

[No. 223, A.]

[Published April 1, 1887.]

CHAPTER 174.

AN ACT to incorporate the city of Pittsville.

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

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Wood, hereinafter described, shall be a city by the name of Pittsville, and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Pittsville, and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and 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.

Corporate name.

SECTION 2. All the territory within Wood county described as follows, to-wit: All of section number twenty-seven and all of section number thirty-four in township number twenty-three north, of range number three east of the fourth principal meridian, shall be included in and constitute the limits of the city of Pittsville.

Territory included.

SECTION 3. All that part of said city lying north of the eighth line running east and west through section number twenty-seven from the northeast corner of the southeast quarter of the southeast quarter to the northwest corner of the southwest quarter of the southwest quarter of said section twenty-seven shall be and constitute the first ward. All that part of said city bounded north by the said eighth line above described, and east by the center line of Second street as located on the recorded plat of Pittsville, shall be and

Ward boundaries.

constitute the second ward. All that part of said city lying east of the center line of said Second street and south of the said eighth line of section twenty-seven aforesaid, shall be and constitute the third ward of said city.

Corporate
authority.

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

CHAPTER II.

OFFICERS AND ELECTIONS

Elective
officers, and
terms of office.

SECTION 1. The elective officers of said city shall be a mayor, city treasurer, city marshal, assessor and police justice for the city at large, and two aldermen and one justice of the peace for each ward. The mayor, city treasurer, assessor, city marshal and police justice shall be qualified voters, residents and freeholders in said city, and the ward officers shall be qualified voters and residents of the respective wards for which they were elected, and shall be freeholders in said city. There shall each year also be elected a supervisor for each ward to represent the city in the county board of supervisors, who shall hold his office one year. The mayor, city treasurer, assessor and city marshal shall hold their respective offices for one year. Aldermen (except as to one elected for each ward at the first election), police justice and justice of the peace, shall hold their respective offices for two years. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. The term of office shall commence on the second Monday of April next after their election; each of said officers shall continue in office for his respective term and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, or may be prescribed in any ordinance of said city, not inconsistent with this act, or which may

not be incompatible with the nature of their respective offices.

SECTION 2. The annual election for ward and city officers shall be held on the first Tuesday of April of each year at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown, and ten days' notice shall be given by the common council, in the official paper of said city, of the time and place of holding such elections, and of the city and ward officers to be elected.

Regarding elections.

SECTION 3. All persons entitled to vote for county and state officers, and who shall have resided in the city for thirty days previous to the election and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law.

Qualified voters.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. The votes for all officers shall be on one ballot and shall be deposited in one ballot box. 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 5. The election in said city shall be held and conducted by the aldermen and justice of the peace of each ward, who shall be the inspectors of election in their respective wards, and shall take the usual oath or affirmation, as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such election and to administer the necessary oaths, and in case of the absence of any or all of the aldermen and justices of the peace of the ward at the time for the opening of the polls, the voters present shall select some person or persons to act in their places as inspectors of election. Said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections.

How elections shall be conducted.

Procedure in
case of illegal
voting.

SECTION 6. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving the vote of any such person shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year, (within this city thirty days, and within this ward ten days next preceding this election); that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if said person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of all the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment on information, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments or informations shall be tried in the circuit court of the county of Wood.

SECTION 7. When an election shall be closed, and the number of votes for candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such return to the city clerk within three days after any election. The members of the common council who hold over shall constitute a board of canvassers for said city, and shall, on the fourth day after such election, meet and canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

Return of election.

SECTION 8. The common council shall have power for due cause to expel any of their own number, and to remove for cause from office any officer or agent under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, 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.

May expel any of its own number.

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

When office may be declared vacant.

SECTION 10. Whenever a vacancy shall occur in the office of mayor, alderman or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person so elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same right and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Special elections to fill vacancies.

Vacancies, how filled.

SECTION 11. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the alderman and justice of the peace of each ward, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

Election of aldermen.

SECTION 12. At the first election to be held in said city, there shall be elected in each ward one alderman, who shall hold his office for one year, and one alderman who shall hold his office for two years, and the ballots shall have printed thereon above or opposite the name of the person voted for, for alderman for one year the words, "alderman for one year," and above or opposite the name of the person voted for, for alderman for two years, the words, "alderman for two years."

Notice of election by village trustees.

SECTION 13. The board of trustees of the village of Pittsville, or a majority of them, at a meeting which shall be held by them on the second Tuesday of March, A. D. 1887, shall appoint a place in each ward for holding the first election of officers in said city, and shall appoint three inspectors and two clerks of election in each ward, and give notice of such election, stating the place where the same shall be held, and the names of the persons so appointed at least four days previous to such election, by publishing the same in the "Pittsville Independent," a newspaper published in said city. Such inspectors shall, at such first election have the powers and duties conferred by this chapter on the aldermen and justices of the peace of each ward, acting as inspectors of election; said election shall be held at the same time of day, and conducted in the same manner as the annual elections provided for in this act, so far as practicable, and when the first election under this act shall be closed, the votes polled at such election shall be counted and the result ascertained by said inspectors, and they shall make return thereof, stating the number of votes for each person for each and every office, and shall deliver said return and statement to the village clerk of the village of Pittsville. And upon Thursday next succeeding said election, the president of the village of Pittsville, the village clerk of said village, and some justice of the peace of said village, who

said president and clerk shall call to their aid, shall meet at the village clerk's office in said village of Pittsville, and canvass said returns, and determine who shall have been properly elected officers of said city and wards, and said village clerk shall thereupon notify each of the officers of his election to his respective office.

SECTION 14. The first election of officers under the provisions of this act, shall be held on the first Tuesday of April, A. D. 1887.

First election—
when held.

CHAPTER III.

OFFICERS THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, chief of police, street superintendent, police justices and justices of the peace, 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 Pittsville a bond in such sum and with such security and such conditions as the common council may direct; and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Oath of office.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city, within the corporation, are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall communicate in writing to the common council, once a year, such information as the common council may require, and shall communicate once a year such information as he may deem necessary.

Duties of
mayor defined.

SECTION 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor the said president shall preside over

Election of
president.

the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer shall, while presiding over the council or performing the duties of mayor, be styled "acting mayor," and acts performed by him shall have the same force and validity as if performed by the mayor.

City clerk and his duties.

SECTION 4. The common council shall elect a city clerk; he shall keep a corporate seal and all the papers and records of the city; he shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence of all legal proceedings. Copies of all papers filed in his office and transcripts from the records certified by him under the corporate seal shall be evidence in all the courts in like manner as if the originals were produced. He shall keep a full and accurate account of all orders drawn on the city treasury in a book procured for that purpose, and shall also keep an accurate account with the treasurer and charge him with all tax lists delivered to him for collection, and all sums of money paid into the state treasury. Whenever the clerk shall be absent from any meeting the city council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations.

Duties of the treasurer defined.

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements in such manner as the common council shall direct. He shall report to the common council as often as is required and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk. The said treasurer shall also be collector of taxes in and

for said city as hereinafter prescribed, and shall have the same powers and be subject to the same liabilities and be governed by the same laws as treasurers of towns in this state.

SECTION 6. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city cognizable before a justice of the peace; but warrants returnable before said justice may be issued in criminal cases by any other justice in the city; but no fees shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said city of Pittsville or its charter, or for a breach or violation of any such ordinance, by-law and regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Pittsville, and the same proceedings shall be had in all civil and criminal suits before said justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; provided, that in cases of prosecution for a breach or violation of an ordinance, by-law or regulation of said city, or its charter, or for any assault, battery or breach of the peace, or any affray not indictable, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than twenty-five dollars. In all cases of conviction for assaults, batteries and affrays within the said city, and in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, said justices shall have power, in addition to the

Jurisdiction of
police justice.

fine or penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in cases of contempt as a court of record; provided, that nothing herein contained shall be deemed to divest the circuit judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the circuit courts or supreme court of this state. In case of absence, sickness or other inability of such justice, or for any sufficient reason, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of said justice for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and the police of such substitution and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace; and the justice of the peace so appointed shall for the time being possess all the authority, powers and rights of said police justice. All the fines and penalties imposed by the police justice for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

Quarterly
report of police
justice.

SECTION 7. The police justice shall quarterly report to the common council a list of all the proceedings instituted before him in behalf of the city, and the disposition thereof, and shall, at the same time account for and pay over to the treasurer, the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable for or pay any costs for violation of any law of this state, and such justice shall pay to the county treasurer all fines collected for offenses against the laws of this state, in the same manner that justices of the peace are required by law to do.

Justices of the
peace and their
duties.

SECTION 8. The justices of the peace elected under this act shall have the same and equal jurisdiction and perform all and like duties of justices of the peace, and shall qualify in the same

manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the mayor of said city, and in addition to their said jurisdiction they shall have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council unless otherwise provided. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns in this state, and shall give like bonds to be approved by the mayor, and take and subscribe like oaths therewith, which shall be filed in the office of the city clerk.

SECTION 9. The marshal shall attend all the meetings of the common council unless excused by the council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets or alleys of said city, and to abate all nuisances in said city, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination; and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall have power to appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties; such deputies shall also take and subscribe the proper oath of office, which shall be filed with the city clerk, and when duly qualified as aforesaid such deputy shall possess like powers and au-

Duties of
marshal
defined.

thority, and be subject to the same liabilities with the marshal.

Duties of assessor.

SECTION 10. The city assessor shall assess the real and personal property of the city at the time and in the manner provided for assessing towns in this state; and his compensation therefor shall be provided by the common council at the beginning of his official year.

Duties of street commissioner defined.

SECTION 11. The common council shall also, at their first meeting for organization each year, after the annual election, choose by ballot a street commissioner. The street commissioner shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, public grounds, reservoirs, gutters and sewers in said city are duly observed and kept. He shall have the general supervision over all work let by contract for the making, grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds, reservoirs and gutters, unless the common council shall otherwise direct, and all street work or repairs, the cost of which will not exceed the sum of two hundred dollars, shall, with the consent and concurrence of the committee upon streets and sidewalks, and when the said committee deem that it is to the interest of the city that said work shall be done forthwith without the delay of advertising for bids, employ labor and purchase material at the expense of said city, with which to perform and complete said work, and shall superintend said work, and when the same shall be completed, he shall by an itemized statement of the cost of said labor employed and material furnished, report the same to the common council. He shall receive such compensation as council shall determine.

Other and further duties to be performed by any officer.

SECTION 12. 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.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, and the style of all ordinances shall be: "The mayor and common council of the city of Pittsville do ordain, etc." The common council shall meet at such time and place in said city as they by resolution shall direct. A majority of the common council shall constitute a quorum; but a less number may adjourn from time to time.

Common council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday in April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

Annual meeting.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other public property in the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations and by-laws for the government and good order of the city, for the suppression of vice and the prevention of crime, and for the benefit of the trade, commerce and health thereof, and so enforce the same as they 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, and all such ordinances, rules and by-laws are hereby declared to be and have the force of law.

Powers of the common council.

Provided that they be not repugnant to the constitution and laws of the United States or this state and for these purposes they shall have full authority by ordinance, resolution or by-laws:

Issue of licenses.

1. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bagatelle, tables, pigeon-hole tables, bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common or statute law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided for by the laws of the state, and that no license shall be granted for a less time than one year from the date of filing the application for such license in the office of the city clerk; and in case the person so applying for a license shall have a former license within the year next preceding such application, then such license shall be granted for the term of one year from the date of the expiration of such former license.

Suppress gambling and other vices.

2. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming, in said city, and restrain any person from vending, giving or dealing in any spirituous or vinous liquors, unless duly licensed by the common council.

Riots.

3. To prevent any riots, noise, 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.

Cleanse unwholesome places.

4. 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 deemed necessary for the health, comfort and convenience of the inhabitants of said city.

5. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use or occupation of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible materials.

Slaughter-houses.

6. To provide for making, grading, improving and repairing of the streets of the city of Pittsville, and to make such other necessary public improvements as shall be deemed necessary and proper, and for the general benefit, health and welfare of the inhabitants thereof, and to provide for the making, constructing and repairing of gutters and sidewalks in said city, and to prevent the incumbering of the streets, sidewalks, lanes, highways and alleys with carriages, sleighs, boxes, lumber, fire wood or any other materials or substances whatever.

Improvement of streets.

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

Horse-racing, etc.

8. To restrain the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances of said city.

Dogs.

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

Restrain cattle.

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

Putrid carcasses.

11. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, of the city; to regulate and to license hacks, cabs, drays, carts, and the charges of cabmen, hackmen, draymen

Public pounds.

- and cartmen in the city; and to erect lamps, provide for lighting the streets, public grounds or public highways with gas or otherwise.
- Board of health.** 12. To establish and regulate boards of health, provide hospitals, pest houses and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.
- Size and weight of bread.** 13. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.
- Driving on sidewalks.** 14. To prevent all persons from riding or driving any ox, mule, horse, cattle or any other animals on the sidewalks in said city, or in any way doing damage to the sidewalks.
- Shooting fire-arms, etc.** 15. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any 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.
- Drunkenness, etc.** 16. To restrain drunkenness, intoxication or obscenity in the streets or public places in said city, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.
- Runners and solicitors.** 17. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to establish and regulate the police of the city.
- Markets.** 18. To establish public markets and make rules for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.
- Provisions.** 19. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.
- Produce.** 20. To regulate the place and manner of weighing and selling hay and measuring and selling feed and lime, and to appoint suitable persons to superintend and conduct the same.
- Removal of snow, rubbish, etc.** 21. 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 to compel such owner or occu-

pant to remove from the lot owned or occupied by him, all such substances as the common council 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.

22. 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.

Infectious diseases.

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

Auctioneers and vendues.

24. To appoint watchmen and prescribe their duties.

Watchmen.

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

False weights and measures.

26. To protect trees and monuments in said city.

Trees and monuments.

27. To prescribe and regulate the construction of sewers within said city.

Sewers.

28. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free and clear from encumbrances, and to protect them from injury.

Repair of streets.

29. The common council shall have jurisdiction over the entire waters within the city, so as to prevent any deterioration of the waters or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the waters, shall be impaired, or for any other purpose authorized in this act.

Jurisdiction over the waters.

30. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, 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.

Ornamental trees.

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of all the common council, and shall be signed by the mayor, and shall be published in a paper or papers, both selected by the common council, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any of said laws ordi-

Ordinance—how passed.

nances, 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 each 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.

Shall not bar
or hinder suits.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar nor hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than one hundred pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Examine and
adjust
accounts.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and all other officers and agents of the city, at times as they may deem proper, also at the end of each year and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officers or agents shall refuse to comply with the orders of the council in the discharge of their said duties in pursuance of this section, or shall neglect or refuse to render their accounts or present their books and vouchers to said council it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER V.

FINANCE AND TAXATION.

SECTION 1. All funds in the treasury except school, state and county funds, shall be under the control of the common council and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable out of any funds in the treasury belonging to the city standing to the credit of the fund against which said orders are drawn. All orders shall be made payable to the person or persons or to the order of the person or persons in whose favor they may be drawn.

Control of funds.

SECTION 2. 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.

Annual tax to be levied.

SECTION 3. On or before the third Monday of November in each and every year, the common council shall, by resolution, to be recorded by the clerk, determine and specify the amount of money necessary to be raised by a tax to pay all indebtedness of the said city at the time being, and to defray the estimated incidental expenses of said city during the ensuing year, and by said resolution shall order the clerk thereof to assess the amount so specified equally upon all the taxable property of said city, as the same shall appear from the last equalized assessment roll of said city. And the said clerk, after he shall receive from the clerk of the board of supervisors of said Wood county, the amount of said state, county and other taxes, as certified by said clerk to be raised by tax in said city, in any year, shall assess the amount certified by said clerk, together with the amount ordered or specified by said common council, together with such school taxes voted to be raised for that year in the same list of taxes with all delinquent street, school or other taxes and when the said assessment or tax list shall be completed, the said common council shall annex

When annual tax shall be determined and the manner of levying.

thereto their warrant, signed by the mayor and attested by the clerk of said city, commanding the treasurer of said city of Pittsville to collect, receive and receipt for the taxes specified in said tax roll; to collect and receive all taxes therein that may be paid before the 20th day of January next succeeding the date of said warrant without adding thereto any penalty or fees, and upon all taxes by him collected after said 20th day of January, to collect a fee of two per centum, which fee shall go into the general fund of the city; to pay according to law such state, county and other taxes belonging to the state of Wisconsin or the county of Wood, as may have been extended in said tax roll of said city and by him collected in such manner at such time as are by law required of town treasurers in said Wood county; to turn over said tax roll and warrant to the city marshal of said city on the first Monday in February next succeeding the date of said warrant, which said city marshal shall, in said warrant be commanded to collect and return all taxes remaining unpaid upon said tax roll on said first Monday in February, in the same manner as the law requires the collection of taxes and the return of unpaid taxes by town treasurers. Said city marshal shall, in said warrant be authorized and directed to add to all taxes remaining unpaid at the time said warrant is placed in his hands five per centum, and upon all amounts by him collected he shall be entitled to retain his fees the said five per centum so added. Said city marshal shall also be commanded in said warrant to pay to the city treasurer of said city, on or before the fifteenth day of March all moneys by him collected by virtue of said warrant, except said five per centum fees aforesaid. The clerk of said city, before delivering said tax roll to said treasurer, shall make a true copy thereof with the warrant and file the same in the clerk's office of said city.

Shall not contract debts unless authorized.

SECTION 4. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasury unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be ap-

propriated for any purpose whatever, except such as is expressly authorized by this act.

SECTION 5. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act.

Disposition of penalties, etc.

SECTION 6. All property, real or personal within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; the assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon 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 perfecting such rolls as they may from time to time deem advisable.

Property subject to annual taxes.

SECTION 7. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

Special taxes.

SECTION 8. No account shall be allowed by the common council unless the same is properly verified by the owner thereof, or some person in his or her behalf.

Verifying accounts.

SECTION 9. No action shall be maintained by any person against the city of Pittsville upon any claim or demand until such person shall first have presented his claim or demand to the common council for allowance, and allowance thereof refused by said council.

Claims must first be presented.

SECTION 10. 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, except that such person may appeal to the circuit court as provided in section 12, of this chapter.

Determination of council to be final.

SECTION 11. In case any person shall present his claim or demand to the common council, and

Appeal to circuit court.

the said council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again, and such claimant, if he desires, may prosecute said claim by appeal to the circuit court and not otherwise.

Appeal from decision of the council.

SECTION 12. When any claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of the council disallowing such claim to the circuit court of the county of Wood, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision. The clerk, in case such appeal is taken shall make a brief statement of the proceedings had in the case before the council, with its decisions thereon, and shall transmit the same and all the papers in the case, to the clerk of the circuit court of Wood county and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in the circuit court, and costs shall be awarded thereupon in like manner.

Duty of clerk.

SECTION 14. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first sitting thereafter.

CHAPTER VI.

OPENING OF STREETS AND ALLEYS.

Opening streets, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in the said city shall, by petition, represent to the common council that it is necessary to take certain lands within the city for the public use for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such ap-

plication to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, be published or posted in the same manner as is provided for the publication or posting of ordinances in section 4, of chapter 4, of this act.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication or postings as the case may be, application will be made to one of the justices of the peace of said city of Pittsville, for the appointment of six jurors to view said premises, and to determine whether it will be necessary to take the same for the purpose specified in said petition.

Appointment
of jurors.
notice for.

SECTION 3. Upon the presentation of such application and the proof of the publication or posting, as the case may be, or service of the notice hereinbefore required, the said justice of the peace shall thereupon appoint six reputable freeholders, residents of said city, not interested in the result of such application. The said justice of the peace shall thereupon issue his precept directed to said jurors, requiring them within ten days to view the premises to be specified in said precept and to make returns under their hands to the common council of the city, whether in their judgment it is necessary to take said premises for the purpose specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath that they are disinterested in the result of such application and that they will faithfully and impartially discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

How jurors are
to be select. d.

SECTION 4. The city marshal shall serve such precept immediately on the jurors therein named by reading the same to everyone that can be found; and immediately after such service he shall return the said precept to the justice of the peace who issued the same, together with his doings thereon endorsed.

City marshal
to serve
precept.

In case jurors
refuse to act.

SECTION 5. If any of the jurors so appointed cannot be found within said city, or shall be disqualified from acting, or shall refuse to act, the justice of the peace shall appoint others qualified to act in their places, and a memorandum of such substitution shall be endorsed on the precept.

Administering
oaths.

SECTION 6. Any officer authorized to administer oaths shall thereupon administer an oath to said jurors, that they are freeholders of said city residing therein, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to view
the premises
in a body.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report in writing of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for public use; which said report, testimony and precept shall be returned to the common council within the time limited in said receipt. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report and directing the same jurors, within twenty days thereafter, or at such future time as shall be necessary to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within the limited time, such damages to the common council. And after the jurors shall have made their report as to the taking of any land or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect to serve in ascertaining the amount of compensation as above; and all the jurors before entering upon the discharge of their

duties in the premises, shall severally take an oath before some competent officer, that they are freeholders in said city and reside therein, and that they will faithfully and impartially discharge the trust reposed in them.

SECTION 8. If there should be any building in whole or in part upon the land to be taken, the jurors before proceeding to make their appointment, shall first estimate and determine the 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 him to remove.

In case there is a building on land.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident of said city, notice to all parties interested shall be given by publication, in the same manner as is provided herein for the publication of ordinances in section 4, of chapter 4, of this act; such notice shall specify the building and the award of the jurors. It shall 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 jurors and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Ten days' notice to be given.

SECTION 10. If the owner shall refuse to take the building at the value to remove or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have 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 to his use.

In case owner refuses to take building.

SECTION 11. The said jurors within the time limited shall view and examine the premises proposed to be taken, and all such premises as will in their judgment be injured or benefited thereby. And hearing such testimony as may be offered by any party interested and which shall be reduced to writing by one of the jurors, they shall proceed to make their assessments, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be

Shall view and examine the premises.

taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owners of such lands) as estimated by them as aforesaid, 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 or buildings, according to section 8, of this chapter.

In case lands or buildings belong to different parties.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment, or mortgage, or if there be any estate in it less than an estate in fee the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award to be signed by jurors.

SECTION 13. The award of said jurors shall be signed by them, and returned together with the testimony taken, and the precept of the common council within the time limited in such precept.

Appeal, how made.

SECTION 14. Any person whose property is taken or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Wood county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to the said city with sufficient surety to be approved by the said clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal, by filing with the said clerk a notice thereof within ten days, as aforesaid.

Damages first to be tendered.

SECTION 15. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof, or party entitled thereto, shall be paid or tendered to the owner or party entitled thereto or his agent, or in case the said owner or party entitled thereto or agent, cannot be found, or is unknown, deposited to his or their

credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report; and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

If not so tendered proceedings void.

SECTION 17. The city may pay or tender or deposit as herein required, at any time within one year from the confirmation of such assessment and report, the damages assessed in any such case, and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings to take and appropriate such lands for the purposes required.

Damages assessed may be paid or tendered within one year.

SECTION 18. When the whole or any tract or lot or other premises, under lease or other 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, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

Covenants to cease.

SECTION 19. When only a part of a lot or tract of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

The same where part only is taken.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the judge of the circuit court of Wood

In case of infant or other disabilities.

county, or in his absence or inability to act in the premises, the county judge in said county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Accurate surveys may be made.

SECTION 21. Whenever any public grounds, streets or alleys shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

CHAPTER VII.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall not be erected 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 be 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.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building and to cause the same to be removed or placed in a safe condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to provide as many fire buckets 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 and ladders

leading to the same; and to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of the fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose-companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. 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 this state or the ordinances and regulations of said city, and shall be formed only by volunteer enlistments. Every member of said company hereby authorized to be formed, shall be exempt from 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 the cases before mentioned.

Power to purchase fire-engines.

SECTION 4. The mayor shall have power to 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 5. One-half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation

One-half net proceeds of fines, etc., to go to city treasurer.

made in pursuance of this chapter shall be paid by the city treasurer to the fire department.

Penalty for refusing to obey lawful order.

SECTION 6. 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 orally direct the marshal, constable or watchman, or any citizen, to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall 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 7. The common council shall have power to organize a sack company, which shall be known by such name 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 said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for said city of Pittsville, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police in said city, and shall be entitled to all the rights and immunities of members 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 service rendered in their official capacity. They shall in case of riot or other disturbances 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.

SECTION 8. The treasurer of the fire department 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 the 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.

Treasurer of
fire depart-
ment.

SECTION 9. There shall be elected by the members of each company aforesaid, annually, at their annual meeting, a clerk, a 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.

Officers of fire
company.

SECTION 10. 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 duties unless his name is entered upon said list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note the fact on the list thereof, and shall return to the county clerk of the county of Wood, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meeting of the board of supervisors of said county, and said board shall not place the names of such persons on the jury list for the ensuing year.

Record of
members to be
kept.

CHAPTER VIII.

ACTIONS TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, or by-laws or police or health regulations

Actions for
penalties.

made in pursuance thereof, shall be brought in the corporate name or the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Process.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance, or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being.

Form of summons.

SECTION 3. When an action is commenced by summons, such summons may be substantially in the following form:

COUNTY OF WOOD, } ss.
City of Pittsville, }

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

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned one of the justices of the peace in and for said city, at my office in said city, on the— day of —, 18—, at — o'clock in the — noon, to answer to the city of Pittsville in a plea of debt to the damage of said city, two hundred dollars or under.

Given under my hand, at said city, this — day of —, 18—.

C— D—

Justice of the Peace.

When returnable.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or may hereafter be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons, and triable before justices of the peace.

Form of complaint.

SECTION 5. When an action is commenced by summons the complaint may be substantially in the following form:

The City of Pittsville, } In justice's court.
 against } before
 A. B. } C. D., justice.

The plaintiff complains against the defendant and alleges that this defendant, on the — day of —, 18—, at the said city, did violate (section —, of chapter — of this act, or section —, of an ordinance, by-law or regulation of said city, describing it by its title, as the case may be), which said — is now in force. By reason of such violation an action has accrued to the city of Pittsville to recover of the defendant the sum of — dollars debt, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a warrant for the complaint, it shall be made on oath of the complainant, and no other affidavit shall be necessary, and said last mentioned complaint may be substantially in the following form:

The City of Pittsville, } In Justice Court,
 against } before
 A. B. } C. D., Justice.
 County of Wood—ss.

—, being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of Pittsville, in said county, that A. B. on the — day of —, 18—, at said city did violate section —, of chapter —, of this act, or section —, of an ordinance, or by-law, or regulation of said city describing it by its title as the case may be, which said — is now in force, as this complainant verily believes; and prays that the said A. B., may be arrested and held to answer to said city of Pittsville 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:

COUNTY OF WOOD, }
 City of Pittsville. } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Pittsville, greeting:

Whereas, — has this day complained to me in writing, on oath, that A. B., on the — day of —, 18—, at said city, did violate (section —, of chapter —, of this act, or section —, of an ordinance, by-law, regulation of said city, describing it by its title, as the case may be), which said — is now in full force as the complainant believes; therefore you are commanded to arrest the said A. B., and bring him before me forthwith to answer to said city of Pittsville, on the complaint aforesaid.

Given under my hand, at said city, this — day of —, 18—.

C. D., Justice of the Peace.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned the defendant if required by the court so to do, shall recognize, with security, to be approved by the court for his, or her, or their appearance in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the lock-up of said city of Pittsville, or to the common jail of Wood county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter not embraced in the action.

Prima facie evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court of this state.

Attendance of witnesses and jurors.

SECTION 8. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits, without payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

SECTION 9. In city prosecutions the findings of the court 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 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. Upon the rendition of judgment against the defendant, and the nonpayment thereof, the justice shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which shall in no case exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

COUNTY OF WOOD, }
 City of Pittsville. } ss.

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

Whereas, the said city of Pittsville, 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, (the fine, penalty or forfeiture), and the sum of — dollars and — cents, the costs of suit, for the violation of (section —, of chapter —, of this act, or section —, of ordinance, by-law or regulation of said city, describing it by title, as the case may be). You are hereby commanded to levy distress of the goods and chattles of the 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 of Wood county, or to the keeper of the lock-up of said city, as the case may be, and you, the said keeper, are hereby commanded to receive and

keep in custody (in said jail or lock-up as the case may be), the said ———, for the term of ———, unless the said judgment, together with all costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand this — day of —, 18—,
C— D—,

Justice of the peace.

The form of 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 of
defendant.

SECTION 10. 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 said judgment to the circuit court of the county of Wood; provided, such defendant within twenty-four hours, enters into a recognizance with one or more sufficient sureties, to be approved by said justice, conditioned to appear before said circuit court and abide the judgment of the court therein. The justice from whose judgment such appeal is taken, shall make a special return of the proceedings had before him and shall forthwith cause the summons or warrant and return together with the proceedings and a copy of the entries on the docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment without giving such recognizance in other cases before justices of the peace.

Appeal to
stand for trial.

SECTION 11. 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 shall be rendered, and no notice of trial shall be required to be given to or by either party.

In case judg-
ment be
affirmed.

SECTION 12. If the judgment of the justice 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.

SECTION 12. 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. Shall not be incompetent.

SECTION 14. All ordinances, resolutions, by-laws and regulations now in force in the village of Pittsville, and not inconsistent with this act shall remain in force until altered, modified, or repealed by the common council, after this act shall take effect. Laws in force.

SECTION 15. All actions, rights and penalties, fines or forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. City successor to actions, etc.

SECTION 16. When any suit or action shall be commenced against said city, the service of all process and papers therein may be made by leaving a copy of such process and papers, by leaving a copy thereof 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 the common council thereof, or to take such course or proceedings as by ordinance or resolution of said council may be in such case provided. Process—how served.

SECTION 17. All penalties, fines and forfeitures recovered and collected under and by virtue of this act, or the ordinances, resolutions, by-laws and regulations made and passed in pursuance thereof, shall be paid into the city treasury, for the use and benefit of said city except as provided in chapter 8, of this act. Penalties paid into treasury.

SECTION 18. All fire-engines, hose-carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city for such engines, hose, hose-carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or in any judgment wherein the said city shall be a party. Exempt from taxation.

CHAPTER IX.

IMPROVEMENTS OF STREETS AND SIDEWALKS.

Improvement
in streets.

SECTION 1. Every ordinance, resolution, order or by-law for the repairing, construction or reconstruction of any sidewalk or gutter at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting on such sidewalk or gutter shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, order, resolution or by-law shall not be passed or adopted sooner than seven days after the introduction thereof; nor shall such ordinance, order, resolution or by-law take effect until the same shall be published for two weeks in the official paper of said city.

Establish the
grades of
streets, etc.

SECTION 2. The common council of the city of Pittsville shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; provided, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have a right of action against the city for the recovery of such damages, but no suit shall be commenced against said city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

Work to be
done on proper
established
grade.

SECTION 3. Sidewalks and gutters shall be constructed, re-constructed or repaired upon the proper established grade made by the city of any street in said city, of such width, in such manner, of such materials, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk or gutter shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk or gutter as aforesaid, in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The common council

shall levy a special tax upon each lot or piece of ground in front of which any sidewalk or gutter shall be constructed, sufficient to pay the cost of constructing the same, the said tax to be collected at the time and in the manner as is provided herein for the collection of other taxes; provided, that lands used exclusively for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof be required to build or maintain sidewalks along or fronting such lands under the provisions of this chapter.

SECTION 4. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, will not cost to exceed the amount of ten dollars, in front of any one lot or piece of ground to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; thereupon, after such work is completed, the common council shall levy a special tax upon said lot or piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks.

What side walks may be immediately repaired.

SECTION 5. The common council of said city shall have power, and may in its discretion by an affirmative vote, let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, or as they may otherwise order, the construction of any sidewalk or gutter, or the making of any improvement on or along any street or highway in said city limits which shall have been ordered, levy and collect a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract or otherwise sufficient to pay the cost of constructing the same, as provided in section 4, of this chapter.

What work shall be let to the lowest bidder.

SECTION 6. Costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city.

What expenses shall be chargeable to city.

SECTION 7. All work provided for in this chapter shall be done under the supervision of street committee, and shall be approved by them before it shall be accepted by the council.

Work to be done under supervision of street committee.

Highway tax
to be levied
annually.

SECTION 8. The common council of the city of Pittsville shall, on or before the first Monday in May in each year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets and highways in said city, which amount shall not be more than five mills on the dollar upon all of the taxable property of said city, as the same shall appear by the last assessment roll of said property.

Duty of city
clerk in regard
to tax roll.

SECTION 9. The city clerk shall, within twenty days after said highway tax shall be so levied, make out and deliver to the city treasurer a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property and a description of all lots and parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year; and if such lot or tract was not separately described in such roll, then in such proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of each person or persons, corporation or corporations to whom each item of taxable property upon said list is to be assessed, and such highway tax determined and levied shall be due and payable within thirty days from and after the first public notice given by the city treasurer that said tax list is in his hands for collection.

Duplicate copy
to be made.

SECTION 10. The city clerk shall make a duplicate of such list, both of which shall be signed by the mayor and countersigned by the city clerk; one of which lists shall be filed in the office of the city clerk and the other shall be delivered to the city treasurer.

WARRANT.

SECTION 11. The city clerk shall annex to each of said tax lists a warrant signed by the mayor and city clerk, which shall be in substance in the following form:

To A. B., treasurer of the city of Pittsville:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real

estate described therein, the taxes set opposite to such persons, corporations and property, and to apply the taxes by you so collected and make returns thereof on or before the third Monday of November next.

Dated _____ day of _____, 18—.

_____,
City clerk.

_____,
Mayor.

SECTION 12. The city treasurer shall have the same power and proceed to collect the said taxes, in the same manner as in the collection of general taxes, and such taxes so collected shall be passed to the highway fund and kept and paid out as such, and in case said treasurer shall be unable to collect any portion of said tax, he shall, on or before the third Monday in November of each year, make out and deliver to the city clerk of said city, a verified copy of the public notice given by him, together with a list of all such unpaid taxes. Such list shall be sworn to by said city treasurer, before some officer authorized to administer oaths.

Collection of
taxes by city
treasurer.

SECTION 13. Upon receipt of such list, the city clerk shall at the time of making out the annual tax roll of general taxes of said city for that year, place in a separate column on said roll, the amount of said delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

Delinquent tax
roll.

CHAPTER X.

SCHOOLS.

SECTION 1. The common schools of the city of Pittsville shall be under the supervision and control of the district boards of each district in the same manner as if this act had not been passed and the same relations shall be sustained between said city and such schools, as near as may be, as between a town and the schools therein, and the same reciprocal powers and duties.

Schools under
district boards.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

City to be lawful owner and successor of village property.

SECTION 1. The city of Pittsville shall be and is hereby invested as the lawful owner and successor of real and personal property, and all the rights and privileges belonging to the corporation of the village of Pittsville, and such part of all the real and personal property, rights and privileges belonging to the town of Wood and included in said city limits, together with all the funds, revenues and demands due or to become due to the said village of Pittsville and that part of said town of Wood not heretofore included in said city limits, which by or under any former acts, or ordinances, grants, donations, gifts, construction or purchases, have been acquired, vested or in any manner belong to said village, and such portion of said town or either of them.

Settlement between town and village.

SECTION 2. The village clerk and village treasurer of the village of Pittsville, and the town treasurer and town clerk of the town of Wood, shall, on or before the first day of May, 1887, deliver over to the city treasurer of the city of Pittsville, all the moneys, books, papers and property of every nature whatever in their hands belonging to each of said organizations of which he is treasurer or clerk, and which would properly, under this act, belong to said city, or which may be adjudged to belong thereto, as hereafter provided, and thereupon the city treasurer of the city of Pittsville shall give to each of the said treasurers and clerks of said town and village his receipt therefor for the articles or money so delivered. In case any treasurer or clerk of either of said town or village shall fail, neglect or refuse to deliver over to the city treasurer of the city of Pittsville, any moneys, books, papers or property pertaining to each of their several offices as aforesaid, at the time or as required by this act, then the officer so failing, neglecting or refusing shall forfeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and the aforesaid city officer may recover the possession of such moneys, books and papers, or other property of said or-

ganization, in the manner prescribed by the laws of this state; such books and papers aforesaid of the town of Wood, shall only be retained by said respective city officers for the sole purpose of making an abstract or copy of so much of said records and papers as shall pertain to highways now in said city, and necessary to a full and complete settlement between that portion of the town of Wood included in the limits of said city of Pittsville, and that portion of said town outside of said city limits; and upon a completion of said settlement, said books and papers shall be delivered over to the proper officers of said town, as it may at that time exist, and all moneys that may be found due and owing on account of the proportionate value of any moneys or property which may have been received in common at the time of the organization of said city, shall be immediately paid over to the proper officer or officers. The moneys, books and papers of the village of Pittsville, shall remain in the hands of said city officers.

SECTION 3. Within twenty days after the first election of said city, as hereinbefore provided, it shall be the duty of the common council of said city and the board of supervisors of said town of Wood, as it may at that time exist, to meet together at some convenient place, upon notice given by either body, and if possible, agree upon some just, fair and equitable settlement or adjustment of the property, moneys, credits, dues, liabilities, obligations and every other matter or thing made necessary by the organization of said city, out of the territorial limits of said village of Pittsville and town of Wood; and among other things make a fair and just proportion of the bonded indebtedness of said town of Wood, between the town and said city, fixing forever the amount of said indebtedness to be paid by said city, and the amount by said town, as it shall at that time exist.

Settlement
between town
of Wood and
city.

SECTION 4. If the common council of said city and board of supervisors of said town, shall be unable to agree upon a settlement and adjustment as provided in the preceding section then upon application of either body, five days' notice of having been given to the other body, of said application, the judge of the circuit court of the county of Wood, shall appoint three commission-

In case they
are unable to
agree.

ers, one to be a resident of said city and one to be a resident of said town, and one who resides outside of both city and town, who shall have power, and it is made their duty as soon as may be, after their appointment, and before entering upon the discharge of their duties, to file with the clerk of the circuit court of Wood county, their oaths, to faithfully, fairly and impartially adjust and settle all matters of dispute between said city and town, to examine into and fairly, equitably and justly make a division of all property, moneys, credits or effects owned by said city, or any part thereof in common with said town, and to make a full and complete settlement or adjustment of all matters between said city and said town, arising or growing out of the formation of said city out of the territorial limits of said town, and especially of the indebtedness of said town, any portion of which the city ought to pay. The said commissioners shall, as soon as possible, make their award in writing, and file the same in the clerk of the court's office of said Wood county.

Amount to go to treasurer of said town.

SECTION 5. Any and all amounts found as aforesaid to be owing by said city to said town shall be paid to the treasurer of said town. But if it shall be found, upon such settlement, that said town is indebted to said city, then said town shall pay or cause to be paid the amount that shall be found due to the city treasurer of said city; and in case said town shall fail or neglect to pay or cause to be paid the amount so found due in the manner aforesaid, the city treasurer of said city shall proceed to collect the same in the manner now provided by the laws of this state for the collection of debts against towns, cities and villages.

Failure to hold election shall not invalidate.

SECTION 6. If any election of the people or common council shall not for any cause be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day, by order of the mayor, and in case of the failure of the first election, by order of the proper person, be done by any person or persons at any time specified, and if the same are not done and performed, such persons or offi-

cers may appoint or give notice of another time at which such acts may be done and performed.

SECTION 7. When judgment shall be recovered against the city or any ward thereof, or against any city officer in an action prosecuted by or against him in his name of office, where the same should be paid by the city, no execution shall be awarded or issue upon such judgment, except as herein provided, but the same, unless reversed, shall be levied and collected as other city charges, 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, but if payment thereon be not made within sixty days after the city treasurer is required to make his return of city taxes, next after rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on a special application therefor, nor shall any execution be levied upon any property of any individual, nor shall such property be in any manner seized, taken, held, or sold for any debt or liability of said city.

In esse judgment be recovered against city.

SECTION 8. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

Service of process.

SECTION 9. The said city may lease, purchase and hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

City may lease and purchase real estate.

SECTION 10. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in said law.

Does not repeal.

SECTION 11. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act.

Real estate subject to special taxes.

SECTION 12. No compensation or salary shall be paid to the mayor or aldermen of said city, out of the city treasury, for services, except for services as inspectors of election, members of the

Shall receive no compensation.

board of equalization, and members of the city board of canvassers.

Town meeting
may be held in
city.

SECTION 13. The citizens of the town of Wood shall have power to hold all town meetings or general or special elections at such place, either in the town of Wood or the city of Pittsville, as they may determine, in the same manner as if this act had not passed, and with like effect as if held in the town of Wood.

Use of jail.

SECTION 14. The use of the jail of Wood county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expense shall be paid by said city.

Issue of li-
censes.

SECTION 15. Every license issued by authority of this act or the ordinances of the city, shall be signed by the city clerk and sealed by the corporate seal, 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, vinous or malt liquors until the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved by the mayor. 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.

Penalty for
selling liquors
on election
day.

SECTION 16. Every person having such license, who shall vend, sell or give away any spirituous, vinous or malt liquors, on any election day, shall be liable to prosecution, under this act or the ordinances of the city, or may be indicted in the circuit court of the county in which such offense may be committed, and upon conviction thereof, every such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than

fifty dollars, or to be imprisoned in the jail of such county not more than thirty days nor less than ten days at the direction of the court, and the license held by such person shall be forfeited and void.

SECTION 17. All publications required by this act to be published in any newspaper, shall be so published under the laws of this state in some newspaper published in said city of Pittsville, if any there be, and the compensation to be paid therefor shall, in all cases (unless otherwise contracted by the common council, be at the rates established and prescribed by the laws of this state. Publication.

SECTION 18. This act is hereby declared to be a public act, and shall be liberally construed in all courts of this state. Public act.

SECTION 19. This act shall be in force and take effect from and after its passage and publication.
Approved March 30, 1887.

[No. 119, A.]

[Published April 16, 1887.]

CHAPTER 175.

AN ACT to amend chapter 159, laws of 1885, entitled, "an act to revise, codify and amend chapter 278, laws of 1874," entitled, "an act to incorporate the city of Shawano, and several acts amendatory thereof."

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

SECTION 1. Section 10, of chapter 6, of chapter 159, laws of 1885, is hereby amended by striking out the words, "the percentage named in this act" and inserting the words, "four mills per dollar on the assessed valuation," so that the same shall read, when amended, as follows: Annually upon the receipt of notice from the county clerk of Shawano county of the amount of taxes apportioned to said city by the county board of supervisors, the common council, as soon as practicable Regarding the annual tax levy.