

SECTION 3. All writs, indictments, summons, recognizances, processes, informations, motions and other proceedings in any of said courts, and all jurors summoned and all notices of trial, and every and all proceedings pending or to be heard on the days heretofore fixed as the first day of said courts, shall be held returnable, cited to appear, and noticed for hearing on the days herein fixed for the first day of said several courts, and shall be heard and disposed of as if noticed for hearing on the days herein fixed.

SECTION 4. All acts or parts of acts conflicting with this act are hereby repealed so far as they conflict with the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

[No. 45, S.]

[Published March 15, 1882.]

CHAPTER 91.

AN ACT to amend chapter 195 of the laws of 1878, entitled "an act to incorporate the city of Waupun," as amended by chapter 180 of the laws of 1879.

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

Elective officers.

SECTION 1. Section 1 of chapter 3 of chapter 195 of the laws of 1878, entitled "an act to incorporate the city of Waupun," is amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor, marshal and treasurer for the city at large, and three aldermen, one justice of the peace, one assessor and one supervisor for each ward of said city.

When elections shall be held.

SECTION 2. Section 1 of chapter 4 of said act is amended so as to read as follows: Section 1. The municipal election for said city shall be held in each ward thereof, at such place as the common council shall direct, on the first Tuesday in April in each year, at which election the several elective city and ward officers provided for in this act shall be voted for by the resident electors of such ward; provided, that at the municipal election for 1882 there shall be elected in each ward of said city one alderman for the term of two years, and two aldermen each for the term of one year, and annually thereafter there shall be elected in each ward of said city one alderman for the term of two years, one alderman for the term of one year: and provided further, that at least one alderman in each ward shall, when elected and during his

term of office be a resident and freeholder in that part of such ward lying west of the Chicago, Milwaukee & St. Paul Railway, and no person shall be eligible to any city office, excepting officers of the fire department, unless he shall be a resident elector and freeholder of said city, and no person shall be eligible to any ward office unless he shall be a resident elector and freeholder in that part of the ward from which he shall be elected or appointed.

SECTION 3. Section 9 of chapter 4 of said act is hereby amended by adding thereto at the end of said section the following words: Provided further, that any appointment to fill a vacancy in the office of an alderman elected for the term of two years shall extend only to the next municipal election, when such vacancy shall be filled by election.

SECTION 4. Chapter 4 of said act is amended by adding thereto at the end of said chapter the following: Section 12. Within two days after each municipal election, the common council shall meet and canvass the returns thereof made to the city clerk. They shall consider and determine the eligibility of the several candidates voted for, and determine and declare the result of such election. Section 13. A vacancy shall exist in any elective office named in this act whenever the person elected thereto or appointed to fill a vacancy therein shall have been ineligible to such office at the time of his election or appointment, or shall afterward cease to be a resident elector and freeholder of the city, ward or part of ward, as the case may be, from which he shall have been elected or appointed, or upon the death, resignation, malfeasance in office, or neglect of such person to qualify as required by this act, or for wilful neglect to perform the duties of his office; and the common council shall determine and declare when any such vacancy exists, and may remove any officer of said city for wilful neglect of duty, malfeasance in office, or upon the conviction of such officer for crime. Section 14. Whenever any injury shall occur to persons or property in the city of Waupun by reason of any defect or incumbrance of any street, sidewalk, alley or public ground or from any other cause for which said city would be liable, and such defect, incumbrance or other cause of injury shall arise or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence shall be primarily liable for all damages for such injury, and the said city shall

When returns shall be canvassed.

not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Who constitutes the common council.

SECTION 5. Section 2 of chapter 5 of said act and the act amendatory thereof is revised and amended, so that said section, when so revised and amended, shall read as follows: Section 2. The mayor and aldermen shall constitute the common council of said city, and the style of all ordinances shall be, "The common council of the city of Waupun do ordain." The common council shall meet, qualify and organize on the second Tuesday in April in each year, or as soon thereafter as possible; a majority of the common council shall constitute a quorum, and may elect by ballot one of their number president, who shall be styled "president of the council," and who shall preside over the council in the absence of the mayor, and during the absence of the mayor from the city, or his inability from any cause to perform the duties of his office, such president shall possess all the powers and perform all the duties of the mayor; and any official act performed by him during such absence or inability of the mayor, shall have the same force and validity as if performed by the mayor.

Street commissioner.

SECTION 6. Section 4 of chapter 5 of said act is amended so as to read as follows: Section 4. At the first meeting of the common council in each year, or as soon thereafter as may be, the common council shall elect by ballot one street commissioner for said city, who shall be subject to the duties and liabilities prescribed in this act, or in any ordinance of said city.

SECTION 7. Section 7 of chapter 5 of said act is amended by striking out the words "by the clerk," where they occur in the eighteenth line of said section.

SECTION 8. Section 11 of chapter 5 of said act is amended by adding thereto, at the end of said section, the following words: And any process issued by any justice of the peace of either of said counties, directed to the sheriff or any constable of such county, may be served by said marshal, and any such process properly served and returned by him under such directions shall be valid.

Shall not contract for higher price than authorized.

SECTION 9. Section 13 of chapter 5 of said act is amended by adding thereto at the end of said section, the following words: And provided further, that the street commissioners shall not purchase or contract for the purchase of any material or labor on behalf of the city of Waupun at any higher price than shall have

been previously expressly authorized by the common council, and said city shall not be liable for the price of any material or labor purchased by him, or be bound by any contract made by him at any higher price than shall have been so authorized; and the common council may require a bond from the street commissioner in such sum and with such sureties and conditions as the said common council shall direct and approve for the faithful discharge of his official duties.

SECTION 10. Section 18 of chapter 5 of said act is amended by adding thereto, at the end of said section, the following words: And provided further, that in all cases when execution shall be issued by either such justice of the peace, in actions for tort, and the defendant shall be imprisoned thereon, he shall be committed to and imprisoned in the common jail of the county in which the cause of action shall have arisen.

SECTION 11. Section 1 of chapter 6 of said act is amended so as to read as follows: Section 1. All city, ward and special taxes shall be collected upon the last previous assessment of said city, and paid out of the treasury only upon orders drawn thereon by authority of the common council.

SECTION 12. Section 3 of chapter 6 of said act and the act amendatory thereof is revised and amended, so that said section, when so revised and amended, shall read as follows: Section 3. The common council shall, on or before the first Monday in October in each year, determine and levy a general highway tax upon the assessed property of said city for such year, which shall not be more than two mills on each dollar of the assessed valuation of said city for such year; such tax shall be included in the general tax rolls next thereafter and collected by the city treasurer with the other taxes for such year, and shall constitute a highway fund for said city and shall be expended only for the improvement of the public streets therein; and every male inhabitant of the city of Waupun of the age of twenty-one years and under the age of fifty years, not exempt therefrom by the general laws of this state, shall pay an annual poll tax of one dollar, which shall be a part of the highway fund of said city and shall be ascertained and collected as follows: Each assessor of said city shall, at the time of making his assessment in each year, make out a list of all persons in his ward liable to pay such tax, and deliver the same to the city clerk at the time of returning his assessment roll for such year. The common council

Shall levy a
general high-
way tax.

shall revise and correct such lists, and may add thereto the names of such persons as may have been improperly omitted therefrom by the assessors, and may strike therefrom the name of any person whom they shall be satisfied by the oath of such person or by other proof is legally exempt from such tax. The city clerk shall deliver such corrected list to the city treasurer with the general tax roll for such year, and the city treasurer shall demand and collect from each person named thereon the amount of such tax at the time of collecting the general tax for such year. He shall post such lists in a conspicuous place in his office, and any person whose name shall appear thereon who shall neglect or refuse to pay such tax or to deliver to the treasurer a certificate signed by the city clerk that his name has been struck off such list by the common council within ten days after such tax has been demanded of him, either personally or by written or printed notice to pay such tax directed to him, and deposited in the postoffice at Waupun, postage paid, shall forfeit and pay a penalty of five dollars and costs of prosecution, which shall be sued for and recovered by the city treasurer in the name of the city of Waupun, in the same manner and with the same effect as is provided in this charter of the city of Waupun for prosecutions to recover penalties for the violation of ordinances of said city; provided that the treasurer shall receive in payment of any such tax the street commissioner's certificate that such person has performed ten hour's labor upon the streets of said city under his direction in payment of his poll tax for such year, and all such poll taxes shall be demanded and collected by the treasurer before the time fixed by law for the return of the tax rolls for such year.

May draw orders in advance.

SECTION 13. Section 4 of chapter 6 of said act is amended by adding thereto at the end of said section the following words; provided further, that the common council may in each year draw orders on the highway fund in advance of the collection of the highway tax for such year, not to exceed altogether the sum of one thousand dollars in any one year, which shall be payable out of such highway fund when the highway taxes for such year are collected.

May order paving and construction of streets.

SECTION 14. Chapter 6 of said act is amended by adding thereto at the end of said chapter the following: Section 12. On petition of a majority of the owners of lands fronting upon any part of any street, the common council shall have power to order the construction

and paving of surface gutters on such part of street and prescribe the material and manner of construction thereof, and in case any such owner shall fail to construct the same as prescribed by the common council within thirty days after notice of such order, the same may be done by the city, and in such case the cost and expense thereof shall be a special tax upon such lands fronting thereon, and the amount of such cost and expense shall be inserted in the general tax roll next thereafter against the description of such lands, and shall be collected therewith.

SECTION 15. Section 1 of chapter 10 of said act is amended so as to read as follows: Section 1. The common council of said city shall have authority to cause all lots or pieces of land in said city not described in numbered lots and blocks in the recorded plat thereof, or in any addition thereto, to be surveyed and numbered from one upward in each ward, which shall be known and described as outlots; the numbers and descriptions thereof may be recorded in the office of the register of deeds of the county in which the same shall be, and thereafter a description of any such land, or outlot by number, shall be as valid for all purposes as if the same had been described by metes and bounds, and any subsequent addition to said city, or subdivision of any outlot therein, may be numbered and recorded in the same manner and with like effect.

All lots or pieces of land may be numbered.

SECTION 16. Section 3 of chapter 10 of said act is amended so as to read as follows: Section 3. The common council shall have power to appoint and at its pleasure to remove such officers and agents as it may deem necessary and expedient to carry out the provisions of this act and preserve the interests of the city, and may prescribe their duties and fix their compensation, and may require from any such officer or agent a bond for the faithful performance of his duties, and may also by ordinance prescribe penalties for any official malfeasance or misconduct of any officer or agent of said city.

May appoint or remove officers.

SECTION 17. Section 16 of chapter 10 of said act is amended so as to read as follows: Section 16. The fiscal year of said city shall begin on the twentieth day of March in each year, and it shall be the duty of the common council at the close of each fiscal year to prepare and cause to be published or posted as is herein provided, at or before the ensuing municipal election a financial statement for the fiscal year last past, showing the receipts and disbursements of the city treasurer,

When fiscal year shall begin.

the numbers and amounts of all orders drawn thereon, to whom payable, and for what purpose the same were drawn. It shall also be the duty of the common council to cause its proceedings to be published each month, provided that if said common council shall fail to contract for the publication of such financial statement and council proceedings at such price as said common council shall deem to be reasonable and proper, said common council may at its option, in lieu of the publication of such proceedings and statement cause a written copy of such financial statement to be posted in each voting place at said city during the time the municipal election for such year is being held.

SECTION 18. Section 17 of chapter 10 of said act is amended by adding thereto at the end of such section the following words; provided, that in case the successor of any such officer shall not have been elected or appointed, such delivery shall be made to the city clerk.

Repealed.

SECTION 19. Section 15 of chapter 5 of chapter 195 the laws of 1878, and sections 10 and 11 of chapter 180 of the laws of 1879, amendatory of said act, and all parts of either of said acts conflicting with the provisions of this act are hereby repealed.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 119, S.]

[Published March 17, 1882.]

CHAPTER 92.

AN ACT to amend, revise and consolidate the charter of the city of Lancaster.

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

CORPORATE POWERS.

Corporate powers.

SECTION 1. All that district of country in the county of Grant hereinafter described shall be a city by the name of Lancaster, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation, by the name of the city of Lancaster, 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; su-