

and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum not less than one hundred dollars nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1889.

[No. 104, A.]

[Published February 28, 1889.]

CHAPTER 28.

AN ACT to incorporate the city of Mondovi.

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 Buffalo, hereinafter described, shall be a city by the name of the city of Mondovi, and the people now inhabiting, and those who hereafter inhabit said district, shall be a municipal corporation by the name of the city of Mondovi, 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, of 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.

An act to incorporate the city of Mondovi

Corporate name.

SECTION 2. The south three-fourths of sections eleven and twelve, and the north three-fourths of

Corporate limits.

sections thirteen and fourteen, all of township number twenty-four north, range number eleven west, being now a part of the town of Mondovi, Buffalo county, shall be included in and constitute the limits of the city of Mondovi.

Ward boundaries.

SECTION 3. The said city shall be divided into two wards, and the numbers and boundaries shall be as follows: The first ward shall embrace all of said territory in sections eleven and twelve; and the second ward shall embrace all of said territory in sections thirteen and fourteen, as hereinbefore described.

ELECTIONS.

Elections.

SECTION 4. The annual election for ward and city officers shall be held on the first Tuesday in April in 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 till sundown; and ten days' previous notice shall be given by the common council of the time and place of holding such elections and of the city and ward officers to be elected. Provided, that notice of the first election under the provisions of this act may be given by the town clerk of the town of Mondovi by one insertion thereof in the Buffalo County Herald, a newspaper published in the village of Mondovi, and the town board of said town shall appoint suitable persons to act as inspectors and clerks of said election, and designate the place of holding the election in the several wards. The elective officers of said city shall be a mayor, a treasurer, a municipal judge, an assessor, two justices of the peace and two constables for the city at large, two aldermen and one supervisor for each ward. The mayor, treasurer and municipal judge shall be qualified voters and freeholders in the said city, and the ward officers shall be qualified voters and freeholders in the ward for which they were elected. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers, except justices of the peace, shall unless otherwise provided, hold their respective offices for one year, except as otherwise provided, and until their successors are elected and qualified;

provided, however, the common council shall have power, for due cause, to expel any of its own number and to remove from office any of its own number and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. 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.

SECTION 5. Whenever a vacancy shall occur in the office of mayor, treasurer or alderman, 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 elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vacancies,
when filled by
new election.

SECTION 6. All elections by the people shall be by ballot, and a plurality of the votes cast shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such times and in such manner as it shall direct.

Election to be
by ballot.

SECTION 7. All persons entitled to vote for county or state officers shall be entitled to vote for any officer entitled to be elected under this law, and hold any office hereby created.

Persons entit-
led to vote.

SECTION 8. The election in said city shall be held and conducted by three inspectors and two clerks in each ward, who shall be appointed by the common council of said city at least three days before the holding of said election. The inspectors and clerks so appointed shall take the usual oaths or affirmations as prescribed by the general laws of this state to be taken by judges and inspectors of election, and shall have power to administer the necessary oaths. Such elections

Inspectors and
clerks.

shall be held and conducted in the same manner and under the same penalties as prescribed by the general laws of this state regarding elections.

In case of challenge.

SECTION 9. If either of the inspectors shall suggest that any person offering a vote does not possess the necessary qualifications of an elector, or if such vote shall 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, and that you are a citizen of the United States (or have declared your intention of becoming a citizen conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year 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 the vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any 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 two hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all the 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 count and tallies of votes, each and every inspector or clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars.

Election returns.

SECTION 10. When an election shall be closed, and the number of votes for each 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 common council 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.

SECTION 11. Special elections to fill vacancies, or for any purpose, shall be held and conducted by the aldermen of such ward, and 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. Elections to fill vacancies.

SECTION 12. Any officer removing from the city, or any ward officer removing from the ward for which he is 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 vacancy as herein provided. Vacancy.

SECTION 13. There shall be elected at the first election under this act two aldermen from each ward as follows: One for one year, one for two years, who shall hold their offices until their successors are elected and qualified, and hereafter one alderman shall be elected from each ward, whose term of office shall be for two years and until his successor is elected and qualified. The supervisors elected under this act shall hold their offices for one year and until their successors be elected and qualified and shall be entitled to seats as members of the county board of supervisors of Buffalo county. Aldermen.

SECTION 14. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, together with their official bond, with the clerk of the city; and the treasurer, clerk, marshal, constables and such Oath of office.

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 Mondovi a bond, with at least two sureties, who shall swear that they are worth in the aggregate the penalty specified in said bond over and above all debts, exemptions and liabilities, and said bond shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of
mayor.

SECTION 15. The mayor shall, when present, preside over the meetings of the common council and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council by notifying the common council of his objections thereto at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days such notification shall be made by filing with the clerk a copy of his objections; and in case the council shall not, within one week after the receipt of such filing with the clerk, re-enact such ordinance or pass such resolution by the votes of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage and publication of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

President of
the council.

SECTION 16. At the first meeting of the common council in each year it shall proceed to elect, by ballot, one of its number president; and in the

absence of the mayor the president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and the president shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, any act performed by them or any of them, shall have the same force and validity as if performed by the mayor, except the signing of city bonds and orders; and the said common council shall also, at its first meeting in each year, elect a marshal for the city, also a chief engineer and a first assistant engineer of the fire department, and a city clerk, who shall hold their respective offices for the term of one year, and until their successors are elected and qualified.

SECTION 17. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed and the renewals thereof shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

Duties of clerk.

Powers of justice of the peace.

SECTION 18. The justices of the peace elected under this act shall have the same jurisdiction and perform all the 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 shall be approved by a majority of the common council; and in addition thereto they shall have jurisdiction in all cases arising under this act and the ordinances, resolutions and by-laws passed by said city council, unless therein 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.

Duties of city treasurer.

SECTION 19. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which may belong to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the persons from whom the amount of the several sums was received, which books shall at all reasonable times be open to the inspection of any person. He shall, every three months, if the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services receive the same compensation, except as herein otherwise provided, and he shall have the same powers and be subject to the same liabilities, and be governed by the same laws as treasurers of towns; provided, that he shall receive no other fees except the compensation hereinafter provided.

SECTION 20. The marshal shall attend all the meetings of the common 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 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 and alleys of said city, and to abate all nuisances in said city, to apprehend 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 to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

Duties of marshal.

SECTION 21. The common council shall have 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 to fix the compensation of all officers appointed by them.

Council may require other duties.

SECTION 22. The common council, at its first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder.

Official newspaper.

SECTION 23. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law, which by this act is required to be published, shall file with the

Proof of publication.

clerk of the city a copy of such publication with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Penalty for failure to deliver to successor.

SECTION 24. If any person, having been an officer in said city, shall not within ten days after notification and request, deliver to his successor in office all property, books, papers and effects, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

No alderman shall be interested in any job of the city.

SECTION 25. No alderman shall be a party to or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same. The mayor or acting mayor, sheriff of Buffalo county, and each and every alderman, police justice, justice of the peace, marshal, under sheriff, and deputy sheriff of Buffalo county, constable, police and watchmen, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all by-standers, and, if need be, of all citizens; and if any person, by-stander or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

City surveyor.

SECTION 26. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place within said city,

and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same together with books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor, or the common council.

SECTION 27. The common council may elect a City attorney. city attorney and prescribe his duties and regulate his salary, and it may also elect a road commissioner, who shall be under the control of the common council, and who may be discharged at any time by said council.

CHAPTER II.

COMMON COUNCIL — POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of Mondovi do ordain, etc." The common council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum. Common council, how constituted.

SECTION 2. The common council shall hold its first annual meeting in each year on the third Tuesday of April, and thereafter stated meetings at such times as it shall appoint, and the mayor may call special meetings by a 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 power to compel the attendance of absent members. First annual meeting.

SECTION 3. The common council shall have the management and control of the finances, except school moneys; and of all other property of the city, and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, Control of finances.

alter, modify, amend and repeal all such ordinances, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime and for the benefit of trade, commerce and health thereof, and so enforce as it shall deem expedient, declaring and imposing penalties and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes they shall have authority by ordinance, resolution or by-laws:

License show-
men, etc

1. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, pool tables and other devices or games, and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law; and may grant licences for and regulate groceries, taverns, victualing houses and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit or suppress the same; provided, that the amount to be charged for license for the sale of spirituous, vinous or fermented liquors for the year ensuing after the first Monday in May next, shall remain and be the amount voted by the electors of said town of Mondovi, at the election held for that purpose, as authorized by chapter 296, of the laws of 1885, on the third Tuesday of September last; the amount to be charged thereafter to be determined by the electors of the city of Mondovi as provided by said chapter 296, of the laws of 1885.

Prohibit gam-
bling.

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

3. To prevent riots, noise, disturbances or disorderly assemblages, to suppress and restrain disorderly houses and groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Mondovi, by reason of him or her being implicated in any such offense, but the testimony of any such witness shall in no case be used against such witness. Prevent riots.

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

5. To direct the location and management of slaughter houses and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other explosives or combustible materials. Slaughter houses.

6. To prevent the incumbering of streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine wood, or any other material or substances whatever. Encumbering streets.

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

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

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

10. To prevent any person from bringing, depositing or having within said city, any putrid carcass, or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, Putrid carcasses.

skins or substances of any kind; and in default to authorize the removal thereof by some competent officer at the expense of such person or persons.

Public pounds. 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; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Board of health. 12. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Bread. 13. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Riding and driving on sidewalks. 14. To prevent all persons riding and driving an ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Shooting of fire-arms. 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. 16. To restrain drunkenness, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners and solicitors. 17. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city.

Public markets. 18. To establish public markets and make rules and regulations 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 observance of such rules and regulations.

Butcher stalls. 19. To license and regulate butchers' stalls

shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

20. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and appoint fish inspectors as herein provided, and to appoint a lumber and shingle inspector.

Weighing and selling hay.

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 occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Snow, dirt and rubbish.

22. To appropriate and levy a tax not to exceed two thousand dollars in any one year, for the purpose of purchasing and maintaining grounds suitable for holding an agricultural fair, and to regulate and control said grounds and buildings if so purchased.

Tax for agricultural fair.

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

Public auctions.

24. To appoint watchmen and prescribe their duties.

Watchman and his duties.

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

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 the 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 from incumbrances, and to protect them from injury.

Highways, streets, lanes, etc.

29. To alter or change the name of any street in the city.

Names of streets.

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

Ordinances.

which may be vested in any officer of said city by any ordinance thereof.

Fire policemen.

31. To appoint regular fire policemen, not exceeding ten persons, and to appoint any number of temporary fire policemen.

Payment of fire companies.

32. To provide for the payment of members of the fire companies, and to exempt them from serving as jurors.

Laws, ordinances, regulations, etc.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall within fifteen days after their passage respectively, be published in the official paper or papers of said city, once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof respectively within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication, and such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk under the seal of the city, or any printed book containing the same, purporting to have been published under sanction of the mayor and council, shall be prima facie evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor.

Abatement of nuisances.

SECTION 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses, or buildings of any kind, wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses where spirituous, vinous or fermented liquors are sold without the license required thereof, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

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

Audit accounts
of officers.

SECTION 7. The corporate authority of said city shall be vested in one principal officer styled a 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 may be created under this act.

Corporate
authority.

SECTION 8. All funds in the treasury 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. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of the city, which shall be collected in money or in orders drawn upon such fund respectively, and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn.

City funds.

SECTION 9. The common council of said city shall annually levy upon the taxable property of

City tax.

said city, to defray the current expenses of said city, a tax sufficient to defray expenses, not exceeding twenty hundred dollars in any one year, unless at the annual or special meeting the qualified voters of said city shall direct a greater amount to be raised.

May issue bonds when authorized by law.

SECTION 10. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at any day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasurer to an amount greater than the amount of taxes which may be levied under the provisions of this act; provided, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year, and the said taxes when so levied shall be collected at the same time as other city taxes are collected; provided, a majority of the qualified voters at any annual or special meeting shall so direct.

Special taxes.

SECTION 11. Special taxes may also be levied by the city council at any regular meeting for the purpose of paying the interest or principal on any outstanding bonds, now due or hereafter to become due, issued by the city of Mondovi, or which may hereafter be issued by said city, by authority of law; provided, however, no greater tax shall in one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes when so levied shall be collected at the same time other city taxes are collected.

Accounts must be verified.

SECTION 12. No account shall be allowed by the common council unless the same is verified by the owner thereof or some person in his behalf.

When claims are disallowed the aggrieved person may appeal to the circuit court.

SECTION 13. When the claims of any persons against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court of the county of Buffalo, by causing a written notice of such appeal to be served on

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

SECTION 14. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said council he may be required to do, and shall make out a brief return of the proceedings in the case before said council with its decision thereon, and shall file the same, together with the bond, and all papers in his possession, with the clerk of the circuit court for the county of Buffalo, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

Duties of city clerk when appeal is taken.

SECTION 15. No action shall hereafter be maintained by any person or against the city of Mondovi upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

Claims against the city.

SECTION 16. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall contract and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that the common council shall refuse or neglect to act upon any claim duly presented to it, this chapter shall not be construed as to prevent the institution and maintenance of an action by said claimant against the city.

Action of the council to be final unless appeal is taken.

SECTION 17. The common council shall have

Common council may lay out public squares, etc.

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 city shall, by petition, represent to the common council that it is necessary to take certain lands within the city where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of the same, the course and distance, 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 application to be given to the occupant or occupants of such land, 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, to be published in the official paper four weeks successively, at least once in each week.

Jurors to view premises.

SECTION 18. Such notice shall state upon a day therein to be named, not less than ten days from the service of such notice of the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Buffalo, for appointment of three jurors to view said premises, and to determine whether it will be necessary to take the same for the purposes specified in said petition.

Judge to issue precept.

SECTION 19. Upon the presentation of such application, and upon proof of the publication of service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint three reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner 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, whether in their judgment it is necessary to take such premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their

duties, shall take and subscribe an oath faithfully and impartially to 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.

SECTION 20. The city marshal shall serve his precept immediately on the jurors therein named, by every one that can be found; and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Marshal to
serve precept.

SECTION 21. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or refuse to act, the judge or the court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

In case jurors
are disqualified

SECTION 22. The said judge or court commissioner, or any justice of the peace shall thereupon administer an oath to said jurors that they are freeholders of said city, 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 take
oath.

SECTION 23. 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 jury shall make a report 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 precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and direct the same jurors, within twenty days thereafter, or such future time as shall be necessary, to again

Jurors to hear
testimony and
view premises.

view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owners of said property proposed to be taken, and to assess and return within the time limited, such damages to the common council. And after the jurors shall have made their report as to the taking of any lands 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 or refuse 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 not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Value of building to be determined.

SECTION 24. If there should be any building in whole or in part upon the land to be taken, the jurors, before proceeding to make their assessment, 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.

Notice to be given to owner.

SECTION 25. 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, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks. Such notice shall specify the building and 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 to allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for his purpose as the common council may allow.

Building may be sold.

SECTION 26. 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 auc-

tion for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

SECTION 27. 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. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively in consequence thereof, which shall be awarded to such owners respectively as damages. In the estimates of the damages to the lands the jurors shall include the value of the buildings (if the property of the owner of such lands), as estimated by them 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 charter.

Relating to damages to land.

SECTION 28. 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 interest respectively, shall be awarded to them by the jurors.

In case building belongs to several persons.

SECTION 29. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept to the common council within the time limited in such precept.

Award.

SECTION 30. 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 Buffalo county by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to the city, with sufficient surety, to be approved by the clerk of said city or county judge or court commissioner, conditioned for the diligent prosecution of such appeal, and the payment of all costs that shall be adjudged against

Appeal to the circuit court.

the appellant, 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 clerk a notice thereof within ten days as aforesaid.

Damages must be paid before land is taken.

SECTION 31. The lands required to be taken for the purpose mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the said owner or his 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.

Damages deposited as herein required.

SECTION 32. 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 any such case shall be void.

When damages have been paid.

SECTION 33. The city may pay, 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 its proceedings to take and appropriate such lands for the purposes required.

Relating to contract between landlord and tenant.

SECTION 34. When the whole of 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, respectively cease and be absolutely discharged.

In case of part of lot under contract.

SECTION 35. When only a part of a lot or a tract of land or 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.

SECTION 36. When any known owner of lands or tenements is affected by any proceedings under this act shall be an infant, or labor under legal disabilities, the judge of the circuit (court) of Buffalo county, or in his absence the judge of any court of record 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.

In case of infant and incompetent persons.

SECTION 37. Whenever any public grounds, street or alley 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.

Laying out streets, etc.

CHAPTER III.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to 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; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as may be altered by this act; provided, however, that the common council may prescribe the forms of the assessment rolls, and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls, as it may from time to time deem advisable.

Property subject to taxation.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and

Review of assessment.

shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alteration or reduction as justice or equity shall require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Board of
equalization.

SECTION 3. Within one week from the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same; provided, however, the board of equalization shall not have power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessor.

In case tract is
omitted.

SECTION 4. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying or conveying of the same, but not affecting the equity or justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relieved in such manner as it shall by ordinance direct; provided, that if the defect was in the

assessment, the same shall be again assessed, at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract and shall be collected as other taxes and assessments are collected under this act.

SECTION 5. The supervisors of each ward, the assessor and the city clerk shall constitute the city board of equalization, and shall meet on the second Monday of July in each and every year, at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are required by law to proceed, as far as the same are applicable, reviewing, correcting and equalizing the assessment rolls of the city. They shall elect their own chairman, and the city clerk shall be clerk of said board, and shall not vote except in case of a tie.

Board of equalization, how constituted.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk; thereupon the common council shall, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the amount as so voted by the qualified electors of said city at a previous meeting.

Assessment shall be filed with clerk.

SECTION 7. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Changes shall be recorded.

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed from the time of the confirmation of such assessment roll, and upon all personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal estate shall affect said lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Taxes to remain a lien on property.

SECTION 9. From the assessment roll, when so corrected, the city clerk shall proceed to make out the tax roll for the city under the general laws of this state, except that he shall add four per centum to the tax on each valuation as a collection fee.

Tax roll.

Tax roll to be prima facie evidence.

SECTION 10. The said assessment roll and the tax roll and the warrant thereunto attached shall be prima facie evidence in all courts that the lands and persons therein named were subject to taxation.

General laws relative to collection of taxes.

SECTION 11. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

Treasurer to give notice.

SECTION 12. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that tax roll (describing for what purposes such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office as prescribed by the general laws of this state for the collection of taxes.

Treasurer's fees.

SECTION 13. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him prior to the tenth day of January in each year, and four per cent. upon all taxes collected by or paid to him on and after January tenth of each year, and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore described, and shall keep in a book, to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council may provide.

SECTION 14. The city treasurer shall make returns to the county treasurer, according to the

general laws of this state, and the mayor and city clerk shall have the same power to extend the payment of taxes as are given to town boards under the general laws of this state.

Treasurer to make returns according to general law.

SECTION 15. The general laws of this state for the assessment and collection of taxes, and for proceedings to set aside any assessment or levy of any tax, shall be applicable to the city of Mondovi, except as otherwise herein provided.

General laws to apply.

FIRE DEPARTMENT.

SECTION 16. 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 have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Fire limits.

SECTION 17. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as it 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 firearms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons,

Construction of buildings, etc.

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.

Fire engines
and apparatus.

SECTION 18. The common council shall have full power to purchase fire engines and other apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and provide for the due and proper support and regulation of the same, and to order such companies 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 engineers, who shall be appointed by the common council, and form their own laws, not inconsistent with the laws of this state, or with the ordinances and regulations of said city, and shall be formed only by voluntary enlistments.

Fire wardens.

SECTION 19. The mayor shall appoint two fire wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store or enclosure for the purpose of inspecting the same.

Penalty for
refusal to obey
orders.

SECTION 20. When any person shall refuse to obey any lawful order of any engineer, fire-warden or alderman, the mayor or city marshal, or other officer, or special police at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman, or any citizen to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officer, 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 shall be liable to a penalty as the common council shall prescribe, not exceeding twenty dollars.

SECTION 21. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as it may select, and shall consist of not more than thirty members. Such company shall constitute and be enumerated as 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 for the city of Mondovi, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer in said city, and shall be entitled to all the rights and immunities of members of the fire department. 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 laws as it deem necessary, not inconsistent with the laws of this state, or the ordinances of said city. They shall, in case of a 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.

Sack company.

SECTION 22. 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 shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting engineer, and countersigned by the clerk of said department.

Treasurer.

SECTION 23. There shall be elected by the members of each company aforesaid annually, at their annual meeting, a clerk or secretary and a treasurer, who shall, on or before the first Monday in 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.

Affairs of each company.

Record of
membership.

SECTION 24. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided, and no person shall be exempt from jury duty, unless the same is entered on such list. In case any person shall for any cause, cease to be a member of either of said companies, the clerk shall note the fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Buffalo, 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 meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year; provided, the common council shall, by ordinance exempt members of said companies from serving as jurors.

CHAPTER IV.

MUNICIPAL COURT — POWER AND JURISDICTION.

Municipal
judge.

SECTION 1. The judge of said court shall be known as the municipal judge.

Jurisdiction of
municipal
judge.

SECTION 2. The said municipal court shall have jurisdiction concurrently with the circuit court to hear, try and determine all misdemeanors, and all other offenses which are punishable only by fine or imprisonment in the county jail, or both such fine and imprisonment.

In case of trial
and conviction.

SECTION 3. When any person or persons shall be tried and convicted in said municipal court of any such offenses, the punishment of such offense shall be such as is now prescribed by law, and the judge of said court is hereby empowered to sentence such offenders, when so convicted, to such punishment, either by fine or imprisonment in the county jail, or both such fine and imprisonment, at his discretion.

Exclusive juris-
diction.

SECTION 4. The municipal judge shall have exclusive jurisdiction of all misdemeanors and other offenses arising within said city, as provided in section 2, of this act, and exclusive jurisdiction to conduct all examinations of offenders against the

laws of this state, or persons accused of committing any criminal offense, when such offense shall be committed within the limits of said city, and of all actions arising by reason of the violation of any of the provisions of the charter of the city of Mondovi, or any of the ordinances or by-laws passed in pursuance thereof.

SECTION 5. The municipal judge shall have and possess all the authority, powers and rights and jurisdiction of a justice of the peace in civil proceedings; provided, that in all cases of which a justice of the peace has jurisdiction, to an amount, sum or value not exceeding two hundred dollars, as provided by section 3572, of the revised statutes, of the year 1878, the said municipal judge shall have jurisdiction to an amount, sum or value, not exceeding five hundred dollars, and in all cases prescribed by said section 3572, the said municipal judge shall have jurisdiction to the sum, amount, value and extent of five hundred dollars; and provided, further, that in actions founded on this account when the amount of the plaintiff's account, proven to the satisfaction of said judge, shall not exceed one thousand dollars, and when the same shall be reduced to an amount, not exceeding five hundred dollars, by credits given, or by the set off or demand of the opposite party, and all summons, warrants, writs, process, and all papers issued by said municipal judge, or in anywise relating to said municipal court, shall be modified and varied by said municipal judge accordingly, and so as to conform to the provisions of this act.

Municipal judge to have powers of justice of the peace.

SECTION 6. The provisions of the charter of the city of Mondovi, and all other laws of the state relating to the municipal court, shall be so construed as to apply to the said municipal court, so far as the same are not inconsistent with this act, and the jurisdiction and powers of the municipal court in both civil and criminal proceedings shall be the same as now provided by the municipal court, except as enlarged and modified by this act. The judge of said court shall be allowed the same fees for his services as are now allowed by law to justices of the peace, and in addition to such fees he shall be allowed the further sum of one dollar for each civil action commenced in said court, which is hereby imposed as a tax for

Laws relative to municipal court.

entering such action upon the docket of said judge, which last sum shall be taxed and recovered as a part of the costs in such action, in the same manner as the fees now allowed are taxed and recovered.

Attorneys' fees
how taxed.

SECTION 7. In all civil cases brought in said municipal court, attorney's fees shall be allowed and taxed against the losing party, when an attorney of a court of record has appeared therein for the party obtaining judgment, either for damages or costs, or both, and in all cases when the amount of judgment shall be fifty dollars or less, the attorney's fees taxed in favor of the prevailing party, shall be five dollars; and when the amount of the judgment shall exceed the sum of fifty dollars and less than two hundred dollars, the attorney's fees taxed in favor of the prevailing party shall be ten dollars; and on all judgments for two hundred dollars or over, a sum equal to five per cent. of the judgment; provided, that in no case shall the attorney fee exceed the sum of twenty dollars; and provided, further, that there shall be no attorney's fee taxed upon a confession of judgment.

Court documents to be
evidence.

SECTION 8. The municipal judge may provide a seal for said court, and all papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of the court of record.

Summons,
executions, etc

SECTION 9. All summons, executions and other suits and process, both civil and criminal, may hereafter be attested in the name of the municipal judge, and the form of all such suits and process may be the same as heretofore used in said municipal court; provided, that the judge of said court may alter and amend all such process and make them applicable to the municipal court.

Judge may
instruct jury.

SECTION 10. In all criminal trials in said municipal court, and in all cases in which the city of Mondovi shall be a party, the judge thereof may instruct the jury (when a jury trial is had) upon matters of law in relation to the case.

Stationery.

SECTION 11. The city shall provide the municipal judge with necessary blanks and books for doing the criminal business of his court.

SECTION 12. In case of the absence, sickness or temporary disability of said municipal judge, he may, by order in writing to be filed in said court, appoint a justice of the peace of said city to discharge the duties of such judge during such absence, sickness or disability, and in case of vacancy in the office of municipal judge, the mayor may by an order in writing, to be filed in the office of the city clerk of said city, appoint a justice of the peace of said city to discharge the duties of municipal judge until another municipal judge has been elected and has qualified. And any justice of the peace discharging the duties of municipal judge shall have all the powers of such judge, and shall be entitled to the same fees for his services while administering such office.

In case of absence or sickness of judge.

SECTION 13. The municipal judge provided for in this act shall be elected on the first Tuesday in April, 1889, and shall hold his office for the term of two years, and until his successor shall be elected and qualified, and the said judge shall, before entering upon the duties of his office, take and subscribe an oath to support the constitution of the United States and the state of Wisconsin, and to faithfully, honestly and impartially discharge the duties of his said office, which oath shall be filed in the office of the city clerk of the city of Mondovi, and a duplicate oath in the office of the clerk of the circuit court of the county of Buffalo, and shall execute a bond to the city of Mondovi, with such security and conditions as the common council of said city may direct and approve.

Term of office of municipal judge.

SECTION 14. The city shall not be liable to said municipal judge for his said fees, except such as shall accrue in prosecution for the violation of the charter or ordinances of the city, wherein the costs are not and cannot be collected of the offender. Appeals and writs of certiorari may be taken from the municipal judge in the same manner as from justices of the peace.

City, when liable for fees.

SECTION 15. The municipal judge shall quarterly report to the common council a list of all 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

Judge to report.

shall not be liable for or pay any costs for violations of any law of this state, and such justice shall pay to the city treasurer all fines collected for offenses against the laws of this state, in the same manner as justices of the peace are required by law to do.

Relating to
appeals.

SECTION 16. Appeals from the municipal court shall be made to the circuit court of Buffalo county, and appeals shall be allowed in all cases tried in said court, under the laws of this state, and the manner and form of taking such appeals may be the same as appeals from justices' courts, and all the laws of this state relating to justices courts shall be construed so as to apply to the municipal court of the city of Mondovi, so far as the said laws do not conflict with this act.

Jury trials.

SECTION 17. Jury trials in said municipal court may be conducted in the same manner as in justice's court, unless otherwise provided. The common council of the city of Mondovi, may by ordinance, provide for a different manner of selecting jurors for said court, and any ordinance providing for the drawing or selecting of jurors for the said municipal court, shall have the force and effect of law. Any juror, when duly summoned to attend said court, and who shall not attend at the time he is summoned, shall be adjudged to be guilty of a contempt, and shall be fined in a sum not less than two nor more than ten dollars.

Contempt.

SECTION 18. The judge of the municipal court shall have the same power to punish contempts in the same manner and for like causes and to the same extent that the judges of the circuit courts are, or may be authorized by law, to punish for contempt.

Not abridge
the jurisdiction
of the court.

SECTION 19. Nothing herein contained shall be so construed as to abridge or impair the jurisdiction of the circuit court.

In case of
conviction.

SECTION 20. Any person or persons convicted of violating any of the provisions of this act or of any ordinance of the city of Mondovi, may be committed to the city jail of the city of Mondovi or to the Buffalo county jail.

Actions to be
brought in
corporate
name.

SECTION 21. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and

determined by and before the municipal judge of said city, or before any justice of the peace therein as hereinbefore provided. 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 ordinances, by-laws or regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

SECTION 22. In all prosecutions for any violation of the provisions of this act, or any by-laws, ordinances or regulations, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before a justice of the peace, under the general statutes of the state for the time being. First process by summons.

SECTION 23. When the action is commenced by summons, such summons may be substantially in the following form: Form of summons.

COUNTY OF BUFFALO, } ss.
 City of Mondovi, }

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

You are hereby commanded to summon ———, if he shall be found within your county, to appear before the undersigned, a justice of the peace within 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 Mondovi to the damage of said city, two hundred dollars or under.

Given under my hand this ——— day of ———
 A. D. 18—.

C. D., (title of office).

SECTION 24. Such summons shall be made returnable and served in the same manner as is now or hereafter may be prescribed by the laws of this state, for the commencement of actions before justices of the peace by summons; and 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. Summons served according general to law.

SECTION 25. When the action is commenced by summons, the complaint may be substantially in the following form: Form of complaint.

The City of Mondovi } In justice court,
 against } Before C. D.,
 ———— } Justice of the peace.

The plaintiff complains against the defendant, for that the defendant on the — day of —, 18—, at the 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 and stating cause of action), which said — is now in force. By reason of such violation, an action hath accrued to the city of Mondovi, 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.

Form of com-
 plaint.

SECTION 26. In all cases where oath is made for a warrant, the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

The city of Mondovi, plaintiff, } Before C. D.,
 against } police justice
 A. B., defendant. } of the city of
 } Mondovi.

Buffalo county—ss.

E. F., being duly sworn on oath complains to C. D., police justice in and for the city of Mondovi, 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 the title, and stating offense, which said — is now in force, and prays that the said A. B. may be arrested and held to answer to said city of Mondovi therefor. E. F.

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

Said complaint shall be sworn to before the police justice who shall issue the warrant thereon; upon filing such complaint with the police justice before whom the same shall be sworn to, he shall issue a warrant substantially in the following form:

Form of
 warrant.

STATE OF WISCONSIN, }
 City of Mondovi } ss.

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

Whereas, ——— has this day, complained to me in writing on oath, ———, did on the ——— day of ———, A. D. 18—, at the city of Mondovi, in said county, 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, and stating offense), which said ——— is now in full force; therefore you are commanded to arrest the body of the said ———, and bring him before me forthwith to answer to the city of Mondovi on the complaint aforesaid.

C. D., police justice.

SECTION 27. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in a pamphlet or book form, purporting to be published by the 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.

Printed copy to be prima facie evidence.

SECTION 28. Witnesses and jurors shall attend before the justice of the peace or police justice in all city and criminal suits, without the payment of fees in advance or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

Relating to the payment of witness fees.

SECTION 29. In city prosecutions both plaintiff and defendant shall enjoy the right of trial by jury as in civil actions in justices' court, and 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 described in this act or any 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 non-payment thereof, the justice shall forthwith issue execution, as in cases of tort; in case the action was commenced by summons, and 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 for non-payment, which in no case shall exceed six months, and also insert such time in the execu-

Findings of the court.

tion or commitment. Such execution shall be in the following form:

Form of execution.

County of Buffalo, }
City of Mondovi. } ss.

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

Whereas, the said city of Mondovi, on the — day of —, 18—, recovered a judgment before the undersigned, justice of the peace in and for said city, against — —, for the sum of — dollars, together with — dollars, and — cents, costs of suit for the violation of section —, chapter —, of this act (or section —, of any ordinance or by-law or regulation of said city, describing it by its title); you are hereby commanded to levy distress of the goods and chattels of said — (excepting such as the law exempts, and make sale, according to law, to the amount of said sum, together with your fees, twenty-five cents for this writ, and the same return to me within 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 Buffalo county; and said keeper is hereby commanded to receive and keep in custody in said jail the said — —, for the term of —, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

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

D. C.,

(Title of officer.)

Form of commitment.

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

CHAPTER V.

IMPROVEMENT OF STREETS AND SIDEWALKS.

Improvement of streets and sidewalks.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction, reconstruction of any sidewalk or gutter, or for the grading, repairing or improving of any street, at

the expense, in whole or in part, of the owners of lots or parcels of land abutting or fronting such sidewalk, gutter or street shall, on being introduced at a meeting of the common council be referred to some appropriate committee; and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official paper of said city.

SECTION 2. The common council of the city of Mondovi shall have power to establish the grade of the streets of said city and change and re-establish such grade as it shall deem expedient; provided, that whenever it 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 his right of action against the city for the recovery of such damages; but no suit shall be commenced against the 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.

Any person who claims damages for alteration of streets.

SECTION 3. It shall be the duty of the city marshal to see that all the ordinances of the city relating to the obstructions and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept. The street committee on streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

City marshal to enforce ordinances.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade 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 sidewalks shall be ordered; or by the city. The common council of said city of Mondovi shall have power to furnish such material for the construction of sidewalks, and to appropriate money out of the city treasury for the payment

Sidewalks constructed upon the proper grade.

of the same, as it shall deem necessary and proper. If the owner or owners of any such lot or piece of ground shall not construct such sidewalks as aforesaid, in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalks shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, at least for twenty days, of the time, place and manner of receiving such bids.

Construction
of sidewalks.

SECTION 5. The common council shall have power by a vote of two-thirds of all the members of the common council to order the building, construction, reconstruction, or repair of sidewalks in the city of Mondovi in such manner as it may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the presence of the council, who shall award such contract to the lowest responsible bidder; provided, such bid is a reasonable one, subject to such provisions in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks and levying and collecting special taxes on respective lots to pay for the same, shall be the same as herein provided as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the city marshal will not cost to exceed the amount of five dollars, in front of any one lot to repair the same, he shall be authorized and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the cost of such repair, specifying the lot and block, or piece or parcel of land, in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk

shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Mondovi, for payment, and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the common council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Mondovi, the said committee shall return said account to the common council, with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

SECTION 6. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street or highway in said city limits which shall have been ordered.

Contract to be let to the lowest bidder.

SECTION 7. The common council of the city of Mondovi shall have power by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets or parts of streets, alleys, public or private grounds, reservoirs, gutters and sewers, in the manner herein mentioned, and direct and control the persons employed thereon.

Common council may order grading and repairing.

SECTION 8. The costs and expenses of surveying lands, 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. Sewers and gutters may be ordered by the common council and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which such sewer or gutter shall be constructed; provided, however, that where the sewers or gutters are constructed through alleys, no lots shall be assessed therefor, except those situated in the block through which such sewers or gutters may be constructed; and, provided,

Public improvements, how chargeable.

further, that in all cases when improvements or work of any kind are chargeable by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground.

To advertise
for bids.

SECTION 9. Whenever the common council shall determine to make any public improvement, as authorized by this chapter, it shall cause to be made an estimate of the whole expense thereof, and such estimates shall be filed in the office of the city clerk, for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work as shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid, all bids for doing the same to be approved by the council, and the said council shall have power to reject any and all bids, and may require such contractors to perform such contracts within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contracts, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published at least once, ten days prior to the letting of said contract, in the official paper of the city. The common council, instead of letting such work by contract to the lowest bidder may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street or the making of any public improvement to be done directly by and under the supervision of the street committee at the uniform expense, in whole or in part, of the lots or parcels of land abutting or fronting on such street or public improvement.

Five free-
holders to
examine
premises.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby and

shall represent to the council in writing that the expenses of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, not residents of the ward and not interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if, in their opinion, the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the streets so to be improved will be benefited by such deep-cutting or filling, and how much and what proportion shall be chargeable to them, and to make a report thereof in writing as soon as practicable, but within ten days after such examination, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned shall be assessed upon and collected from the same in the same manner as herein provided; in case such owners shall not do such work the remainder shall be assessed upon the lots benefited by such improvements in proportion to their respective benefit as determined by said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for improvements are collected; provided, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition; provided, also, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; and provided further, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal

disability, who shall not be represented by an agent or guardian, or not to be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

Street committees to supervise the work.

SECTION 11. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by it before it shall be accepted by the council.

Contractor, how paid.

SECTION 12. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or 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 the city be held responsible for, on account thereof, or for any proceedings for the collection of the pay therefor.

Highway tax.

SECTION 13. The common council of the city of Mondovi shall, on or before the first Monday in May of 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, highways and bridges in said city, which amounts shall not be less than two or more than ten mills on the dollar upon all taxable property of said city, as the same shall appear by the last assessment roll of said property, and said tax shall

be paid in money or labor, according to the general law now in force on said subject.

SECTION 14. The city clerk shall, within fifteen 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 tax in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or 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. Tax list.

SECTION 15. 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 shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer. Duplicate tax list.

SECTION 16. The city clerk shall annex to such tax list a warrant signed by the mayor and city clerk, which shall be in substance in the following form: Tax warrant.

To the road commissioner of the city of Mondovi:

You are hereby requested 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, within the time limited by law, and to apply the taxes by you so collected, and make due returns thereof as required by law.

Dated — day of —, A. D. 18—.

— —, City Clerk.

— —, Mayor.

SECTION 17. The road commissioner shall have the same powers and proceed to collect said taxes in the same manner as in the collection of general taxes, and in case the said treasurer shall be un- Said taxes, how collected.

able to collect any portion of said tax, he shall, on or before the first Monday in November in each year make out and deliver to the city clerk of said city, a list of all such unpaid taxes, which list shall contain the names of all persons, corporation or corporations, and the description of all real estate or personal property included in said tax roll, and the amount of such tax against each of such descriptions or items, so uncollected, which said list shall be sworn to by said city treasurer, before some officer authorized to administer oaths.

Delinquent tax. SECTION 18. Upon the receipt of such list the city clerk shall, at the time of making out the general annual tax roll 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.

CHAPTER VI.

MISCELLANEOUS PROVISIONS.

Work to be let to the lowest bidder. SECTION 1. All work for the city or either wards, including all printing and publishing, may, in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts.

Money appropriated. SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Penalty, how remitted. SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect, except in case of fines imposed for the violation of any city ordinance when the mayor in his discretion may remit the same.

Council may cause a new survey to be made. SECTION 4. The common council may, at any time, cause a new and accurate survey to be made of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as it may deem necessary, and to cause an accurate plat or plats thereof to

be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds in the county of Buffalo.

SECTION 5. The survey of landmarks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Prima facie evidence of lines and boundaries.

SECTION 6. The common council may, at such times as it may deem proper, establish the grade of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Buffalo county; and should the grades so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be effected or injured in consequence of the alteration of such grade.

Council may establish grades.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by the city, shall be exempt from taxation.

City may own property.

SECTION 8. Real estate exempt from taxation by the laws of this state, shall be subject to special taxation, as other real estate under this act.

Special taxes.

SECTION 9. Every individual or company of individuals or body corporate, owning a lot or tract of land within the corporate limits of the city of Mondovi, who may desire to sub divide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction, with the streets and alleys through the lots and blocks in said city adjacent to said lot or tract so platted; and before making such plat as required by law, it shall be the duty of such person or persons or corporations making such plats, to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, the said person or persons or corporation may cause said plat or plats to be recorded according to law; but except such plat be

Relating to subdivision of lots and tracts of land. u

approved by a resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Buffalo, to receive such plat for record, or to record the same, and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum not less than one hundred nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

When the city deeds or leases real estate.

SECTION 10. When the city of Mondovi deeds or leases any real estate or any interest therein owned by the said city, the party of the first part shall be the city of Mondovi, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor to lease real estate.

SECTION 11. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city, countersigned by the city clerk, and sealed with the corporate seal of said city and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Ordinance to be attached to lease.

SECTION 12. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, by the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with said deed or lease; and such copy so attached and record thereof shall be in all courts of this state, prima facie evidence of the authority of the mayor to make and execute such deed or lease.

In case that election is not held as prescribed.

SECTION 13. If any election by the electors for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, 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 common council; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

SECTION 14. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment of this chapter.

No general law shall repeal this act.

SECTION 15. The common council shall have power to appropriate a sum not exceeding five hundred dollars to any public purpose that may be deemed proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Money for public purposes.

SECTION 16. Every male inhabitant of the city of Mondovi over twenty-one years of age, and under fifty, except those otherwise exempt by the general laws of this state, shall pay into the city treasury annually the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of the city of Mondovi, during the month of April, of each year, to make out a list of all persons liable to said tax in the city of Mondovi, and said assessor shall, on the last Monday of April of each year, deliver said list to the city clerk of said city of Mondovi, who shall insert the name of said persons in the highway mill tax warrant and deliver the same to the road commissioner who shall proceed to collect the same as provided for in the general laws of this state.

Poll tax.

SECTION 17. The common council shall have the 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 expenses of the same.

Ornamental trees.

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

Declared a public act.

SECTION 19. The common council shall have the power to fix the salaries of the mayor and

Salaries.

aldermen; provided, that the mayor's salary shall not exceed one hundred dollars per annum, nor the salaries of the aldermen more than one dollar for each meeting of the common council.

Adjustment
and division of
property.

SECTION 20. It is hereby made the duty of the common council of said city, and the board of supervisors of said town of Mondovi, to meet together at some convenient place on or before the first Monday of May, 1889, upon notice given by either body, and if possible agree upon some just, fair and equitable settlement or adjustment and division of the property, money, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city, out of the territorial limits of the town of Mondovi; and said common council of said city, and said board of supervisors of the town of Mondovi, shall at said time make a just, equitable and fair division of the amount of bonded indebtedness, if any be then due or to become due from said town, whether of principal or of interest, and shall allot and set off to said city the amount of such proportionate amount of principal and interest as should in justice and in equity be paid by said city; and shall also set off and allot to said town of Mondovi such proportionate share and amount of such principal and interest as should in justice and in equity be paid by said town. In determining such proportion to be paid by said town and city, the said supervisors and the said common council shall take the last preceding assessment roll of the said town, and allot to said city and town respectively the amount of bonded indebtedness, due or to become due, to be paid by each in proportion as the assessed valuation of such city bears to the entire value of said city and town.

In case of com-
mon council
and the board
of supervisors
cannot agree.

SECTION 21. If the common council of said city and board of supervisors of said town, shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the judge of the circuit court in and for the county of Buffalo, upon application made to him by either of said bodies, five days' notice having been given to the other body previously thereto, to appoint three commissioners, one to be a resident of said city, one of said town, and

one to reside 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 filing with the clerk of the circuit court in and for said county, of their oaths to faithfully and fairly adjust and settle all matters of dispute between said city and town as hereinbefore mentioned, to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city, or any part thereof, in common with said town; make a full and complete settlement or adjustment of all matters between said city and town, arising or growing out of the formation of said city and of the territorial limits of said town.

SECTION 22. And any and all amounts found as aforsaid, to be owing by said city to any portion of the territory outside of the city which comprises a part of the town of Mondovi from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same, but if it shall be found upon such settlement that there is any amount due to said city from any portion of territory outside of said city limits which was an organization from which said city was formed, that portion of territory so owing said part of said city, shall pay the amount to the city treasurer, and in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages.

Amounts
owing by said
city.

SECTION 23. The connection between the town of Mondovi and that part of said town included within the city limits, for all purposes, is dissolved. The duties now and hereafter imposed upon supervisors and other town officers so far as they relate to the city of Mondovi, shall be performed by the aldermen, mayor and other officers of said city except as herein otherwise provided.

Connection be-
tween town and
city dissolved.

SECTION 24. The use of the jail at Buffalo county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders; and every such offender may be delivered to the sheriff of said county, for whose cus-

Use of the
county jail
granted to the
city.

today, safe keeping and delivery the said sheriff shall be responsible, as in other cases.

Town may hold meetings in said city.

SECTION 25. The electors of the town of Mondovi shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Mondovi as they may determine, and the officers of said town of Mondovi may transact all the town business and keep all town records in said city, and with like effect as if held or done or kept in the town of Mondovi.

Relating to justice of peace.

SECTION 26. The jurisdiction of the justices of the peace of the city of Mondovi shall be co-extensive with the county of Buffalo.

Joint school district No. 2.

SECTION 27. Joint school district number two of the town of Mondovi, now embracing the territory to be included in the city of Mondovi, and a part of the towns of Mondovi and Naples, in the county of Buffalo, and a part of the town of Albany, in Pepin county, shall not be affected by this act, and the management thereof shall remain the same as heretofore, except that the corporate name of said school district shall hereafter be joint school district number one of the city of Mondovi; provided, that said school district may be altered under the provisions of the general laws regarding the altering of school districts.

SECTION 28. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1889.