

[No. 522, A.]

[Published April 4, 1889.]

CHAPTER 245.

AN ACT to amend chapter 124, of the laws of 1887, entitled "An act to revise, consolidate and amend the act to incorporate the city of Sheboygan and the acts amendatory thereof."

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

Amend chapter 124, laws of 1887.
Annual report of comptroller.

SECTION 1. Section 5, of title 3, of chapter 124, of the laws of 1887, is hereby amended to read as follows: Section 5. It shall be the duty of the city comptroller to make out and report to the common council at its first regular meeting in the month of September in each year, a statement in detail of all the expenses of the city and the condition of its funds and revenues for the preceding year, and an estimate of the city expenses, the amounts required for the several city and ward funds and the revenue necessary for the current year. He shall make out a list of all the outstanding bonds and coupons, the date of issue and maturity thereof, where and to whom payable, the rate of interest and the purposes for which they were issued, and recommend to the common council such action as will best secure the punctual payment of the principal and interest of such bonds. He shall make out, or cause to be made out, estimates of the expenses of any work to be done by the city, and shall examine all estimates of work to be done by the board of public works, and countersign all contracts entered into by the city, or any ward thereof, and countersign all orders, contracts and certificates of work entered into by the board of public works, and unless they be so countersigned they shall have no validity, and no money shall be drawn from the city treasury for work done on any contract before it was so countersigned by him. He shall countersign all orders drawn upon the city treasury and keep a correct record thereof. He shall in no case countersign contracts for the expenditure of money by the city until the means of paying for the same shall have been provided

by the common council, and for a violation of his duty in this respect he and his bail shall be liable for all damages resulting to the city or any individual. Duplicate receipts shall be given by the treasurer for all moneys received into the treasury, one of which shall be deposited with the comptroller and the other countersigned by him. He shall keep a full account of all the separate funds of the city and the wards thereof, and the several amounts received to the credit of the same respectively, and the amounts severally paid from the same. He shall countersign no draft or order on the treasury unless the same shall specify the particular fund out of which it shall be paid, and the fund so specified shall be sufficient to pay such draft or order. He shall make copies of the assessments of the property of the city when required, and make and complete all tax rolls. He shall audit all claims and demands against the city before the same are acted upon by the common council, and keep a full account thereof. He shall keep a full account of all receipts into the treasury and the disbursements therefrom, and of all contracts countersigned by him and claims for damages against the city. He shall report to the common council, at its first meeting in each month, the amount of all contracts which have been entered into, chargeable to the general fund of said city; the bills, claims and demands that have been audited, and against what fund, and the balance in each fund. He shall keep a record of his acts and doings, which shall be open to the inspection of all parties interested. He shall have power to administer oaths and affirmations in the matter of verification of accounts against the city, but he shall receive no fees or compensation therefor. He shall not be interested, either directly or indirectly, in any contract or job to which the city or any ward thereof shall be a party. He shall perform such other duties as the common council, by ordinance or resolution, may direct.

Keep account
of funds of city
and wards, etc.

May administer
oaths.

SECTION 2. Section 10, of title 3, of chapter 124, of the laws of 1887, is hereby amended to read as follows: Section 10. The chief of police shall attend all meetings of the council and shall perform such other duties as shall be prescribed by the council for the preservation of the public peace

Amend chapter
124, laws of
1887.

Duties of chief
of police.

and the collection of licenses and fines, and he shall receive such compensation as the council may prescribe. He shall, within the corporate limits of the city, possess all the powers of constables of towns and be subject to the same liabilities. He shall not perform official acts outside of the city of Sheboygan, except in cases where the city is a party or the crime or offense was committed in the city. He shall execute and return all writs and processes to him directed within the city. He shall suppress all riots, disturbances and breaches of the peace and abate all nuisances in said city. He shall apprehend all persons in the act of committing any offense against any ordinance of said city or law of this state and within a reasonable time bring such persons before the municipal judge or other competent authority for examination or trial. He shall, under the supervision of the mayor, have the control and supervision of all policemen of said city, and he shall, from time to time, make a report to the common council as to the efficiency of the police force of said city and the number of arrests made by the police department and the occasion therefor, and he shall make such other reports and perform such other duties as the common council may require.

Amend chapter
124, laws of
1887.

Terms of office.

SECTION 3. Section 15, of title 3, of chapter 124, of the laws of 1887, is hereby amended to read as follows: Section 15. All officers elected or appointed under this act, except as in this act otherwise provided, shall hold their office for the term of two years and until their successors are duly elected, appointed and qualified, and all elections or appointments to fill vacancies shall be for the expiration of the term of office in which the vacancy to be filled, occurs. The salaries of all officers under this act shall be fixed on the first Monday of September next preceding the commencement of the term of office, and the same shall not be increased nor diminished during the term of office for which the same was fixed.

Salaries.

Amend chapter
124, laws of
1887.

Appoint official
newspapers.

SECTION 4. Section 16, of title 3, of chapter 124, of the laws of 1887, is hereby amended to read as follows: Section 16. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate two newspapers printed in said city, one in English and the other in German, which shall be the official newspa-

pers, and in which shall be published all ordinances, notices and other proceedings required by this act, or by resolution or ordinance of the common council, to be published in a newspaper. The city printer or printers immediately after the publication of any ordinance, resolution or notice, which by this act is required to be published, shall file with the city clerk a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution. The common council shall at the time and in the manner herein provided for fixing salaries, fix the compensation of the official papers, for all publications required to be made by them; provided, that if any newspaper so designated shall refuse to accept the compensation fixed by the council, the council may designate any other paper printed and published in said city as the official paper.

Affidavit of publication.

SECTION 5. Section 2, of title 6, of chapter 124, of the laws of 1887, is hereby amended to read as follows: Section 2. Such bond having been executed and delivered as above provided, the common council shall thereupon cause written or printed notice of such application to be personally served upon the owner or owners of any such lands. If any there be residing in said city or county of Sheboygan, and in case any such lands shall be owned by non-residents having known agents in said city who have the charge of such lands, such notice shall be served upon such agents. The notice shall be served in the same manner that a circuit court summons is required to be served, and the return of the officer serving the same shall be conclusive proof of such service, and the common council shall also require a notice thereof to be published in the official papers of said city, once in each week for four successive weeks. Such notice shall state that on the day and hour therein named, which shall not be less than five weeks from the first day of publication, nor less than twenty days from the date of the service of the notice, application will be made to the county judge of Sheboygan county, at his office in said city, for the appointment of twelve jurors to view said premises, and to determine whether it

Amend chapter 124, laws of 1887.

Notice served on owners of land.

Notice to be published.

Description of
land.

will be necessary to take said lands for the purposes specified in the petition. The notice shall also contain a description of the lands to be taken and a statement of the object for which they are to be taken. At the time and place specified in said notice, any person interested in the lands proposed to be taken, may appear before said judge and state the grounds of his objections to such application. Upon the presentation of such application, and the proof of the publication and the service of the notices herein required, the said judge shall appoint twelve reputable freeholders, residents of said city, and who are not interested in the result of such application. And the said judge shall thereupon issue his precept, directed to said jurors, requiring them within thirty days, to view said premises, which shall be described in said precept, and to make return thereon under their names to the common council, whether in their judgment it is necessary to take said lands for the purposes specified in said application. If any of the jurors so appointed shall be disqualified to act, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed by him on the precept.

Amend chapter
124, laws of
1887.

Attorney's fees,
how taxed.

SECTION 6. Section 9, of title 15, of chapter 124, of the laws of 1887, is hereby amended to read as follows: Section 9. In all cases where the amount recovered by the plaintiff shall exceed the sum of two hundred dollars, and the plaintiff appears by an attorney of record, the sum of fifteen dollars shall be taxed as attorney's fees, and a like attorney fee shall be taxed in favor of the defendant where he appears by an attorney of record, and the plaintiff claims over two hundred dollars and judgment shall be rendered against the plaintiff, and except as above provided, the same attorney's fees shall be taxed in favor of the prevailing party as is provided by law in justices' courts.

Amend chapter
124, laws of
1887.

In case of va-
cancy in the
office of munic-
ipal judge.

SECTION 7. Title 15, of chapter 124, of the laws of 1887, is hereby amended by adding thereto a new section, as follows: Section 10. In case of the absence, sickness or temporary disability of the municipal judge of said city, he may, by order in writing, to be filed in the municipal court of said city, appoint any of the officers mentioned

in section 4775, of the revised statutes of this state, residing in said city, to discharge the duties of said judge during such absence, sickness or disability, and in case of a vacancy in the office of municipal judge, the mayor may, by order in writing to be filed, one copy in the office of the city clerk of said city and one copy in said municipal court, appoint any of the officers mentioned in said section 4775, residing in said city, to discharge the duties of said judge, until the vacancy can be filled by an election as provided in title 2, of this act. Any of the officers so appointed by the said judge or by the mayor, shall have all the powers herein conferred upon the said judge, and be entitled to the same compensation for his services while administering said office.

SECTION 8. Section 3, of title 18, of chapter 124, of the laws of 1887, is hereby amended to read as follows: Section 3. The board of review for the city of Sheboygan shall consist of the mayor, city assessor and city clerk. The board of review shall meet annually on the first Monday in August at the city clerk's office. A majority of said board shall constitute a quorum. Notice of the time and place of such meeting shall be given by the assessor of [by] publication in the official papers of the city at least one week prior thereto. Except as to such time of meeting, the said board of review shall proceed thereupon in relation to such assessment rolls and assessments, and shall have and possess all the powers of a board of review as is now prescribed, or as shall hereafter be prescribed by general law. The members of the board of review shall receive no extra compensation for their services on said board of review.

Amend chapter
124, laws of
1887.
Board of re-
view.

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

Approved April 1, 1889.