

city clerk of the city of Milwaukee to give notice in a manner provided by law, that there will be held at the next annual charter election to be held in the city of Milwaukee, a special election in said Sixteenth ward to fill any vacancy that may occur arising in consequence of the provisions of this act; and it shall be the duty of the common council of the city of Milwaukee to forthwith proceed and fill any vacancy which may arise in consequence of the provisions of this act in the office of school commissioner.

SECTION 8. The mayor of the city of Milwaukee is hereby authorized and empowered to appoint inspectors and clerks of election for the said Sixteenth ward to fill any vacancies which may occur in said offices arising in consequence of the provisions of this act.

Clerks of election to be appointed for sixteenth ward.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1887.

[No. 36, S.]

[Published March 17, 1887.]

CHAPTER 49.

AN ACT to incorporate the city of Onalaska.

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

CHAPTER I.

SECTION 1. From and after the last Tuesday in March, 1887, all that district of country in the county of La Crosse hereinafter described, shall be and remain a city by the name of Onalaska, and the people who now or may hereafter inhabit said district, shall be a municipal corporation by the name of the city of Onalaska, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and

Corporate powers.

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

CHAPTER II.

City bound-
aries.

SECTION 1. The west half and the southeast quarter of section number four, and sections numbers five, eight and nine, all in township number sixteen, range number seven west, shall be included within and constitute the territory comprising the city of Onalaska.

Ward bound-
aries.

SECTION 2. The city shall be divided into three wards. All that portion lying and being west of Second street and the continuation thereof, from the north line of section number five, to the corner of Second and J street, village of Onalaska, and all lying south of J street and west of Third street and the continuation thereof, to the south line of section number eight, shall constitute and be the First ward. All that portion lying and being east of Second street and the continuation thereof, to the north line of section number five, and north of J street and the continuation thereof, to the southeast corner of section number four, shall constitute and be the Second ward. All that portion lying and being south of J street and the continuation thereof, to the southeast corner of section number four, and east of Third street and the continuation thereof, to the south line of section number eight, shall constitute and be the Third ward.

CHAPTER III.

Annual elec-
tion of city
officers.

SECTION 1. The annual election for city officers shall be held on the first Tuesday in April in each year, at such place as the common council shall designate, and the polls shall be kept open from ten o'clock in the forenoon until five o'clock in the afternoon, and the city clerk shall give ten days' notice of the time and place, and of the officers to be elected at such annual election. Such notice shall be by publication in some newspaper published in the city, or by publishing the same

by posting up two written or printed notices in each ward.

SECTION 2. The elective officers of said city shall be a mayor, treasurer, city clerk, one assessor, two justices of the peace and one police justice, and one supervisor to represent each ward on the county board, and to be a member thereof. The mayor, aldermen and assessor shall be freeholders within said city. At the first charter election after the passage of this act, two aldermen shall be elected for each ward, one to serve one year and one to serve two years, to be determined by the words, "for one year," after the name of one alderman voted for, and, "for two years," after the name of the other alderman to be voted for; and thereafter at each annual election, one alderman from each ward shall be elected to serve for two years. Said aldermen and supervisors must reside in the ward they respectively represent. The mayor, treasurer, city clerk, assessors, and supervisors, shall hold their respective offices for one year and until their successors are duly elected and qualified; the justices of the peace and the police justice shall hold their respective offices two years and until their successors are duly elected and qualified; all other officers necessary for the proper management of the affairs of the city shall be elected by the common council. All officers appointed by the common council may be removed at the pleasure of the council by a two-thirds vote of the aldermen elect. Elective officers shall be removed for cause, as provided by section 975, of the revised statutes of 1878.

Elective officers designated and their terms of office.

SECTION 3. All elections shall be by ballot, and a plurality shall in all cases decide an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, it shall be determined by lot, in the presence of the inspectors, and at such time and in such manner as the inspectors shall direct. All votes for elective officers shall be upon one ballot, and shall be deposited in one general box, and there shall be a ballot box for each ward with the number of the ward painted thereon.

Elections shall be by ballot.

SECTION 4. Any person entitled to vote for county and state officers, and who shall have actually resided in the ward for which he offers to

Who are entitled to vote.

vote, for thirty days next preceding the election at which he offers to vote, shall be entitled to vote for any officer to be elected, or on other questions or propositions that may be submitted to the people for their vote.

Challenged
vote.

SECTION 5. If any vote be challenged, or if the inspectors of any election shall have reason to believe when any person presents himself to give his vote that he does not possess the qualifications of an elector, the same oath as is required by law at general elections shall be put to the person offering to vote, with the further statement that the deponent has thirty days next preceding the election at which he offers to vote, resided in the city. All persons illegally voting, and all fraud, deceit or corruption at any election held under this act shall be punishable according to the laws of this state, made and provided for the punishment of illegal voting, fraud, deceit or corruption at any election.

Eligibility to
office.

SECTION 6. No person shall be eligible to any office under this act unless he is at the time of his election a resident elector of the city.

Closing the
polls and
counting votes.

SECTION 7. When an election shall be closed the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return thereof, which shall be subscribed by each inspector and containing a statement of the whole number of votes cast for each office, and the number cast for each candidate thereof and proclaim the result of the election, and shall file the statement with the city clerk, who shall record the same in a book to be kept for that purpose.

First election—
when to be
held.

SECTION 8. The first election under this act shall be held on the fifth Tuesday in March, 1887, and annually thereafter on the first Tuesday in April, and the supervisors of the town of Onalaska, or any one of them, if the others are absent, and the clerk of the town of Onalaska, or his deputy, shall constitute a board of canvassers for the first election, with authority to select from the legal voters, in case that any of the town board be absent, a sufficient number to make five in all, and make return of the result as is provided by this act to make returns at general elections of the city, and the said returns or statements shall be filed with the city clerk as soon as he has qualified.

SECTION 9. Special elections may be called to fill any vacancy in any of the elective offices, or for other purposes. Ten days' notice thereof shall be given, which shall specify the time and place such election or meeting will be held, and the object for which it is called, and shall be published as is provided for notice of annual elections; and in case there shall be no officer to give such notice of any annual or special election or meeting, the same may be given by the mayor or any alderman; and in case all of said offices be vacant, then by any five electors of the city. Special elections or meetings shall be held and conducted and return thereof made, recorded and filed as hereinbefore provided for at annual elections.

Special elections—when called.

SECTION 10. The mayor and each officer of said city, except the aldermen, shall within ten days after his election, and before he enters upon the duties of his office, execute to the city and file with the city clerk, a bond, conditioned that he will faithfully, honestly and impartially discharge the duties of his said office according to law, and to the best of their ability, in such a sum as the council may direct at the meeting prior to any election, not to exceed five hundred dollars, except the treasurer, which shall be at least double the amount of all the moneys to come into his hands during his said term. Any voter or other person may prosecute said bond in his own name or in the name of the city by giving security for all costs and damages that may be recovered or judgment had against such person upon failing to sustain his action, and recover any damage occasioned to him or to the city by reason of any breach thereof, or the city may, by its attorney, prosecute the same. provided, there shall be but one recovery for each breach of said bond, and the suit first began shall have priority of right to recover, and such officer shall file with the city clerk his oath of office, as provided by law for county and town officers.

Officers elected to execute bonds.

SECTION 11. Special meetings of the common council may be called by any two of its members, or by the mayor alone, and the city clerk shall give reasonable notice to all the members, of the time and place of meeting.

Special meetings of the council.

SECTION 12. All ordinances, by-laws, rules and regulations of the city, and all commissions, li-

Ordinances,
by-laws, etc.,
by whom
signed.

censes and permits granted or authorized by the common council, shall be signed by the mayor and countersigned by the city clerk, and whenever the city shall be a party to any contract, bond, agreement, deed, conveyance, lease or other instrument in writing, wherein or whereby any legal or pecuniary liability shall be incurred by the city, the same shall be signed by the mayor and city clerk, and sealed with the corporate seal.

Officers of the
peace named.

SECTION 13. The mayor, aldermen, city marshal, and the sheriff and his deputies of La Crosse county, and all constables of the town of Onalaska, shall be officers of the peace, and suppress in a summary manner all riots, affrays or disorderly conduct within the city, and for such purpose may command the assistance of all bystanders and citizens or other persons, and if either or any said officers, or persons by them commanded, shall refuse or neglect to aid or assist such officers in maintaining the peace or in the service of any process, or arresting offenders without process, when so required, upon conviction shall be deemed guilty of a misdemeanor, and shall be fined not less than ten nor more than two hundred dollars and costs of suit, and in default of payment shall be committed to the common jail of La Crosse county, or the city jail, until paid, but such imprisonment shall be limited by the court, and in no case shall be less than ten days.

Jurisdiction of
the police justice.

SECTION 14. The police justice shall have sole and exclusive jurisdiction of all offenses against the provisions of this charter, and the ordinances, by-laws and police regulations of the common council of the city, and shall have the same powers and authority as justices of the peace. He may administer oaths and take acknowledgments the same as justices of the peace. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe. In case of the absence, inability or sickness of the police justice, the mayor, by warrant, may authorize either justice of the peace within the city to perform the duties of police justice. Appeals may be taken from the police justice and writs of certiorari may issue

to him in the same manner as from justices of the peace.

SECTION 15. The police justice shall account for and pay over to the treasurer of said city all fines and penalties collected by him and belonging to said city.

Police justice to pay over fines, etc.

CHAPTER IV.

SECTION 1. The mayor shall preside over the meetings of the council, and shall see that the laws of the state and the ordinances of the city within the corporation are duly enforced, and that all the officers of the city discharge their respective duties. He shall give the council such information and recommend such measures as he may deem proper and advantageous to the city, and shall perform all the duties imposed on him by this act, or by ordinances or resolutions of the council. It shall be his duty generally to maintain the peace and good order of the city. He shall vote in the council only in case of a tie vote. He shall have the control and supervision of the police of said city, and is hereby authorized to appoint special policemen when the safety and good order of the city shall, in his judgment, require the same, upon special or unusual occasions, where compensation shall be fixed and allowed by the common council.

Mayor to preside over meetings of the council.

SECTION 2. The mayor and aldermen shall constitute the common council of said city, and the style of ordinance shall be: "The common council of the city of Onalaska do ordain." The common council shall meet and organize on or before the second Tuesday in April in each year, or as soon thereafter as may be. A majority of the common council shall constitute a quorum, and in the absence of the mayor may appoint one of the number acting mayor, who shall have the same authority and power as the mayor while so acting. The common council, in case of a vacancy, or the absence, inability to act or sickness of any officer, may appoint a suitable person to fill such vacancy or to act during the continuance of such absence, inability to act or sickness; provided, this shall not apply to the justice of the peace or police judge, but the charter relating to such officers shall govern.

Who shall constitute the common council.

Street commis-
sioner and mar-
shal to be ap-
pointed.

SECTION 3. At the first meeting of the common council in each year, or as soon as may be there-
after, they shall appoint one street commissioner
and one marshal for said city, who shall hold his
office during the pleasure of the common council
and until his successor is appointed and qualified,
and to prescribe the compensation they are to re-
ceive for their services, and may provide further
and other duties for such officers to perform in
addition to the duties provided in the charter or
amendments.

Common coun-
cil to have con-
trol and man-
agement of
finances.

SECTION 4. The common council shall have the
control and management of the finances and of
all the property of the city, and shall likewise in
addition to the powers herein vested in them
have full power to make, enact, ordain, establish,
publish, enforce, alter, modify, amend and repeal
all such ordinances, rules and by-laws for the gov-
ernment and good order of the city, for the sup-
pression of vice and immorality, for the preven-
tion of fires and for the benefit of trade, commerce
and health, as it shall deem expedient, declaring
and imposing penalties, and to enforce the same
against any and all persons who may violate any
of the provisions of such ordinances, rules or by-
laws, and such ordinances, rules and by-laws are
herely declared to be and have the force of laws,
provided that they be not repugnant to the con-
stitution and laws of the United States or of this
state, and for these purposes shall have authority
by ordinances, resolutions or by-laws:

Power to issue
licenses.

1. To license, regulate and prohibit the exhibi-
tion of common showmen, or shows of any kind,
or the exhibitions of caravans, circuses, theatrical
performances or concerts, and the use of billiard
tables, bowling saloons, and to provide for the
abatement of and removal of all nuisances under
the ordinances or at common law, and to grant
licenses for selling spirituous, vinous or ferment-
ed liquors, and regulate groceries, taverns, victu-
aling houses, and the persons vending or dealing
in spirituous, vinous or fermented liquors, and
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
by the laws of this state.

Prohibit gam-
bling, etc.

2. To restrain and prohibit all descriptions of
gambling 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 to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.

3. To prevent any riots, noise, disturbances 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.

Prevent riots and disturbances.

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.

Cleanse nauseous places.

5. To direct the location and management of slaughter houses and markets, and to prevent the erection of, or the use and occupation of the same, when the offal or filth therefrom shall endanger the health of the inhabitants of the city.

Management of slaughter-houses.

6. To prevent the encumbering of the streets, sidewalks, alleys or public grounds with any material substance whatever, and to require the removal of snow and other substances by the owners of such sidewalks.

Prevent incumbering streets.

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

Prevent immoderate driving and racing.

8. To build a public pound, to restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining and impounding of the same.

To provide a public pound.

9. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to an ordinance.

Dogs.

10. To prevent any person from burying, depositing or having within said city, or place adjacent to said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have on his premises any such substances, or putrid or unsound beef, pork, fish, hides or skins of any kind,

Putrid carcasses.

or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Riding or driving on sidewalks.

11. To prevent all persons from riding, driving or leading any horse, mule or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Shooting of fire-arms.

12. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Restrain drunkenness, houses of ill-fame, etc.

13. To restrain and prohibit drunkenness, immoderate drinking, the selling or giving to, taking with or procuring for minors, prohibited persons, drunkards or intoxicated persons, or persons bordering thereon, intoxicating liquors or drinks; the use of profane, obscene, indecent, vulgar or abusive language; the keeping of houses of ill-fame, gambling houses, disorderly saloons, groceries or houses; affrays, riots, fights, assaults, noises, disturbances, unlawful assemblages, disorderly crowds, assemblages and conduct; the abuse of, resistance to, or interference with the peace officers; the use of or carrying of concealed or dangerous weapons, obscenity, nuisances, vagrancy, lewdness, prostitution, and fortune telling in said city; the soliciting for or enticing others to visit or frequent houses of ill-fame, gambling or disorderly houses, and to provide for arresting, removing, detaining, imprisoning and punishing any person or persons who may be guilty of the same by fine or imprisonment, or both.

Contagious diseases.

14. To regulate, prevent and control the landing of persons from cars and stages wherein any contagious or infectious diseases or disorders exist, and to make such disposition of such persons as to preserve the health of said city.

To appoint street commissioner.

15. To appoint one street commissioner (and to remove him at pleasure), whose compensation shall be such sum as shall be determined by the council at the time of making the appointment, not exceeding, however, two dollars per day.

Weights and measures.

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

SECTION 5. To establish a fire department; to approve or disapprove of the officers elected

therefor; to prescribe and regulate their duties; to provide protection from fire by purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water-works; to erect engine houses, rent or purchase any now put up or used therein; to compel the inhabitants of the city to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limit or limits, within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets which shall be appurtenances to the realty and exempt from seizure and forced sale, and after reasonable notice to such owner or occupant and refusal or neglect by him, to procure and deliver the same to him, and in default of payment thereof to levy the cost thereof as a special tax upon such real estate, to be assessed and put in the tax roll and collected as other taxes are collected. To require construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipe, and the construction and cleansing of chimneys; to prevent bonfires, and generally to establish such measures for the prevention or extinguishment of fires as may be necessary and proper.

To establish a fire department, and to regulate the same.

SECTION 6. The common council shall have power and authority to establish the grade of any or all streets, gutters and sidewalks in said city, and the said common council shall, on a petition of a majority of the owners of real estate bordering on any street or sidewalk in said city, not less than ten rods in length, establish the grade of such street, sidewalk or gutter, as the case may be; such grade shall be established on the survey of a practical surveyor to be appointed by the said common council, whose compensation shall not exceed the pay allowed by law for like services; and it shall be the duty of the common council to cause the grade of all streets, gutters and sidewalks, when established, to be recorded in the office of the clerk of said city in a book to

May establish grades of streets.

be provided for that purpose, and when any such grade shall have been so established and recorded the same shall not be altered or changed, except upon the written recommendation of a practical surveyor, and by the unanimous vote of the common council; provided, that where any grade shall have been established in said city, such grade shall be uniform across the end of each such block.

Building and repairing of sidewalks.

SECTION 7. The common council shall have power to compel the building and repairing of sidewalks in said city, to control and regulate their material and construction and to levy special taxes on the adjoining property for the building or repairing of the same in the manner hereinafter provided

May order sidewalks built in front of premises.

SECTION 8. Whenever a majority of the resident owners of real estate or lots bordering on any one side of any street or part of street in said city, not less than ten rods in length, shall desire to have a sidewalk built along the line of such real estate or lots, they shall make out in writing and sign an application to the common council, in which shall be stated the points where they desire such sidewalk to commence and terminate, and request that such sidewalk be ordered laid, and that a special tax be levied upon the property bounded thereby, sufficient to build the same.

To prescribe the manner of their construction.

SECTION 9. On the receipt of such application the common council, if it shall deem the building of such sidewalk necessary or expedient, shall prescribe the manner of its construction and the materials of which the same shall be composed, and shall direct the street commissioner to cause the grade to be established for such sidewalk, and to report the cost of building the same along the line of each lot or tract of land bounded thereby. Upon the coming in of such report the common council shall have power to alter or correct the same, and shall levy such tax and shall direct the clerk to make out and deliver to the street commissioner a list or roll of such tax, as is required to build said sidewalk along the line of each lot or tract of land bounded thereby, giving the names of the owners, if known, and a description of each lot or tract of land so taxed; whereupon the street commissioner shall notify the persons

named in such tax list by delivering to or leaving at the residence of each such person (if residing within said city) a written or printed notice requiring such person therein named to build such sidewalk to the approval of the street commissioner and in the manner directed by the common council, along the line of the lot or land so taxed, within thirty days, or to pay the amount of said tax in money. In case any person so taxed does not reside within said city, such notice may be served by delivering the same to such person, if to be found, or in lieu of such personal service, such notice may be posted in three public places in said city.

SECTION 10. Whenever any sidewalk in said city shall in the opinion of the common council require repairing or rebuilding or it is necessary to build a new one, the common council may, without a petition or request direct the street commissioner to notify the owners of such sidewalk, lot or tract of land to rebuild or build a new one, in cases where there has not been one previously built, within twenty days, or to repair the same within twenty-four hours, as the case may be, which notice may be given and served as provided in case of petition for building sidewalks.

Rebuilding of sidewalks when needed.

SECTION 11. In case any such person, corporation or company or society of persons shall fail to build, rebuild or repair such sidewalk within the time required by such notice, the street commissioner shall have authority to build, rebuild or repair the said sidewalk, and to certify and return the expense and costs thereof to the city clerk, and all such costs and expenses shall become and they are hereby declared a special tax against the property bounded or abutted by the said sidewalk built, rebuilt or repaired, and be a lien thereon for such tax.

When owner refuses to build sidewalk, duty of council.

SECTION 12. On the return of the street commissioner, if it shall appear that he has built, rebuilt or repaired any sidewalk, and the persons liable thereof have not paid the expense or cost thereof, the same shall be paid out of the general fund of said city, and the city clerk in making out the general tax roll of the city next thereafter, shall enter therein all such unpaid costs or expenses or special taxes for the building, rebuilding or repairing of sidewalks, in a separate column

Return of street commissioner's action thereon.

opposite the names and a description of the property against which such tax remains unpaid, together with interest thereon at the rate of ten per cent., and if from any cause whatever said taxes should not be entered in said tax roll, the same may be entered on any tax roll thereafter, and all such taxes shall be collected by the treasurer of said city in the same manner as the general taxes are collected, and when collected shall be returned into the general fund.

Duty of city clerk in making out tax roll.

SECTION 13. The city clerk in making out the general tax rolls of said city next thereafter, shall enter therein all such unpaid special taxes for the building and repairing of sidewalks in a separate column, opposite the names and descriptions of the property against which such taxes remain unpaid, and such taxes shall be collected by the treasurer of said city in the same manner as the general taxes are collected.

Amount of highway tax to be determined.

SECTION 14. The common council of said city shall, on or before the first Monday in November in each year, determine the amount of highway tax necessary to be collected for the ensuing year, and shall levy such tax on the taxable property of said city, which tax shall not be more than three mills on the dollar of the assessed valuation of said city, and such tax shall be entered in the tax roll and collected as other taxes are collected, and when collected be paid into the general fund.

Names of persons liable to poll tax.

SECTION 15. The city clerk shall, on or before the fifteenth day of May in each year make out a list of the names of all male persons over the age of twenty one and under the age of fifty years, with the amount of poll-tax, which shall be one dollar and fifty cents for each person, and set the same opposite to each person's name, in such list and shall have the same published as made out by him, in the official city newspaper, if any; if not then in any newspaper published in said city, or in La Crosse county, or by posting three written or printed notices, together with a notice that said list will be submitted to the common council for correction, on the first Monday in June, at nine o'clock in the forenoon, and that if any person's name appears thereon who is not liable for such tax under the provisions of this section, he shall appear before the common council before ten o'clock in the forenoon of said day and have the

same corrected, and if he fails to appear he shall be estopped from denying his liability to pay the tax for any cause whatever. When such list is correctly made out and on said first Monday of June in each year or as soon thereafter as may be, the common council shall, by order to be signed by the mayor or acting mayor and city clerk, and to be annexed to such list, direct the same to be delivered forthwith to the city treasurer for collection. The treasurer shall forthwith proceed to the collection of such list or tax, and shall demand the same once of each person named in the list personally, or by notice, deposited postage prepaid, in the post-office in said city, and if any person neglects to pay the same for ten days thereafter, then such treasurer shall, in the name of the city, sue for and collect such tax with fifty per centum damages on the same, with costs of suit, before the police judge or police court of Onalaska, and in default of payment of such judgment, execution shall (issue) against the defendant as in case of tort, and the first process in such action shall be by civil warrant. But the common council may exempt from the payment of such tax, all persons belonging to any fire company, or any person who is poor and not able-bodied, when they may deem it proper to do so, and no others shall be exempt therefrom, and the treasurer, while said list is in his hands for collection, may put upon the list the names of all persons liable to such tax as may have been omitted therefrom, who shall then be liable the same as if their names were originally placed in such list, and when such tax is collected it shall be paid into the general fund.

CHAPTER V.

SECTION 1. All taxes raised and collected in said city shall be assessed and collected on the taxable property thereof. Taxes—on what raised.

SECTION 2. The common council shall, between the second Monday in May and the first Monday in July in each year, determine the amount of general tax necessary to be assessed and collected the current year for corporation purposes, which shall in no case exceed three mills on the dollar of the assessed valuation of said city, except as Amount of general tax to be determined.

hereinafter provided for in the levy and collection of special taxes. The maximum rate of taxation fixed in this and the ensuing section shall not be changed during the life of this charter except upon petition of one-half of all the legal voters in said city.

Power to borrow money defined.

SECTION 3. The common council of said city shall have no power to borrow money, nor shall said city be liable to pay money borrowed on its account or advanced on its behalf by any of its officers, nor shall any of its money or property be applied to any such purpose, nor shall the common council have power to issue any bonds or other evidence of debt payable at a day subsequent to the day of the issue thereof, nor shall the common council issue in any one year orders upon the city treasurer greater in amount than the amount of taxes which may be levied and collected under this act for such year; provided, that when it shall be necessary to build or repair bridges in said city, or to provide for other matters of necessity for the benefit of said city, a special tax may be levied for such purpose by the common council, not exceeding five hundred dollars in any one year; if a sum exceeding five hundred dollars may be required, such special tax may be voted by the qualified voters of said city, but no vote shall be taken unless such special tax shall be first recommended by the common council, nor unless a majority of the votes cast at such election of said city shall be in favor of such special tax, nor unless a notice of the same specifying the purpose for which said tax is to be raised, and the time and place of voting be published in the manner in this act providing for giving notice of city elections, which elections shall be conducted in the manner provided for municipal elections under this act.

Presenting accounts.

SECTION 4. No account or claim against said city shall be paid until it shall have been presented to the common council thereof for their allowance, and audited, and allotted by it, and when any such account shall be so audited, the common council so auditing the same shall endorse thereon or annex thereto a certificate subscribed by it of such auditing, and allowing or disallowing the same in which the sum allowed,

if any, and the charges for which the same was allowed, shall be specified.

SECTION 5. No account or claim shall be allowed by the common council until it shall be made out in items, and shall be accompanied by an affidavit of the person claiming to have done the service or made the disbursements therein charged, that the several items of the account or claims are correct, and that the services therein charged have been rendered, and the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be endorsed on or annexed to such account or claim, and presented therewith. Any member of the common council, when such account or claim shall be presented to it, may administer the oath required in this section, and said common council may examine the claimant on oath as to the items in such account or claim.

Accounts to be itemized.

SECTION 6. Nothing in the last preceding section shall be construed to prevent the common council from allowing any claim or account, in whole or in part, when so made out and verified, nor from requiring other and further proof of the correctness and reasonableness thereof.

Construction of previous section.

SECTION 7. Every account or claim against said city, presented to the common council in any year, shall be numbered from one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, shall be entered in the record of the proceedings of the common council.

Accounts to be numbered.

SECTION 8. Every warrant drawn by the common council to pay any account or claim shall refer to such account by the number, the name of the person in whose favor it was made out, and the time it was presented, and of the amount of the warrant, and a memorandum of such reference shall be entered in such records before such warrant shall be delivered to the claimant.

Warrants to refer to the accounts drawn for.

SECTION 9. No alderman shall allow or subscribe a certificate of allowance of any item or any account or claim against said city which said city shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax; nor shall any alderman sign any warrant for the payment of any such

Aldermen not to certify accounts, etc.

claim or account, or any part thereof; nor shall any alderman vote in the common council on any matter in which he is interested.

Moneys to be used for the purposes for which levied.

SECTION 10. All moneys raised by virtue of any tax levied upon the property of said city shall be used for the purpose for which such tax was levied, and for no other purpose whatever; and any officer misapplying any such money shall be deemed guilty of malfeasance in office. But nothing herein shall be construed to prohibit or prevent the common council from auditing and paying all just demands and claims against said city which it would be legally bound to pay from the corporate fund thereof.

License money to be paid into the treasury.

SECTION 11. All moneys derived from licenses issued by authority of the common council of said city, under the provisions of this act or of the excise law of the state of Wisconsin, shall be paid into the treasury of said city for its benefit as a part of the general fund.

Town officers to hold until successors are elected.

SECTION 12. All officers of the town of Onalaska now in office shall hold their respective offices until their successors shall be elected or appointed and qualified under this act, and the term of every officer elected or appointed under this act shall commence on the second Tuesday of April of the year for which he was elected, except for the year 1887, whose terms shall commence on the third Tuesday of April.

Malignant and infectious diseases—duties of physicians.

SECTION 13. Every practicing physician in said city who shall have a patient laboring under any malignant or infectious or pestilential disease shall forthwith make report thereof to the mayor of said city, and for neglecting so to do shall be considered guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum of fifty dollars, to be recovered for the benefit of said city.

City may purchase tax sale certificates.

SECTION 14. The city may purchase tax sale certificates and take deeds upon the same in its own name for any land returned by it to the county for non-payment of taxes.

Treasurer to receive all moneys and account for the same.

SECTION 15. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation by virtue of this act or by virtue of any by-law or ordinance of the corporation, and give the persons paying the same his receipt therefor. All moneys shall be drawn

from the treasury by warrant under the corporate seal, signed by the mayor by order of the aldermen, and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out the funds of the corporation in no other way whatever. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received and the source whence the said sums arose respectively; and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be open to the inspection of the voters of said city; and the said treasurer shall annually, and as often as they shall require, render to the board of aldermen a minute account of all his receipts and disbursements; and the said treasurer shall be collector of taxes within the corporation, and he shall possess all the powers and perform the duties as such collector as is or may hereafter be conferred upon town treasurers. He shall in the same manner, before receiving the tax rolls of the respective wards, execute his bond to the treasurer of the county of La Crosse, which bond shall be approved by the mayor of said city, and upon filing the same the treasurer of said county shall give him a receipt therefor, and upon filing the receipt with the clerk of said city, the said clerk shall deliver the tax roll of each ward to him, and the said treasurer shall proceed and collect the taxes in the manner as is by law provided for town treasurers, and shall duly make his return to the county treasurer of his said county, receiving the same compensation for his services allowed to town treasurers.

SECTION 16. The assessor shall assess all the property in the city of Onalaska, and shall perform all the duties, and in the same manner as required by town assessors, and shall receive the same compensation as now allowed by law.

Duties of the assessor defined.

SECTION 17. The marshal, before he enters upon the duties of his office, and within six days after

Duties of marshal.

his election or appointment, shall execute an instrument in writing, with two or more sufficient sureties, to be approved by the mayor, conditioned to pay to each and any person who may be entitled thereto, all such sums of money as the said marshal may become liable to pay for, or on account of any money which may come into his hands by virtue of his office, or for the neglect of any official duty, which writing shall be filed with the clerk of said city, and the said marshal shall possess all the powers and enjoy all the rights of a constable in the county of La Crosse, and shall be subject to the same liabilities; he shall have power to serve and return summons, attachments, replevins, executions, and all other writs issued by any justice of the peace in the county of La Crosse, and his return properly certified thereon, shall be evidence of the service thereof. It shall be his duty to execute and return all writs and process in criminal cases, or for the violation of any ordinance of said city, and he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice in any part of the state; to apprehend any person in the act of committing any offense against the laws of this state or ordinance of the city, and forthwith to bring such person or persons before competent authority for examination, and for all services he shall receive like fees as are allowed to constables; he shall do and perform all such duties as may lawfully be required of him by the ordinances of said city and he shall have power and authority to appoint one or more deputies, to be approved by the mayor, for whose official acts the said marshal shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Duties of the
street commis-
sioner defined.

SECTION 18. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and to report to the common council, recommending what, in his opinion, is neces-

sary and ought to be done thereto. On the receipt thereupon the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance to the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they particularly desire to be done, and said common council may act thereupon as they may deem fitting and proper, and said street commissioner may at other times make such other reports as the necessities of the case may require.

SECTION 19. It shall be the further duty of the street commissioner to employ men and procure utensils, teams, materials and whatever may be necessary in performing the street work in said city, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the common council so to do, and shall keep an accurate account of all material procured, and all teams, utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be performed, any and all other duties pertaining to his office that may be prescribed from time to time by the common council; provided, however, that no street commissioner shall contract nor create any greater expense to the city in any one year than the amount raised by the common council for highway purposes.

Further duties
of the street
commissioner.

SECTION 20. All accounts against the said city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the highway tax of said city; provided, however, that the expense of building and maintaining any bridge in said city may be paid out of the general fund. All such accounts for street commissioner purposes shall be duly verified, and when they arose or were created under the direction of the street commissioner,

Highway tax—
how expended.

shall be certified by him to be true and correct in all particulars. The street commissioner shall be paid for his services, and for every day's service actually and necessarily rendered, such compensation as the common council and the street commissioner shall agree upon at the commencement of his official year, which shall not exceed two dollars per day, and such account for services shall be rendered under oath, as other accounts are. The common council may at any time remove such street commissioner from office by a majority vote of the common council.

Street commissioner to see that ordinances are observed.

SECTION 21. It shall be the further duty of the street commissioner to see that all the ordinances of the city relating to the obstructing and cleaning of sidewalks, streets, alleys, public grounds, gutters and sewers within said city, are duly kept and observed, and direct and control the persons employed therein.

Report of street commissioner—to report to the common council.

SECTION 22. It shall be the further duty of the street commissioner to report to the common council, in writing, when required, the amount of labor, materials or money expended in each ward separately, and also the amount expended on the street running between and dividing the three wards, and shall, at the close of his official year, make an annual report in writing to the common council, which shall set forth the amount of highway tax paid in money, also the amount of poll tax collected, the manner in which such moneys have been disbursed, and the particular items of such disbursement.

Duties of city clerk defined.

SECTION 23. The city clerk shall keep the corporate seal and all the papers and records of the city, and shall attend the meetings of the common council, and keep full minutes of its proceedings, and enter the same on record; and shall keep a faithful record of all doings and votes of the inhabitants of said city at their annual and other legal meetings. The records kept by the clerk shall be evidence in all legal proceedings, and copies of any and all books, papers, instruments or documents, and all endorsements thereon, filed and kept in his office, and transcripts from the records in his office, duly certified by him under the corporate seal of the city, shall be evidence in all courts of the contents of the same, in like manner as the originals; and abstracts from any

such records or papers so certified, shall in like manner be evidence of the particular matter to which they relate. The clerk shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep an accurate account thereof, in a book provided for that purpose; he shall also keep an account with the treasurer, and charge him with all moneys paid into the treasury. He shall draw and countersign all licenses granted by the common council. He shall be the custodian of all election returns, and of the oaths and bonds of such officers as are required to file the same in his office, and immediately upon the election or appointment and qualifying of any officer elected or appointed in said city, he shall certify the same to the clerk of the circuit court of La Crosse county, under his hand and the corporate seal of said city, and in like manner shall certify to the county clerk of La Crosse county the election and qualifying of the supervisor or supervisors that may be elected to represent said city in the county board of supervisors; such certificate shall be filed by the clerk of the court and county clerk respectively, and shall be evidence of the election and qualifying of such officers. He shall perform such other and further duties as are incident to his office, or as may be required of him by the common council, or provided by the statute. He shall receive such compensation for his services as shall be fixed by the common council, or as may be agreed upon. The clerk shall have authority to administer oaths and affirmations. Whenever he shall be absent or from any cause be unable to perform the duties of his office, the common council may appoint a clerk pro tem., who for the time being shall be vested with the powers and duties of the clerk.

SECTION 24. The supervisor shall represent his ward on the county board, and perform the duties required of him by law as a member thereof.

Duties of supervisors defined.

SECTION 25. The city attorney shall conduct the law business of the corporation, but the council may, when necessary, provide assistance or employ such counsel as it may deem expedient. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or

Duties of the city attorney defined.

any of its committees. He shall keep a docket of all the cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each case, which docket shall be the property of the city and shall at all times be open to the inspection of the mayor or any member or committee of the common council. It shall also be the duty of the city attorney, when required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances and other instruments in writing, necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon for services rendered.

How town
business to be
settled.

SECTION 26. The town business of the present town of Onalaska, up to the time of the taking of effect of this act, shall be settled by the town of Onalaska as it now stands, and the amount of funds remaining, and the indebtedness of the town, shall be apportioned between the town of Onalaska and the city of Onalaska, according to the amount of taxable property belonging to each, as taken from the assessment roll of the year of 1886, and the records of the present town of Onalaska shall remain with the clerk of said town, and the city of Onalaska shall be entitled to take copies of said records, and such copies shall have the same effect when certified to by the clerk having the custody of the same as the original records would have; and the dockets of the justices of the peace now residing or holding these offices in said city shall deliver the same to the police justice at the expiration of their offices. The police justice may make transcripts therefrom and issue executions and enforce judgments thereon the same as if such judgment were obtained in his court.

Dissolution of
connection be-
tween city and
town.

SECTION 27. From and after the taking effect of this act, the connection between the town of Onalaska and that part of said town included within the city limits for all town purposes shall be dissolved. All that part of the town of Onalaska not included within the city limits shall constitute the town of Onalaska, and the first town meeting shall be held on the day now fixed by law at such place as the supervisors of said town may direct.

SECTION 28. The city shall own and be entitled to collect, and shall be liable for its portion of the moneys in the town treasury, and any claims or demands the town may have against any person or the county of La Crosse for money due or to become due, or other claims; and shall pay its portion of all indebtedness due, or claims contracted, or due and accruing, before the passage of this act, in proportion to the assessed valuation of the property in the territory comprising the city as appears from the assessment roll for 1886.

City to own and collect moneys due it.

SECTION 29. This act shall be considered a public act, and shall be construed favorably in all courts and places.

Public act.

SECTION 30. This act shall take effect and be in force from and after its passage and publication in the state paper, and all acts or parts of acts conflicting or contravening the provisions of this act are hereby repealed.

Enforcing clause.

CHAPTER VI.

SECTION 1. The common council of the city of Onalaska shall hereafter have full power and authority at any regular meeting thereof, for that purpose, to cause to be surveyed and to fix and establish permanently the grade of all the streets and alleys within the limits of said city.

This chapter having been added by mistake, was repealed by chapter 498, laws of 1887.

SECTION 2. The aldermen of the several wards shall be street commissioners in and for their respective wards, one of their number or some person appointed by them, shall be clerk of the board of commissioners, who shall keep a record of all their acts and doings, and shall record in such record all estimates required by this chapter, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report in detail to the common council of their acts and doings whenever required, and at the expiration of each year, and before their term of office shall expire, shall submit all their acts and doings, books, records, papers, accounts, receipts and vouchers to the common council for final settlement and adjustment.

SECTION 3. Any person deeming himself aggrieved by any act of the board of street com-

missioners may at any time appeal to the common council, who shall inquire into, examine and correct the orders complained of as shall seem just and proper, and the public action of the board in this respect shall be regulated accordingly.

SECTION 4. The said street commissioner shall have power to order and contract for the construction of sidewalks, making, grading, repairing and cleansing of streets, alleys and public grounds, reservoirs, gutters and sewers within their respective wards, and to direct and control the persons employed thereon; provided, however, that said street commissioners shall not be authorized to order or contract for the making, grading, planking or paving of any street or alley where the costs and expense of such work or improvements is or may be chargeable to and payable by the lots fronting on such street or alley, unless requested so to do by petition signed by the owners or their authorized agents of a majority of the number of feet of lots or land fronting on that portion of such street or alley proposed to be improved; provided, further, that the provisions of this section shall not be construed to restrict or in any way abridge the powers of the common council with reference to the opening, grading, graveling, planking or paving streets and alleys.

SECTION 5. When any sidewalk in said city needs repairing, the street commissioners of the ward in which said sidewalk is situated, shall give notice in writing to the owner or occupant of the lot or premises opposite which said sidewalk is situated, to repair the same in the manner and within the time designated by the street commissioners in said notice. Said notice shall not be for a shorter time than three days, and may be served personally upon the owner or occupant, or by posting the same upon said lot; and in case the owner or occupant of said lot shall neglect to repair said sidewalk within the time and in the manner designated in said notice, then said street commissioners shall and may repair said sidewalk forthwith, and report the same and the expense of such repairs to the common council, who shall direct the clerk of said city to charge the expense of the same to said lot or premises, and insert

the amount thereof against said lot or premises in the next ensuing tax list, to be collected as other taxes on real estate are collected by virtue of this act.

SECTION 6. Whenever the street commissioners shall determine to construct any sidewalk within their ward, they shall direct the owner or occupant of any lot adjoining such sidewalk to make the same at his own proper cost and charges. If said walk is not done in the manner and within the time prescribed the commissioners shall cause the same to be done at the expense of the lots adjoining such sidewalk.

SECTION 7. The costs and expenses of surveying streets, alleys, sidewalks, sewers and of estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to and payable out of the fund of the city, constructing sidewalks, opening, grading, graveling, planking or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley, except whenever the cost and expenses of repairing or cleansing any street, alley, sewer or gutter fronting any lot or parcel of land shall exceed ten cents per foot to the center of such street or alley, then the excess of ten cents per foot front, for such repairing or cleansing shall be chargeable to such lot or parcel of land, provided that when the cost of such repairs or cleansing shall exceed ten cents per foot front as aforesaid in front of any lot or parcel of land, then the street commissioners shall proceed in all respects with such repairing or cleansing, and the cost and expense thereof, in excess of ten cents per foot front as aforesaid, shall be charged and collected as is provided by section five of this chapter, relating to repair upon sidewalks.

SECTION 8. Whenever the commissioners shall determine to make any public improvement as authorized by section four, six and seven of this chapter, except for repairing sidewalks and for repairing and cleansing streets, alleys, sewers, or gutters, they shall cause to be made an estimate of the whole expense thereof, and of the proportions to be assessed and charged to each lot, and in case of grading streets, alleys, or sidewalks, of

the number of cubic yards to be filled in, or to be excavated in front of each lot, and such estimate shall be first approved by the common council, and then filed with the city clerk for the inspection of all the parties interested, when and not before, the street commissioners shall give notice by advertisement for two weeks, in one or more papers published in La Crosse, to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice, within a reasonable time therein to be specified, and if the said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

SECTION 9. Whenever the general interest of the city or of any ward thereof requires deep cutting, or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the street commissioners of the ward in which said cutting or filling is required to be done in writing, that the expense of such excavation or filling will exceed the benefit, the same will be to the property assessed therefor, the street commissioners shall require the marshal to summon five freeholders, not residents of the ward, nor owners of, nor interested in said lot or land, who after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine such excavation or filling, and if in their opinion the cost of such work shall exceed the benefit derived therefrom, it shall be their duty to make report thereof, to said commissioners, and they shall state therein what portion of such work shall be chargeable to such lot or parcel of land, and how much or what portion shall be chargeable to the city; and such proportion as shall be reported as properly chargeable to the lots or parcels of land aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid by the city; provided, however, that the petition of no owner feeling himself aggrieved by an act of the street commissioners, shall be received, unless the same shall be presented within fifteen days after the first publica-

tion of the notice requiring the same to be done; and provided, further, that where it shall appear to the street commissioners that lands belonging to non-residents, infants, persons laboring under legal disability, who shall not be represented by any agent or guardian, or not benefited by the making of streets in front of such lots or lands, to the amount of the cost and expense thereof, it shall then be the duty of such street commissioners to cause to be summoned a jury as herein provided, and in case any jury called, as is provided in this section, shall not be able to agree, then the street commissioners shall cause another jury to be summoned as herein provided.

SECTION 10. After the completion and performance of any contract entered into by the street commissioners for work chargeable to lots or lands, by virtue of this act, they shall give to the contractor, or contractors, a certificate under their hand, stating therein the amount of work done by such contractors, the notice thereof, and the description of the lot or parcel of land upon which the same is chargeable, which certificate may be transferred by endorsement thereon, and if the amount shall not be paid before the making out of the annual assessment roll, the same shall be assessed upon the said lots or parcels of land respectively, and collected for the use and benefit of the holders of such certificate as other taxes on real estate are collected by virtue of this act, and if the notice to do the work shall have been given as herein provided, no informality or error in the proceeding shall vitiate such assessment; provided, that in no event, where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof.

SECTION 11. All certificates issued, or that may hereafter be issued by the aldermen of any ward of the city of Onalaska, or a majority of them as street commissioners for the purposes, and under, and in pursuance of any of the provisions of chapter 6 of this act, shall be liens upon the lots or parcels of lands against which the said certificates shall respectively be chargeable from and after the time when said certificate shall bear date, and said certificates shall draw interest at the rate of twenty-five per cent. per

annum, upon the amount named in the same, from the time when such lot or lands shall be sold by the city treasurer, as required by law, for and on account of such certificate liens; which said certificate may be transferred by endorsement thereon of the name of the person or persons, to whom the same may be issued, and such transfer shall in no way affect or impair the lien given by this act, but shall transfer to the assignee, all the rights of the assignor.

SECTION 12. The holder of any street commissioner's certificate may pay or redeem any taxes or assessments assessed subsequent to the date of the certificate lien as provided by this act, and all such taxes, together with the interest thereon, at the rate of twenty-five per cent. per annum, shall be paid by the person seeking to discharge or redeem any lots or parcel of land from the lien given by this act, to the clerk of the city of Onalaska, or to the proper officer of the city authorized to receive the money for the redemption of lands from taxes for the benefit of the holder of said certificate as aforesaid, before said lot or parcel of land shall be discharged or redeemed from said certificate lien aforesaid.

SECTION 13. The holder of any street commissioner's certificate which shall become a lien by virtue of this act, at any time after the expiration of three years from the time when such certificate shall bear date in case the same shall not have been paid, or redeemed, and in case there is no subsequent certificate of tax sale of such land unredeemed and not owned by such holder, and also in case all taxes assessed on such lots or parcels of land subsequent to the date of said lien have been paid to the proper officer, may file his complaint in the circuit court of the county of La Crosse, or in any other court having jurisdiction in said county to enforce the lien given by this act to cause such lot or parcel of land subject to such lien to be held under a decree of the court for the satisfaction of such lien. The owner and all persons having any interest in such lot or parcel of land shall be made parties to the proceedings, and served with process, which process, and the service thereof as well upon resident as non-resident defendant, shall conform to, and all proceedings in the case shall be conducted according

to the law regulating the proceedings in circuit courts, and according to the rules and practice of such courts in the foreclosure of mortgages. The court shall allow the complainant's lien, together with all the taxes which may have been paid by him, or by any person for him, or by any former holder of said certificate lien, with the interest thereon, as hereinafter provided, subsequent to the date of said lien aforesaid. And the street commissioner's certificate, signed by the street commissioners of the proper ward, or a majority of them, shall be *prima facie* evidence of the amount of said lien, as well also as of the validity, and legality thereof, and of all the facts stated in such certificate, and the receipts of the proper officer authorized to receive taxes, shall also be evidence of the amount of taxes paid or redeemed by the complainant, or by any person for him, or by any former holder of said certificate lien. The court upon ascertaining the amount of such lien aforesaid, and also the amount of taxes paid by complainant, or for his benefit, shall enter up a decree against the lot or parcel of land for the amount of such lien and taxes, and the interest thereon, at the rate of twenty-five per cent. per annum, as hereinbefore provided, together with the cost of suit and sale, and also that the lot or parcel of land or so much, or such part thereof, as will be sufficient to satisfy the amount of such decree, be sold to satisfy and discharge the same, which decree of the court shall be carried into effect as near as may be, in the same manner as decree for the foreclosure of mortgages, and the complainant may become the purchaser at the sale; such decree shall forever bar and preclude persons, parties to said suit, from setting up any claim, right or title to the premises mentioned therein, and cut off all right and equity of redemption therein. If the lot or parcel of land should be sold for more than the amount of such decree against it and costs, the excess shall be paid into court by the sheriff, or officer making the sale for the benefit of those entitled to it, and subject to the order of the court. The officer making the sale shall make, execute, acknowledge and deliver to the purchaser, or his or her assigns, a good and sufficient deed of the lot or parcel of land so sold; which

deeds shall be executed and acknowledged as deeds for the conveyance of real estate are required to be executed and acknowledged by the laws of the state, and such deed so executed and acknowledged shall vest the title of the premises named therein in fee simple, indefeasibly in the grantee thereof, his or her heirs and assigns forever. The sheriff or officer making the sale, after the execution and delivery of the deed aforesaid, shall make report of his proceedings to the court, and upon the coming in and filing of such report, the court shall make an order confirming such sale and all the proceedings therein.

SECTION 14. Any minor, insane person, or idiot, married woman, or any non-resident upon whom process has not been personally served, having any interest in any such lot or parcel of land as aforesaid, sold under the provisions of this act, may in his or her own proper name, or by a next friend or guardian within one year from the date of such sale file a petition under oath setting forth such fact of his or her minority, insanity, or idiocy, or coverture, and in the case of a non-resident the fact of having no personal service of process, or notice of suit, and may have a rehearing upon the merits of the case; provided, that in no case shall any decree of foreclosure be opened or set aside until all taxes and the interest thereon actually paid or redeemed on said premises by the purchaser, together with the purchase money, for which said premises may have been sold and the interest thereon at the rate of twenty-five per cent. per annum, have been paid or tendered by the petitioner to said purchaser or his assigns.

SECTION 15. In complaints of foreclosure to enforce the lien under this act it shall not be necessary to a valid decree that the name of the owners be correctly set forth, if the premises are described with reasonable certainty. The complaint shall be supported by the oath of the complainant, or of some person having a knowledge of the facts alleged; it shall set forth the names of the persons interested, if known, and who are proper defendants to the suit; and if unknown, that the complainant on diligent inquiry, could not ascertain their names, and it shall also set forth the certificate upon which the suit is brought and the amount of the lien claimed, with the interest

thereon, and also the amount of taxes which have been paid or redeemed on the premises by the holder of the certificate subsequent to the date of the lien, and that the complainant prays the sale of the premises to satisfy the lien, taxes and interest.

SECTION 16. Sections 11, 12, 13, 14 and 15, of chapter 6, of this act, shall be construed as additional to the remedy already existing for the collection and enforcement of taxes and assessments for city improvements made by order of the street commissioners of the several wards of the city of Onalaska.

SECTION 17. In all cases when work is ordered to be done by the owner of any lot under the provisions of this chapter, except for repairing sidewalks and for repairing and cleansing streets, alleys, sewers or gutters, such owner may make his appeal as hereinbefore provided, at any time within twenty days after publication of the notice required to be given, and until the expiration of such twenty days no order shall be executed.

SECTION 18. The street commissioners shall have power to require any resident of the wards in said city, liable to work on the highway by the laws of this state, to perform one day's labor each year on the street in such ward, and in case any person shall neglect or refuse to perform such labor at such time and place as such commissioners shall direct, to assess, sue for and collect of every such person one dollar in lieu thereof, which shall be expended in improving or repairing the streets of their respective wards by such commissioners and such street commissioners shall, at the close of the fiscal year, pay over all moneys remaining unexpended in their hands which have been so collected, to the treasurer of said city, to be used and disposed of as the common council shall direct. And the common council shall at all times have and exercise a directory power over such street commissioners in all things that relate to altering or grading of streets, or the laying of sidewalks, as well as to direct the time and manner in which such work shall be done.

SECTION 19. The street commissioners shall be overseers of the highways in their respective wards, and shall have and possess the same powers and perform the same duties (except as other-

wise herein provided) and receive the same compensation as overseers of the highways in towns.

SECTION 20. Whenever the commissioners of either ward, or any member thereof, shall be notified in writing of any defect in any bridge, alley or sidewalk, or sewer represented to be dangerous to animals or persons passing over the same, it shall be their duty without delay to examine the defect complained of, and if they find the same to be in a dangerous condition, and that it would be unsafe to await the action of the party whose duty it may be to repair the same, then they shall immediately cause such defect to be repaired, at the expense of the party, or owner of the property, whose duty it may be to keep the same in repair, and a failure to do so shall render them, or the member or members so notified, except for good cause to be shown, liable for all damages which may be sustained by reason of such defect subsequent to the time of such notice.

SECTION 21. As early as convenient during the months of August and September of each year the mayor and senior alderman of each ward shall meet and make an estimate of the work chargeable to the general city fund to be done during the year ensuing, and of all expenditures to be paid out of said fund, and lay the same before the common council for their approval on or before the regular meeting of said council in October then next ensuing.

SECTION 22. The board of equalization of the city of Onalaska shall consist of the mayor, the senior alderman from each ward, the assessor and the city clerk.

SECTION 23. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

SECTION 24. This act shall take effect and be in force from and after its passage.

Approved March 16, 1887.