

SECTION 215. No general law of this state shall be construed or taken to amend, modify, alter or repeal this act or any provision thereof, unless such purpose be set out in such law. No general law to repeal this act.

SECTION 216. This act, nor any part thereof, nor any act in any way affecting the municipal government of the city, or any part thereof, shall be altered, amended, repealed or passed, unless the same shall be recommended by a majority of all the members of the common council. How act may be amended or repealed.

SECTION 217. All acts and parts of acts, and particularly chapter fifty-nine of the private and local laws of 1868, and the several acts amendatory thereof, contravening the provisions of this act, are hereby repealed. Repealed.

SECTION 218. This act shall be considered a public act, and shall be in force and take effect from and after its passage and publication. Public act.

Approved March 5, 1879.

[No. 377, A.]

[Published March 14, 1879.]

CHAPTER 241.

AN ACT to incorporate the city of Seymour.

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

SECTION 1. All that district of country in the county of Outagamie hereinafter described, shall be a city, by the name of the city of Seymour, and the people now inhabiting and those who shall hereafter inhabit said district, shall be a municipal corporation, by the name of the city of Seymour, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure. Incorporated.

SECTION 2. The west half of section twenty-eight, the east half of section twenty-nine, the east half of section thirty-two, and the west half of section thirty-three, all in township number twenty-four north of Boundaries.

range number eighteen east, shall be included in and constitute the limits of the city of Seymour.

One ward.

SECTION 3. The city shall consist of one ward, which ward shall comprise the territory mentioned in section two of this act.

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. The elective officers of said city shall be a mayor, a clerk, a treasurer, a police justice for the city at large, three aldermen, one justice of the peace and one constable for each ward, and one assessor for each ward. The mayor, treasurer and police justice 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, 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 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.

Terms of officers.

Vacancies; how filled.

SECTION 5. Whenever a vacancy shall occur in the office of mayor, treasurer, police justice 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 be subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SECTION 6. All elections by the people shall be by ballot, and the plurality of 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 time and in such manner as it shall direct.

Elections 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.

Eligibility of voters.

SECTION 8. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election in their respective wards, and shall take the usual oaths or affirmations as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths, and in case of the absence of any or all of the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons to act in their places as inspectors of election. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections.

Elections; how conducted.

SECTION 9. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be), that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intentions to become 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, and that you have not voted at this election, and that you have made no bet or wager, become directly or indirectly interested in any bet or wager depending on the result of this election." And if the person offering

Of inspectors.

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 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 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 willfully make untrue and incorrect counts and tallies of votes, each and every inspector and 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. All such indictments shall be tried in the circuit court of the county of Outagamie.

Elections; how determined.

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.

Special elections.

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

What constitutes a vacancy.

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.

SECTION 13. There shall be elected at the first election under this act, three aldermen for each ward, who shall hold their offices for one year, and until their successors are elected and qualified. There shall also, at the same time, be elected by each ward of said city of Seymour, one supervisor, who shall hold his office for one year and until his successor is elected and qualified, and the supervisors so elected shall be entitled to seats as members of the county board of supervisors of Outagamie county.

SECTION 14. The mayor, aldermen, treasurer, justices of the peace, members of the county board of supervisors, clerk, assessor and all other elective officers provided for in this act, shall be elected on the first Tuesday in April, 1879, and shall hold their offices for the time specified in this act; the first election held under the provisions of this act shall be held at the place of holding the last election within the boundaries described above, and the freeholders present may appoint three of their number to act as inspectors at said election, and said inspectors shall have all the powers given to inspectors of elections by the laws of the state of Wisconsin, and shall certify the result of said election to the person elected as city clerk, and who shall, as soon as qualified, enter upon the duties of his office as city clerk, under the provisions of this charter. Should there be a failure to elect by the people any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being given.

SECTION 15. 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 officers taking the same, together with their official bond, with the clerk of the city; and the treasurer, clerk, marshal, constables, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Seymour, 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 bonds 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.

Mayor; his powers and duties.

SECTION 16. The mayor shall, when present, preside over the meetings of the common council, and shall 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 objections, or 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 of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

President; his powers and duties.

SECTION 17. 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 said 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 the mayor, shall be styled acting mayor, and acts performed by them, or any of them, shall have the same force and validity as if performed by the mayor, excepting 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, who shall hold their respective offices for the term of one year, and until others are elected and qualified.

SECTION 18. 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 original 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.

Clerk; his powers and duties.

SECTION 19. 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, and shall hold their offices in their respective wards for which they were elected. 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.

Justices: powers and jurisdiction.

SECTION 20. The treasurer of said city shall per-

Treasurer; his

powers and
duties.

form 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 the 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 person from whom the amount of the several sums was received, which book shall, at all reasonable times, be open for the inspection of any person. He shall, every three months, and as often as 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.

Marshal; his
powers and
duties.

SECTION 21. 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 the 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.

SECTION 22. 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 their compensation shall be fixed by the qualified voters of said city at the annual meeting in each year, and shall not be increased or diminished during the term such officer shall remain in office, for which he was elected or appointed.

Other duties may be required.

SECTION 23. 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 other proceedings 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 paper.

SECTION 24. 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 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.

Affidavit of publication.

SECTION 25. 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.

Penalty for withholding books, etc.

SECTION 26. 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

Aldermen not to be interested in contracts.

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 aldermen interested in the same. The mayor or acting mayor, sheriff of Outagamie county, and each and every alderman, police justice, justices of the peace, marshal, under sheriff and deputy sheriff of Outagamie county, constable, policeman and watchman, 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 bystanders, and, if need be, of all citizens and military companies. And if any person, bystander, military officer, 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.

Surveyor; his duties to be prescribed.

SECTION 27. 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 all 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.

Police Justice; his powers and jurisdiction.

SECTION 28. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace, in which the city is a party; but warrants returnable before said justice may be issued in criminal cases by any other justice in the city, but no fees shall be received therefor by said justice. The said justice shall have executive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and

shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city of Seymour or its charter, or for a breach or violation of any such ordinance, by-law and regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Seymour, and the same proceedings shall be had in all civil and criminal suits before said justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace. In all cases of conviction for assaults, batteries and affrays within the said city, and in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame or of frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, and said justice shall have power, in addition to the fine or penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the circuit judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction of powers of the circuit courts or supreme court of this state. In case of absence, sickness or other inability of such justice or for any sufficient reason, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of said justice for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and police of such substitution, and to make report thereof to the common council, and it may confirm or set aside such appointment, or appoint some other justice of the peace; and the justice of the peace so appointed shall for the time being possess all the authorities, powers and rights of said justice. All fines and penalties imposed by the police justice for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city shall belong to and be a part of the finance of said city.

Police justice shall make report and receive fees.

SECTION 29. The police justice shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him and belonging to said city; and said justice shall be entitled to receive from the county of Outagamie such fees in similar cases as are allowed to other justices in the county for similar services.

CHAPTER II.

Style of ordinances.

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 Seymour 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.

Time of meeting.

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

Powers and duties of council.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other property in 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, 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 they shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and 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 shall have authority, by ordinance, resolution or by-laws:

1st. To license, regulate, suppress and prohibit ^{Shows, etc.} the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, of theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, 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 licenses 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 license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than twenty five dollars nor more than one hundred dollars, and that all such licenses hereafter granted shall run from the first day of May in each year: *provided, however*, that when any such license may be applied for after that day, the same may be granted, to expire on the said first day of May of each year, on the applicant paying pro rata therefor, but no license shall be granted for a longer term or period than one year.

2d. To restrain, prohibit and suppress all descrip- ^{Gaming.} tions 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.

3d. To prevent any riots, noise, disturbance or dis- ^{Riots, etc.} orderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. 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 Seymour, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

4th. To compel the owner or occupant of any gro- ^{Nauseous places.} cery, cellar, tallow-chandlers 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.

- Slaughter houses and combustible materials.** 5th. To direct the location and management of slaughter houses and markets, and to establish rates for and license venders of gun powder, and regulate the storage, keeping and conveying of gun powder or other combustible materials.
- Encumbering streets, etc.** 6th. To prevent encumbering of the streets, sidewalks, lanes or alleys, with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood or any other materials or substances whatever.
- Fast driving, and swimming.** 7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.
- Running at large of animals.** 8th. To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining of the same.
- Dogs.** 9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.
- Putrid carcasses, etc.** 10th. To prevent any person from bringing, depositing or having within said city, any putrid carcasses, 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, 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.
- Pounds, water-works, etc.** 11th. 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.
- Boards of health and cemeteries.** 12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.
- Bread.** 13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.
- Damages to sidewalks.** 14th. To prevent all persons riding and driving any ox, mule, cattle or other animal, on the sidewalk in said city, or in any way doing damage to said sidewalk.

15th. 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. Fire arms and fireworks.

16th. 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. Drunkards, etc.

17th. 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. Runners, etc.

18th. 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 due observance of such rules and regulations. Public markets.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions. Butchers stalls, etc.

20th. 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 to appoint fish inspectors as herein provided, and to appoint a lumber and shingle inspector. Weighing and selling of hay and fuel.

21st. 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, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Obstruction of sidewalks.

22d. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Landing of infected persons.

23d. To regulate the time, place and manner of holding public auctions and vendues. Auctions, etc.

24th. To appoint watchmen and prescribe their duties. Watchmen.

25th. 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.

- Trees and monuments.** 26th. To protect trees and monuments in said city.
- Sewers.** 27th. To prescribe and regulate the construction of sewers within the city.
- Streets and highways.** 28th. 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.
- Change of name.** 29th. To alter or change the name of any street in the city.
- Ordinances.** 30th. 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 which may be vested in any officer of said city by any ordinance thereof.
- Ordinances; how enacted.** 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 the 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 the 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.
- Evidence.**
- Shall not hinder suits.** 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
- Nuisances defined.**

at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous, or fermented liquors are sold without the license required thereof, 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 time as it may deem proper, and also at the end of each year and before the time for which the officers of the 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 orders 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 adjustments and settlements.

Accounts to be examined and audited.

Penalty for failure to produce books, vouchers, etc.

SECTION 7. The corporate authority of said city shall be vested in one principal office, styled a mayor, in one board of aldermen, consisting of three 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, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were 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

How funds to be drawn.

the person or to the order of the person in whose favor they may be drawn, or bearer.

Levy of taxes.

SECTION 9. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city, a tax sufficient to defray expenses, not exceeding eight hundred dollars in any one year, unless at the annual or special meeting the qualified voters of said city shall otherwise direct.

How and when bonds to be issued.

SECTION 10. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a 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 treasury 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 of any outstanding bonds, now due or hereafter to become due, issued by the city of Seymour, or which may hereafter be issued by said city, by authority of law: *provided, however*, no greater tax shall in any 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.

Claims.

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.

Appeals.

SECTION 13. When the claims of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Outagamie, 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, and executing a bond to said city, with sufficient surety, to

be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

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 common 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 the case in his possession, with the clerk of the circuit court for the county of Outagamie, 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 the appellant for the amount of such excess.

Duty of clerk
in case of ap-
peal.

SECTION 15. No action shall hereafter be maintained by any person against the city of Seymour 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.

Claim must
first be present-
ed.

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 so construed as to prevent the institution and maintenance of an action by said claimant against said city.

Perpetual bar
in certain cases.

SECTION 17. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever

Power to lay
out streets, etc.

ten or more freeholders residing in any ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward 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 courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such 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 actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises to be taken, to be published in the official paper or papers four weeks successively, at least once in each week.

Notice of application

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

Appointment of jurors.

SECTION 19. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve 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 judgement 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.

Service of precept.

SECTION 20. The city marshal shall serve his pre-

cept immediately, on the jurors therein named, by reading the same to 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.

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

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. Oath of jurors.

SECTION 23. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report 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 view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council. Viewing of premises.

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 Assessment of damages

some competent officer that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Buildings.

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 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 the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election to the common council either to accept the award of the jurors, and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Council may see building.

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

Damages and benefits.

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 land, the jurors shall include the value of the building or buildings (if the property of the owner of such land), as estimated by them as afore-

said, 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 eight of this chapter.

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 interests respectively, shall be awarded to them by the jurors. In case of lease.

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 of Jurors.

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 Outagamie county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six of chapter five of this act, 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. Appeal.

SECTION 31. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof 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, deposit 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 open or laid out. To be paid for before appropriated.

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 void.

SECTION 33. The city may pay or tender or deposit as herein required, at any time with one year from the confirmation of such assessment, and report the damages assessed in any such case; and whenever said May appropriate when pay is tendered.

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.

Discharge of contract.

SECTION 34. When the whole of any tract or lot or other premises, under lease or other contracts, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

Contract discharged in part.

SECTION 35. When only a part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved payable and to be paid for or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

May appoint guardian.

SECTION 36. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the judge of the circuit court of Outagamie 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.

Survey.

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.

CHAPTER III.

Assessment and powers of assessors.

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 assessors elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, ex-

cept so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of 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.

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 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 alterations or reductions 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. Notice of hearing complaints.

SECTION 3. Within one week after 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 the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessor. Board of equalization may supply omissions.

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 Re-assessment.

equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be releived 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.

Board of equalization.

SECTION 5. The mayor, city clerk, city treasurer and the assessors shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, as far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

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.

Changes to be recorded.

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

Taxes to remain a lien.

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.

Clerk to carry out tax.

SECTION 9. It shall be the duty of the city clerk immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes,

together with all the city and other local taxes, adding thereto two per cent. for the expense of collection in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

SECTION 10. The said city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year.

Duplicate to be delivered to county treasurer.

SECTION 11. To each assessment roll so delivered, a warrant, under the hand of the city clerk and the corporate seal of said city, shall be annexed, substantially in the following form :

Form of warrant.

THE STATE OF WISCONSIN—

To the city treasurer of the city of Seymour, in the county of Outagamie :

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described ; and in case any person or any corporation upon whom any such tax is imposed shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed ; and out of the moneys so to be collected, after deducting your fees, you are first to pay the treasurer of said county, on or before the last Monday of January next, the sum of —, for state taxes, and the further sum of —, for county taxes, and the balance of said money you are required to retain and pay out, according to law ; and in case said taxes and assessments shall not be paid the fourth Monday of February next, you are required to return the same to the treasurer of the said county of Outagamie.

Given under my hand and corporate seal of the city, this—day of—, 18—.

—, City Clerk.

SECTION 12. The said assessment roll and warrant thereunto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation.

Evidence.

General laws to apply. SECTION 13. 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 collect tax. SECTION 14. 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 such tax list (describing for what purpose such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three written notices in as many public places in said city.

Fees. SECTION 15. 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; 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 prescribed, 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 a report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council may provide.

State tax. SECTION 16. The treasurer shall, on or before the third Monday in February in each year, pay to the county treasurer the tax assessed upon the lots and tracts of land and personal property in said city.

Directory. SECTION 17. All the directions hereby given for the assessing of lands and the levying and collecting of taxes and assessments shall be deemed only directory, and no error or informality in the proceeding of any of

the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract, or to set aside, or to set up or interpose any objection to the title derived by virtue of any tax deed executed in consequence of the non-payment of such taxes and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party or deposit for his use with the city treasurer, the amount of all state, county and city taxes that remain unpaid on such lot or tract, together with the interest and charges thereon.

Proceedings to set aside tax.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things according to chapter eighteen of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter eighteen, and as are prescribed by chapter one hundred and ninety-eight of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts or in addition thereto.

Mode of procedure.

FIRE DEPARTMENT.

SECTION 20. The common council, for the purpose of guarding against the calamities of fire, shall have the 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 damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Fire limits.

SECTION 21. The common council shall have the 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

Construction of chimneys, etc.

Fire buckets.

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 manufactories, dangerous in causing or promoting fire; to regulate and prevent the use of fire works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs 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 the fire all idle and suspected persons, and compel all bystanders to aid in the extinguishment of fires and 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.

Purchase of fire engines, etc.

SECTION 22. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer, and assistant engineers, who shall be appointed by the common council, and form their own laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in cases of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of such companies, shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Fire wardens.

SECTION 23. 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, barn or inclosure for the purpose of inspecting the same.

SECTION 24. One-half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid to the city treasurer to the fire department.

One half of all fines and penalties to be paid to fire department.

SECTION 25. When any person shall refuse to obey the lawful order of any engineer, fire warden or aldermen of the city, the mayor or city marshal, 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 officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Officer may arrest.

SECTION 26. 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 a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Seymour, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such laws as it deems necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed place 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, etc.

SECTION 27. 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 chief engineer and countersigned by the clerk of said departments.

**Secretary to re-
turn list.**

SECTION 28. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name 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.

**Record of mem-
bers.**

SECTION 29. 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 name 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 Outagamie, 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.

CHAPTER IV.

ACTION TO RECOVER PENALTIES, ETC.

**Recovery of
penalties.**

SECTION 1. All actions brought to recover any penalties 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. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

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

SECTION 3. When the action is commenced by ^{Form of summons.} summons, such summons may be substantially in the following form :

COUNTY OF OUTAGAMIE, }
 City of Seymour. } ss.

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

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in 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 Seymour in a plea of debt, to the damage of said city two hundred dollars, or under.

Given under my hand, at the said city, this — day of —, 18—. C. D., Justice of the Peace.

SECTION 4. Such summons shall be made return- ^{Service of summons.} able, and be served in the same manner as is now or hereafter may be prescribed by the laws of the 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.

SECTION 5. When action is commenced by ^{Form of complaint.} summons, the complaint may be substantially in the following form :

THE CITY OF SEYMOUR }
 against }
 A — B —. } In Justices' Court.
 Before C — D —, Justice.

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), which said — is now in force. By reason of which violation, an action hath accrued to the city of Seymour, to recover of the defendant the sum of —

dollars debt. Wherefor the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of complaint.

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

THE CITY OF SEYMOUR, }
 against } In Justices' Court.
 A——— B——— }
 Before C——— D———, Justice.

COUNTY OF OUTAGAMIE—ss.

———, being duly sworn, complains on oath to C——— D———, one of the justices of the peace in and for the city of Seymour, 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 title), which——— is now in force, as this complainant verily believes, and prays that said A——— B——— may be arrested and held to answer to said city of Seymour therefor.

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

Description of law violated.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Form of warrant.

COUNTY OUTAGAMIE, CITY OF SEYMOUR—ss.

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

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

C. D. Justice of the Peace.

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

May proceed or continue.

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

Evidence.

SECTION 8. Witnesses and jurors shall attend before a justice of the peace 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.

Witness must attend.

SECTION 9. In city prosecutions no jury shall be allowed either party, 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 prescribed in this act, or in the ordinance, by-laws or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall, in either case, determine and enter upon the docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months; and also insert such time in the execution or commitment. Such execution shall be in the following form:

Jury not allowed.

Form of execu-
tion.

COUNTY OF OUTAGAMIE—CITY OF SEYMOUR—ss.

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

Whereas, the said city of Seymour, on the _____ day of _____, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against _____, for the sum of _____ dollars and _____ cents, costs of suit for the violation of (section _____ of chapter _____ of this act, or section _____ of an 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 thereof according to law, to the amount of said sum, together with your fees, and twenty-five cents for this writ and the same returned to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of the said _____, and him convey and deliver to the keeper of the common jail in Outagamie county; and the said keeper is hereby commanded to receive, 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—.

C. D., Justice of the Peace.

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 writs.

Appeals.

SECTION 10. In all cases where the fine is more than fifty dollars, the defendant may appeal from such judgment to the circuit court of the county of Outagamie: *provided*, such defendant, within twenty-four hours, enter into recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings, and copy of the entries on his docket in the action, together with the recognizances, to be filed in the office of the clerk of said court; and the city may appeal from and such judgment, as in other cases before justices of the peace.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in a manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

Trial by jury.

SECTION 12. If the judgment of the justice shall be affirmed, or if, upon trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, resolution, by-law or regulation, under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

In case of conviction.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Not incompetent.

SECTION 14. All ordinances and regulations now in force in the city of Seymour, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Ordinances to remain in force.

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

Vested rights.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Service of process.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury, for the use and benefit of said city, except as provided in chapter nine of this act.

Fines and penalties.

SECTION 18. All fire engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from at-

Exempt from attachment.

tachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

Individual property not liable.

SECTION 19. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, on any judgment against said city.

Power of court to sentence.

SECTION 20. In all cases where a defendant shall be convicted of any violation of any ordinance or police regulations of said city, the court before whom the same is tried shall have power to sentence the defendant to a term of imprisonment in the common jail of Outagamie county for any period not exceeding six months.

Power to grant pardons.

SECTION 21. The mayor shall have power to grant pardons or commutations after convictions against the the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reasons therefor.

CHAPTER V.

IMPROVEMENT OF STREETS AND SIDEWALKS.

Ordinances relating to repairing, etc.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or 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 the 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 newspaper of said city.

Grade of streets.

SECTION 2. The common council of the city of Seymour 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.

SECTION 3. It shall be the duty of the city marshal to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept. The 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.

Cleaning of streets, etc.

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 sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk 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 sidewalk 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 three days, of the time, place and manner of receiving such bids.

Sidewalks.

Contracts to be let to lowest bidder.

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 Seymour 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, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions in the 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 build-

Council authorized to construct sidewalks.

Repair of side-walk.

ing 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 street committee will not cost to exceed the amount of five dollars, in front of any one lot to repair the same, it shall be authorized and it is hereby made its duty to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the costs 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 Seymour, 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 Seymour, 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.

May levy tax to construct side walk.

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.

May make contract.

SECTION 7. The common council of the city of Seymour shall have the 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 and 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.

Costs and expenses.

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 im-

provement, 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 said sewer or gutter shall be constructed: *provided, however*, that when sewers or gutters are constructed through alleys, no lot shall be assessed therefor, except these situated in the block through which such sewers or gutters may be constructed: *and provided, 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.

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 expenses thereof, and such estimate 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 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 contract within such time and under such conditions, and to give such security for the performance of such work as it shall direct; such contract, 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 for ten days in the official paper of said 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 a 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.

Public improve-
ment.

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

Deep cutting
and filling.

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, nor 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 or what portion 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 improvement, 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*, 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 any 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 ex-

penses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

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

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 indorsement 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 or on account thereof, or for any proceedings for the collection of the pay therefor. Street committee to issue certificates.

SECTION 13. The common council of the city of Seymour shall, on or before the first Monday in May, in each year, determine and levy the amount of highway tax in said city for the ensuing year for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not be less than two, or more than five mills on the dollar upon all the 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. Highway tax.

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 City clerk to make list.

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.

Duplicate list to be filed.

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.

Warrant to be annexed.

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

Form of warrant.

To A. B., Treasurer of the city of Seymour.

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property, 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 —, 18—.

_____, City Clerk,
_____, Mayor.

Collection of tax.

SECTION 17. The treasurer 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 unable to collect any portion of said tax, he shall, on or before the third 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 name 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.

Collected; as general taxes are.

SECTION 18. Upon the receipt of such list, the city clerk shall, at the time of making out the general an-

nual 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.

SECTION 1. All work for the city or either v. ards, **Printing.** 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.

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

SECTION 3. No penalty or judgment recovered in **Penalties and** favor of the city shall be remitted or discharged except **Judgments.** by a two-thirds vote of the aldermen elect.

SECTION 4. The common council may at any time **Surveys.** 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 of the county of Outagamie.

SECTION 5. The surveys and land-marks so made **Surveys: to be** and established shall be prima facie evidence of the **evidence of** lines and boundaries of all streets, alleys, sidewalks, **boundaries.** public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

SECTION 6. The common council may, at such **Grade of streets.** time as it may deem proper, establish the grades 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 Outagamie county, and should the grade 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 affected or injured in consequence of the alteration of such grade : *provided, however,* that nothing in this section contained shall be so

construed as to prevent the street commissioner of the several wards of the said city from ordering or causing to be done the grading of any street within their ward to a temporary grade to be established by such commissioner.

May hold and convey real estate.

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 same; and the same while owned, occupied or held by the said city shall be exempt from taxation.

Special taxation.

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.

Subdivisions.

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 Seymour, who may desire to subdivide 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 corporation 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 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 Outagamie 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 aforesaid, approving the same, being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

Party of the first part.

SECTION 10. When the city of Seymour 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 Seymour, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

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 and 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.

Mayor to execute instrument.

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, of 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.

Evidence.

SECTION 13. If any election by the people 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.

Corporation not to be suspended.

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 purpose be expressly set forth in such law as an amendment to this chapter.

Construction of act.

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

No appropriation except by two-thirds vote of council.

SECTION 16. Every male inhabitant of the city of Seymour, over twenty-one years of age and under fifty, except active members of the fire department, and those otherwise exempt by the general laws of this

Poll tax.

state, shall pay into the city treasurer 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 Seymour, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Seymour, and said assessor shall, on the last Monday of April of each year, deliver one of said lists to the city clerk, and one to the treasurer of said city of Seymour. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice left at their usual place of abode on or before the first day of June of each year, shall be liable to and shall pay a penalty of two dollars in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Seymour. The process in each case shall be by warrant, as provided for in chapter nine of this act entitled "actions to recover penalties, etc.;" and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail ten days. The moneys collected as herein provided for, shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Seymour. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real estate and personal property: *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street committee that such person has performed one full day's labor shall be received by the city treasurer in full discharge of such tax.

Fees.

**Jurisdiction of
police justice.**

SECTION 17. The jurisdiction of the police justice of the city of Seymour, shall be co-extensive with the county of Outagamie, and the said police justice shall have exclusive jurisdiction to try all criminal cases, and conduct all examinations within said city in which the city is a party under the laws in which justices of the peace have jurisdiction and according to this act. And the police justice shall have and possess all the rights,

powers and privileges of said justices of the peace, and all the laws of this state concerning justices' court shall to the police court of the city of Seymour, except so far as the said law conflicts with the provisions of this act.

SECTION 18. In all cases where an action might be brought by the city of Seymour against any person, company or corporation, such action may be commenced and prosecuted in the name of the city, by any electors of said city: *provided*, that the complaint is made by any person other than a police officer of said city, sheriff of Outagamie county, or any officers of said city. The justice may, in his discretion, require seventy-five cents as in civil courts, before justices of the peace. In case of actions.

SECTION 19. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same. Ornamental trees.

SECTION 20. This act is hereby declared a public act, and shall be liberally construed in all courts of this state. Public act.

SECTION 21. The legal indebtedness of the town of Seymour shall be apportioned by the board of supervisors of the town of Seymour upon an apportionment based upon the assessment of said town for the year 1878; and by such apportionment said supervisors shall determine what portion of such legal indebtedness of said town shall be chargeable to the said town of Seymour and city of Seymour, respectively, which amounts of such indebtedness so apportioned is hereby declared chargeable to said town of Seymour and city of Seymour, respectively, at such times as the same may become due and payable, and said board of supervisors of the town of Seymour shall in like manner, on or before April 1, 1879, apportion the general funds and other property of the town of Seymour to the said town of Seymour and city of Seymour, respectively, and the said board of supervisors shall make an order directing the treasurer of the town of Seymour to pay the amount of such general funds so apportioned to the city of Seymour to the treasurer of said city, and take his receipt therefor, which receipt shall be his voucher for the amount so paid. Indebtedness.

SECTION 22. The mayor and common council of said city of Seymour shall not be entitled to any compensation except clerk. No compensation except clerk.

compensation for their services, and the compensation of the city clerk shall not exceed the sum of one hundred dollars in any one year.

SECTION 23. This act shall take effect and be in force from and after its passage.

Approved March 5, 1879.

[No. 408, A.]

[Published March 20, 1879.]

CHAPTER 242.

AN ACT amending section one thousand four hundred and sixty-five of chapter sixty, of the revised statutes, relating to agricultural societies.

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

Amended.

Agricultural societies entitled to state aid.

SECTION 1. Section one thousand four hundred and sixty-five, of chapter sixty, of the revised statutes, is hereby amended by annexing thereto the following: All societies that have complied with the previous requirements of this section for three years shall hereafter be entitled to state aid in accordance with section one thousand four hundred and sixty-three of this chapter.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1879.

[No. 413, B.]

[Published March 18, 1879.]

CHAPTER 243.

AN ACT relating to the lighting of the capitol with the electric light.

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

Experimental light for capitol.

SECTION 1. The governor is hereby authorized and directed to negotiate with manufacturers of machines for producing electric light, respecting the practicability and cost of lighting the senate and assembly chambers and the dome of the capitol building with the electric light, and he is authorized to permit any of such manufacturers to set up their machines and lamps and experiment respecting such lighting, and may permit such machines and lamps to remain in order for