 123. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations,

made in pursuance thereof, shall be brought in the corporate name of the city, and shall be commenced by complaint substantially in the following form:

STATE OF WISCONSIN,)
 Jackson County,) ss.
 City of Black River Falls.)

Forms.

— — being duly sworn, complains on oath to the justices of the peace of the city of Black River Falls, that — did on the — day of —, 18—, violate the — section of an ordinance, by-law or resolution (describing it by its title), which said — is now in force, as this complainant verily believes, and prays that — — may be arrested and held to answer to the city of Black River Falls therefor.

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

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint; and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

STATE OF WISCONSIN,)
 City of Black River Falls,) ss.
 County of Jackson.)

To the sheriff or any constable of said county, or the marshal of the city of Black River Falls, greeting:

Whereas, — — has this day complained to me, in writing, on oath, that — — did, on the — day of —, 18—, violate the sections of an ordinance, by-law, regulation or law (describing it by its title), which said — is now in force and effect, as said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said — — and bring him before the justice of the peace of said city, to answer to said city of Black River Falls on the complaint aforesaid.

Given under my hand, this — day of —, 18—.
 — —, Justice of the Peace.

SECTION 124. Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent, or for cause.

How to proceed.

If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with surety, for his or her appearance, in such sum as the court shall direct, or in default therefor, may be put in the charge of the officer who made the arrest, or be committed to the common jail of Jackson county. The complaint made aforesaid, shall stand in lieu of a declaration, and the plea of "not guilty" shall put at issue all subject matter which pertains to the defense of the action.

SECTION 125. A printed copy of an ordinance, by-law or resolution passed by the common council, and published in a newspaper, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and may be received in evidence after issue joined, and upon trial in all cases cognizable before the justice of the peace.

Regarding
attendance of
witnesses and
jurors.

SECTION 126. Witnesses and jurors shall attend before the justice court in all city and criminal prosecutions, without the payment of fees in advance, or a tender thereof, upon the process of the court duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged, without the payment of fees, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Findings of the
court.

SECTION 127. In city prosecutions the finding of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture, prescribed in this act, or in the ordinance, by-law or regulation for which the violation of which the person or persons shall have (been) adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city; and in all cases of conviction, in actions brought or prosecuted to recover a penalty, fine or forfeiture, under any of the provisions of this act, or for the violation of any ordinance of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall neglect or refuse to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Jackson county for such term as may be prescribed by this act or the ordinance violated, not exceeding three months, and shall

forthwith commit the defendant for the term fixed for said judgment; or the court may, in its discretion, in case of the non-payment of such fine and costs as aforesaid, enter judgment that said defendant be imprisoned as aforesaid and kept at hard labor for the benefit of the city of Black River Falls, in the said jail, or upon the public streets or elsewhere within said city, under the supervision of the city marshal, or such member of the police force as may be detailed by the mayor for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment are sooner paid; and all persons so committed and kept at labor, shall be allowed one dollar per day for each day's labor rendered, exclusive of board, and the amount so earned shall be applied in liquidation of the judgment until the same shall be fully paid by such labor, at which time the judgment shall be satisfied, and the defendant discharged from custody.

Such execution may be in the following form:

COUNTY OF JACKSON,)
 City of Black River Falls,) SS.

Forms.

The state of Wisconsin to the sheriff or any constable of said county, and to the keeper of common jail of said county, greeting:

Whereas, the said city of Black River Falls, on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against — —, for the sum of — dollars, and — cents, costs of suit, for the violation of section — of chapter — of this act, or section — of an ordinance or by-law or regulation of said city (describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said — — excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels, whereon to levy, to take the body of said — —, and him convey and deliver to the keeper of the common jail in Jackson county, and the said keeper is hereby commanded to receive, keep in custody in said jail, the said — —, for the term of —, unless the said judgment, to-

gether with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this — day of —, 18—
— — — — —, Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs.

Appeal.

SECTION 128. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Jackson, in the same manner as is now provided by law, from judgments of justices of the peace in criminal cases.

Trial by jury.

SECTION 129. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof, after the day the judgment of the justice of the peace shall be rendered, and no notice of trial shall be required to be given to, or by, either party.

In case judgment is affirmed.

SECTION 130. If the judgment of the justice of the peace shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them, and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Shall not work incompetency.

SECTION 131. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Process, how served.

SECTION 132. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Penalties to be paid into treasury.

SECTION 133. All penalties and forfeitures recovered and collected under and by virtue of this act,

shall be paid into the city treasury for the use and benefit of said city.

SECTION 134. All fire engines, hose carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party. Exempt from attachment.

SECTION 135. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city. Shall not be levied upon.

SECTION 136. The mayor shall have power to grant pardons or commutations, after convictions for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting with the reasons therefor. Pardons.

SECTION 137. When a judgment shall be recovered against the city of Black River Falls, or against any city or ward officer in an action prosecuted by or against such officer in his name of office, where the same should be paid by the city, no execution shall be awarded or issued upon such judgment, except as herein provided; but the same, unless reversed, shall be levied and collected as other city taxes, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if any payment thereof, be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution on special application therefor. Judgments against the city.

MISCELLANEOUS PROVISIONS.

SECTION 138. The credit of the city shall never be given or loaned in aid of any individual, association or corporation. Credit of the city.

SECTION 139. No tax for general city purposes shall be levied in any one year exceeding one per One per cent tax.

cent. of the assessed valuation of property in the city in that year.

Borrowed money.

SECTION 140. The city shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the current year.

Let by contract.

SECTION 141. All work for the city exceeding one hundred dollars (\$100) in amount shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

Extra compensation.

SECTION 142. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into, nor shall any compensation be paid to the mayor or any aldermen for their services.

May settle claims against city.

SECTION 143. The council shall settle all just claims and demands against the city, and settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city, for the information of the citizens.

A public act.

SECTION 144. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

In case of incapacity.

SECTION 145. Whenever the city clerk may be absent or incapacitated from performing the duties of his office, the common council may appoint some suitable person to perform, for the time being, the duties of the office, and the acts of the person so appointed shall be of full effect and legality.

May change the boundaries.

SECTION 146. The common council shall have the right and power at any time after said city shall have been organized under this act, by ordinance, to change the boundaries of the said several wards of the city, and to make and establish new wards therein, whenever the common council may deem best; provided, that whenever the common council proceed to alter or change the boundaries of said wards, or to establish new wards in said city, due regard shall be had to the population and the valuation of property in each ward, so that all the wards in said city, when so changed or established, shall be as near equal in their respective populations and assessments as practicable.

Penalty for collusion by officers

SECTION 147. Every member of the common council of the city of Black River Falls who shall,

directly or indirectly, vote for himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereof or shall ask or receive any compensation for doing any official act, except as inspector of elections, member of the board of registry, and as a member of the board of equalization, or for extra work on committee; any member of the common council or any other city officer who shall be, directly or indirectly, interested in any contract made with or in behalf of said city, and any member of said council or other city officer who shall, directly or indirectly, purchase, or be interested in the purchase, of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail for not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his office; and any contract made in violation of the provisions of this section shall be void.

SECTION 148. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal of the city; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been authorized by the people and directed by the common council, and the applicant shall have filed a receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved either by the mayor or common council; every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days.

Licenses, how issued.

SECTION 149. No assignee of any license shall be permitted to pursue the occupation or business

Assignees of licenses.

licensed, except by a vote of two-thirds of the common council.

Punishment of drunkards, etc.

SECTION 150. Any person who shall be guilty of drunkenness, or immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places of the city of Black River Falls, shall be deemed guilty of a misdemeanor, and on conviction thereof, before a justice of the peace of said city, shall be punished by a fine of not less than one, nor more than one hundred dollars, or by imprisonment in the county jail of Jackson county, not less than two days, nor more than three months.

Unauthorized appropriations.

SECTION 151. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this act.

Remission of penalties.

SECTION 152. No penalty or judgment, recovered in favor of the city, shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

Survey of streets.

SECTION 153. The common council may, at any time, cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of Jackson county.

Prima facie evidence.

SECTION 154. The surveys and land marks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Establish the grades of streets.

SECTION 155. The common council may, at such time as it may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land, or tenement which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed

as to prevent the street committee of the several wards of said city from ordering, or causing to be done, the grading of any street within their ward to a temporary grade to be established by such committee.

SECTION 156. The city may have, purchase and hold real and personal estate sufficient for the conveniences of the inhabitants thereof, and may sell and convey the same, and the same while owned, occupied or held by said city shall be exempt from taxation.

City may purchase real estate.

SECTION 157. No real or personal property shall be subject to special taxation for street or sidewalk purposes; but all streets and sidewalks are to be maintained out of the general funds of the city.

SECTION 158. When the city of Black River Falls deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Black River Falls, and the person or persons authorized to execute such deed or lease, need not be named in the body thereof.

Property, how deeded.

SECTION 159. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Mayor to convey real estate.

SECTION 160. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease, a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, which said deed or lease and such copy so attached and record thereof, shall be, in all courts of this state, *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

Recorded deeds.

SECTION 161. If any election by the people for 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 pre-

In case an election is not held at the proper time.

scribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be held at 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 or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time, at which said act may be done or performed.

Disposition of moneys paid into the city treasury.

SECTION 162. All moneys paid to the city on account of any or all licenses whatsoever, granted or issued by the common council of said city (except licenses for the sale of malt, spirituous or intoxicating liquors), shall be paid into the city treasury, and become a part of the general fund of said city.

Use of jail.

SECTION 163. The use of the jail of Jackson county, until otherwise provided, shall be granted to said city, on such terms as may be agreed upon between the city and the county of Jackson, for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery the sheriff shall be responsible, as in other cases.

City, how represented on board of supervisors.

SECTION 164. The city of Black River Falls shall be represented in the board of supervisors of Jackson county by one alderman from each ward.

The regular committees.

SECTION 165. The regular committees of the common council shall be as follows: On finance, streets, ordinances, fire department and licenses, and shall be appointed by the mayor at the first meeting after the annual election, or as soon thereafter as convenient.

Remit assessments.

SECTION 166. The common council may, by unanimous vote thereof, remit any tax or special assessment, or any part thereof, whenever the same shall be manifestly illegal or unjust.

Town meeting held in city.

SECTION 167. The citizens of the town of Albion shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Black River Falls as they may determine, and the officers of said town of Albion may transact all town business in said city and with the like effect as if held or done in the town of Albion.

Paupers.

SECTION 168. The paupers of said city shall be

removed to the poor house of the county of Jackson by the mayor or aldermen, in like manner as they are removed from the several towns in said county.

SECTION 169. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made by the city, nor shall any officer, required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided. Obligations of aldermen.

SECTION 170. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant from the time such resignation shall be accepted by the council. May resign.

SECTION 171. The common council may, by a two-thirds vote thereof, upon due notice and hearing, expel any member thereof, or remove any officer or agent of the city for incompetency, misconduct or neglect in the discharge of official duties. May remove a member.

SECTION 172. The city of Black River Falls shall constitute no part of a road district. No road district.

SECTION 173. No general law of this state contravening the provisions of this act shall be construed as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law, as an amendment to this chapter or this act. Not repealing or annulling this charter.

SECTION 174. No personal property tax shall be returned by the city treasurer to the county treasurer, but the city treasurer shall have the same powers to collect said personal property tax as is now conferred by law upon county treasurers for the collection of personal property taxes. Personal property tax, cannot be returned.

SECTION 175. In all matters arising under the provisions of this act, not particularly provided for by the provisions of this act, the same shall be governed by the general provisions of law on that subject. Provisions.

SECTION 176. All acts and parts of acts conflicting with the provisions of this act, particularly the act incorporating the village of Black River Falls, and all acts amendatory thereof, are hereby repealed. Repealing clause.

SECTION 177. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1883.