

[No. 408, A.]

[Published April 5, 1882.]

CHAPTER 271.

AN ACT to incorporate the city of Neillsville.

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

CHAPTER I.

Corporate
name.

SECTION 1. From and after the second Tuesday of April, 1882, all that district of country in the county of Clark hereinafter described, shall be and remain a city by the name of Neillsville, and the people who now or who may hereafter inhabit said district shall be a municipal corporation by the name of the city of Neillsville, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded with, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

CHAPTER II.

BOUNDARIES AND WARDS.

Boundaries.

SECTION 1. The west half of section No. 14, all of section No. 15, lying and being east of the center of Black river, all of section No. 10, lying and being east of the center of Black river, and all of the southwest quarter of section No. 11, lying and being east of the center of Black river, all in township No. 24, range No. 2 west, shall be included within and constitute the territory comprising the city of Neillsville.

Wards.

SECTION 2. The city shall be divided into three wards. All that portion lying and being north of O'Neill Creek shall constitute and be the First ward; all that portion lying and being south of O'Neill Creek and east of the center of East or Main street shall constitute and be the Second ward; all the rest of said territory shall constitute and be the Third ward.

CHAPTER III.

OFFICERS.

Officers.

SECTION 1. The annual election for city officers shall be held on the first Tuesday in May in each year,

at such place as the common council shall designate, and the polls shall be kept open from ten o'clock in the forenoon until five o'clock in the afternoon, and the city clerk shall give ten days notice of the time and place, and of the officers to be elected at such annual election. Such notice shall be by publication in some newspaper published in the city, or by publishing the same by posting up two written or printed notices in each ward.

SECTION 2. The elective officers of said city shall be a mayor, treasurer, city clerk, one assessor, one police justice, one alderman to represent each ward, and one supervisor to represent each ward on the county board. The said alderman and supervisor must reside in the ward they represent, and be a free holder in the city. The mayor, police justice, treasurer, city clerk, assessor and alderman shall hold their offices for one year, and until their successors are elected and qualified. All other officers and agents necessary to the proper discharge of the duties herein conferred, shall be appointed at the first meeting of the common council in each year, or as soon thereafter as may be. The common council shall have power to remove any person appointed by them for due cause upon a majority vote of all. First giving the person seven days notice of the reasons for his removal, and a fair and just hearing, and may be assisted by council.

Elective officers.

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

Elections shall be by ballot.

SECTION 4. All persons entitled to vote for county and state officers and who shall have an actual residence in the city thirty days next preceding the election shall be entitled to vote for any officer to be elected, or other questions that may be submitted to the people for their vote.

Persons who are entitled to vote

SECTION 5. If any vote be challenged, or if the inspectors of any election shall have reason to believe when any person presents himself to give his vote that he does not possess the qualifications of an elector, the same oath as is required by law at general elections

Challenging votes.

shall be put to the person offering to vote, with the further statement that the deponent has thirty days next preceding the election at which he offers to vote, resided in the city. All persons illegally voting, and all fraud, deceit or corruption at any election held under this act shall be punishable according to the laws of this state made and provided for the punishment of illegal voting, fraud, deceit, or corruption at any election.

Eligible to office.

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

Counting votes.

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

When first election shall be held.

SECTION 8. The first election under this act shall be held on the first Tuesday of May, 1882, and annually thereafter on the first Tuesday in May, and the supervisors of the town of Pine Valley, or any one of them, if the others are absent, and the clerk of the town of Pine Valley, or his deputy shall constitute a board of canvassers for the first election, with authority to select from the legal voters, in case that any of the town board be absent, a sufficient number to make five in all, and make return of the result as is provided by this act to make returns at general elections of the city and the said returns or statements shall be filed with the city clerk as soon as he has qualified.

Special elections.

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

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

Officers to execute bonds.

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

Special meetings.

SECTION 12. All ordinances, by-laws, rules and regulations of the city, and all commissions, licenses and permits granted or authorized by the common council shall be signed by the mayor and countersigned by the city clerk, and whenever the city shall be a party to any contract, bond, agreement, deed, conveyance, lease or other instrument in writing wherein or whereby any legal or pecuniary liability shall be incurred by the city, the same shall be signed by the mayor and city clerk, and sealed with the corporate seal.

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

SECTION 13. The mayor, alderman, city marshal, and the sheriff and his deputies of Clark county, and all constables of the town of Pine Valley, shall be officers of the peace, and suppress in a summary manner all riots, affrays or disorderly conduct within the city, and for such purpose may command the assistance of all bystanders and citizens or other persons, and if either or any said officers or persons by them commanded shall refuse or neglect to aid or assist such

Officers of the peace.

officers in maintaining the peace, or in the service of any process, or arresting offenders without process when so required, upon conviction shall be deemed guilty of a misdemeanor, and shall be fined not less than ten nor more than two hundred dollars and costs of suit, and in default of payment shall be committed to the common jail of Clark county or the city jail until paid, but such imprisonment shall be limited by the court, and in no case shall be less than ten days.

Jurisdiction of
police justice.

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

Police justice
to pay over to
treasurer.

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

CHAPTER IV.

DUTIES OF OFFICERS.

Duties of may-
or.

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

men when the safety and good order of the city shall in his judgment, require the same, upon special or unusual occasions, where compensation shall be fixed and allowed by the common council.

SECTION 2. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Neillsville." The common council shall meet, qualify and organize on the second Tuesday in May, of each year, or as soon thereafter as may be. A majority of the aldermen, with the mayor, shall constitute a quorum.

What constitutes the common council'.

SECTION 3. At the first meeting of the common council of each year under this act, or as soon thereafter as may be, the common council shall appoint one street commissioner for said city, who shall hold his office for one year, and until his successor is appointed and qualified, and whose duties and liabilities shall be as hereinafter provided.

Appointment of street commissioner.

SECTION 4. The common council shall have the control and management of the finances and of all the property of the city, and shall likewise in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city for the suppression of vice and immorality, for the prevention of fires, and for the benefit of trade, commerce and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any and all persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of laws, 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 ordinances, resolutions or by-laws :

Control and management of the finances.

1st. To license, regulate, and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, theatrical performances or concerts, and the use of billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualing houses, and the persons vending or dealing in spirituous, vinous or fermented liquors, and

Licenses.

revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state.

Gambling. 2d. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.

Prevent riots, etc. 3d. To prevent any riots, noise, disturbances, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gaming.

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

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

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

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

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

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 an ordinance.

Putrid carcasses. 10th. To prevent any person from burying, depositing, or having, within said city, or place adjacent to said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same

by any person, who shall have on his premises, any such substances, or putrid or unsound beef, pork, fish, hides, or skins of any kind, or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

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

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

13th. To restrain drunkards, immoderate drinking 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. Restrain drunkards.

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

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

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

SECTION 5 To establish a fire department; to approve or disapprove of the officers elected therefor; to prescribe and regulate their duties; to provide protection from fire by purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses, rent or purchase any now put up or used therein; to compel the inhabitants of the city to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fires; as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and Fire department.

fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale, and after reasonable notice to such owner or occupant and refusal or neglect by him, to procure and deliver the same to him, and in default of payment thereof to levy the costs thereof as a special tax upon such real estate, to be assessed and put in the tax roll and collected as other taxes are collected. To require construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipe, and the construction and cleansing of chimneys; to prevent bonfires, and generally to establish such measures for the prevention or extinguishment of fires as may be necessary and proper.

Grade of streets.

SECTION 6. The common council shall have power and authority to establish the grade of any or all streets, gutters and sidewalks in said city, and the said common council shall, on a petition of a majority of the owners of real estate bordering on any street or sidewalk in said city, not less than ten rods in length, establish the grade of such street, sidewalk or gutter, as the case may be; such grade shall be established on the survey of a practical surveyor to be appointed by the said common council, whose compensation shall not exceed the pay allowed by law for like services; and it shall be the duty of the common council to cause the grade of all streets, gutters and sidewalks, when established, to be recorded in the office of the clerk of said city in a book to be provided for that purpose, and when any such grade shall have been so established and recorded, the same shall not be altered or changed, except upon the written recommendation of a practical surveyor, and by the unanimous vote of the common council; provided, that where any grade shall have been so established on Main, or Second or Third streets, in said city, such grade shall be uniform across the end of each such block; and provided further, that no sidewalk shall be constructed or rebuilt within said city without such grade first established.

Repairing of sidewalks.

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

Building sidewalks.

SECTION 8. Whenever a majority of the resident owners of real estate, or lots bordering on any one side

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

SECTION 9. On the receipt of such application, the common council, if it shall deem the building of such sidewalk necessary or expedient shall prescribe the manner of its construction and the materials of which the same shall be composed, and shall direct the street commissioner to cause the grade to be established for such sidewalk, and to report the cost of building the same along the line of each lot or tract of land bounded thereby. Upon the coming in of such report, the common council shall have power to alter or correct the same, and shall levy such tax and shall direct the clerk to make out and deliver to the street commissioner a list or roll of such tax as is required to build said sidewalk along the line of each lot or tract of land bounded thereby giving the names of the owners if known, and a description of each lot or tract of land so taxed; whereupon the street commissioner shall notify the persons named in such tax list by delivering to or leaving at the residence of each such person (if residing within said city) a written or printed notice requiring such person therein named to build such sidewalk to the approval of the street commissioner and in the manner directed by the common council, along the line of the lot or land so taxed within thirty days, or to pay the amount of said tax in money. In case any person so taxed does not reside within said city, such notice may be served by delivering the same to such person if to be found, or in lieu of such personal service, such notice may be posted in three public places in said city.

How to proceed to build walks, etc.

SECTION 10. To every such tax list or roll issued as aforesaid, a warrant shall be annexed, signed by the mayor and countersigned by the clerk, commanding the street commissioner to give notice to the several persons named therein, as is provided in section 9 of this chapter, and in case any such person shall have failed to build such sidewalk, for the building of which such tax was levied, within thirty days after such notice, to demand the payment of such tax in money. The

Warrant to be annexed to roll.

street commissioner shall return such tax list or roll to the city clerk within forty days from the time the same shall have been placed in his hands, together with his statement, duly verified, showing what part or parts of said sidewalk has been built as required therein by the several owners of lots and tracts of land along the line thereof, also what part of each such tax has been paid in money and by whom paid.

Unpaid taxes
for sidewalks.

SECTION 11. On the return of such tax list and warrant, if it shall appear that any part of any such tax remains unpaid, the common council may order the street commissioner to complete the building of such sidewalk, and the cost thereof shall be paid out of the general fund of said city, and all such unpaid taxes shall be collected as is provided in section 6 of this chapter, and when collected shall be returned into the aforesaid general fund.

May direct re-
pairing of side-
walks.

SECTION 12. Whenever any sidewalk in said city shall, in the opinion of the common council, require repairing or rebuilding, the said common council may direct the street commissioner to notify the owner or owners of such sidewalk to rebuild the same within twenty days, or to repair the same within twenty-four hours, as the case may be, which notice shall be given as is provided in section 8 of this chapter. In case any such person shall fail to repair or rebuild the same within the time required by such notice, the common council shall have authority to direct the street commissioner to rebuild or repair the said sidewalk, and to certify and return the expense thereof to the city clerk, and all such cost and expenses shall become a tax against the property bounded by the sidewalk so built or repaired, and shall be collected as is provided in section 6 of this chapter.

Unpaid taxes
to be inserted
in tax roll.

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

Street commis-
sioner shall col-
lect highway
tax.

SECTION 14. The street commissioner shall collect the highway taxes of said city, and shall superintend the expenditure of the same under the direction of the common council; and he shall, before entering upon the duties of his office, execute and file with the clerk a bond to the city of Neillsville for the faithful dis-

charge of his official duties, in such an amount and with such sureties and conditions as shall be required by the common council and approved by the mayor.

SECTION 15. The common council of said city shall, on or before the first Monday in May of each year, determine the amount of highway tax for said city necessary to be collected for such year, and shall levy such tax on the assessment of said city for the previous year, which tax shall not be more than two mills on the dollar of such assessed value of said city, and the said common council shall also levy a poll tax not to exceed one dollar and fifty cents upon each male person not exempt by law from the payment of poll tax of the age of twenty-one years and under the age of fifty years, residing within said city; which said poll and highway taxes may be paid in labor or money, as is provided herein. The highway tax roll of each year shall be made out by the clerk and delivered to the street commissioner of said city on or before the first Monday in June of each year, and to each such tax roll a warrant shall be annexed, signed by the mayor and countersigned by the clerk, commanding the street commissioner to demand the payment of such tax therein levied of the several persons and corporations therein named; and such tax may be paid in labor at such rate of compensation as shall have been fixed by the common council for such year and not otherwise, and the said common council shall at the time of levying the highway tax for any year, fix by resolution the rate of compensation to be allowed on such taxes for labor, teams, wagons, carts and plows, used in payment of highway taxes for such year. The street commissioner shall give at least three days' notice to each person so taxed and residing within said city, and who may desire to pay such tax in labor, of the time and place where such labor may be performed or teams and utensils furnished, and shall inform such person of the rate of compensation fixed by the common council, and if any person so notified shall fail to appear and work such tax at the time and place he shall be notified by the street commissioner so to do, such person shall be precluded from afterward paying such tax in labor, and the same shall in each such case be paid in money. The street commissioner shall collect all such highway taxes on personal property, and all such aforesaid poll taxes, in the same manner as town treasurers are required by law to collect taxes on personal property, and for that purpose shall have

Amount of tax to be determined and the time when.

and possess all the powers conferred by law on town treasurers. On the first Monday in October of each year, the street commissioner shall certify and return to the city clerk all unpaid taxes on real estate as appears from said roll, and the clerk shall insert the same in the general roll thereafter, in a separate column opposite the description of the property so taxed, and the same shall be collected therewith in the same manner as other taxes on real estate are collected and paid over to the street commissioner, who shall make a final return of such highway tax roll to the common council, whenever required by the said common council so to do.

CHAPTER V.

TAXES, REVENUE, ETC.

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

Time for determining general tax.

SECTION 2. The common council shall, between the second Monday in May and the first Monday in July in each year, determine the amount of general tax necessary to be assessed and collected the current year for corporation purposes, which shall in no case exceed one and one-half mills on the dollar of the assessed valuation of said city, except as hereinafter provided for in the levy and collection of special taxes. The maximum rate of taxation fixed in this and the ensuing section shall not be changed during the life of this charter except upon petition of one-half of all the legal voters in said city.

Cannot borrow money.

SECTION 3. The common council of said city shall have no power to borrow money, nor shall said city be liable to pay money borrowed on its account or advanced on its behalf by any of its officers, nor shall any of its money or property be applied to any such purpose, nor shall the common council have power to issue any bonds or other evidence of debt payable at a day subsequent to the day of the issue thereof, nor shall the common council issue in any one year orders upon the city treasurer greater in amount than the amount of taxes which may be levied and collected under this act for such year; provided, that when it shall be necessary to build or repair bridges in said city, or to provide for other matters of necessity for the benefit of said city, a special tax may be levied for such purpose by the common council, not exceeding five hundred dollars in any one year; if a sum exceeding five hundred

red dollars may be required, such special tax may be voted by the qualified voters of said city, but no such vote shall be taken unless such special tax shall be first recommended by the common council, nor unless a majority of the votes cast at such election of said city shall be in favor of such special tax, nor unless a notice of the same specifying the purpose for which said tax is to be raised, and the time and place of voting be published in the manner in this act providing for giving notice of city elections, which elections shall be conducted in the manner provided for municipal elections under this act.

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

Presenting claims against city.

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

Accounts must be itemized.

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

Further proof.

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

Numbering accounts.

person in whose favor it shall be made out, shall be entered in the record of the proceedings of the common council.

Drawing warrants.

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

Certificate of allowance.

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

Moneys raised to be used for the purpose for which levied.

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

License money to go into general fund.

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

Officers to hold until successors are elected.

SECTION 12. All officers of the town of Pine Valley now in office shall hold their respective offices until their successors shall be elected or appointed and qualified under this act, and the term of every officer elected or appointed under this act shall commence on the second Tuesday of April of the year for which he was elected, except for the year 1882, whose terms shall commence on the third Tuesday of April.

Physicians to report infectious diseases.

SECTION 13. Every practicing physician in said city who shall have a patient laboring under any malignant or infectious or pestilential disease shall forthwith make report thereof to the mayor of said city,

and for neglecting so to do shall be considered guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum of fifty dollars, to be recovered for the benefit of said city.

SECTION 14. No overseer of highways shall be elected in the city, nor any town tax or highway tax be levied therein, or on the property therein by the town of Pine Valley. The bridge across Black river, west of the city, shall be maintained, repaired, rebuilt, and the approaches thereto maintained, repaired or rebuilt under the direction of the common council of the city, and the expense thereof shall be paid by the city of Neillsville and the town of Pine Valley in proportion to the assessed valuation of the property in the town and city, as it appears from the assessment rolls of the year previous to the time the work was done.

No overseer of highways shall be elected.

SECTION 15. The city may purchase tax sale certificates and take deeds upon the same in its own name for any land returned by it to the county for non-payment of taxes.

City may purchase tax sale certificates.

SECTION 16. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation by virtue of this act or by virtue of any by-law or ordinance of the corporation, and give the persons paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrant under the corporate seal, signed by the mayor by order of the aldermen, and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out the funds of the corporation in no other way whatever. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer in a book to be provided by the corporation for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received and the source whence the said sums arose respectively; and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be opened to the inspection of the voters of said city; and the said treasurer shall annually, and as often as they shall require, render to the board of aldermen a minute account of all his receipts and disbursements; and the said treasurer shall be collector of taxes within the corporation, and he shall possess

Duties of treasurer.

all the powers and perform the duties as such collector as is or may hereafter be conferred upon town treasurers. He shall in the same manner, before receiving the tax rolls of the respective wards, execute his bond to the treasurer of the county of Clark, which bond shall be approved by the mayor of said city, and upon filing the same the treasurer of said county shall give him a receipt therefor, and upon filing the receipt with the clerk of said city, the said clerk shall deliver the tax roll of each ward to him, and the said treasurer shall proceed and collect the taxes in the manner as is by law provided for town treasurers, and shall duly make his return to the county treasurer of his said county, receiving the same compensation for his services allowed to town treasurers.

Duties of assessor.

SECTION 17. The assessor shall assess all the property in his ward, and shall perform all the duties, and in the same manner as required of town assessors, and shall receive the same compensation as now allowed by law.

Duties of marshal.

SECTION 18. The marshal, before he enters upon the duties of his office, and within six days after his election or appointment, shall execute an instrument in writing, with two or more sufficient sureties, to be approved by the mayor, conditioned to pay to each and any person who may be entitled thereto, all such sums of money as the said marshal may become liable to pay for, or on account of any money which may come into his hands by virtue of his office, or for the neglect of any official duty, which writing shall be filed with the clerk of said city, and the said marshal shall possess all the powers and enjoy all the rights of a constable in the county of Clark, and shall be subject to the same liabilities; he shall have power to serve and return summons, attachments, replevins, executions and all other writs issued by any justice of the peace in the county of Clark, and his return, properly certified thereon, shall be evidence of the service thereof. It shall be his duty to execute and return all writs and process in criminal cases, or for the violation of any ordinance of said city, and he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice in any part of the state; to apprehend any person in the act of committing any offense against the laws of this state or ordinance of the

city, and forthwith to bring such person or persons before competent authority for examination, and for all services he shall receive like fees as are allowed to constables; he shall do and perform all such duties as may lawfully be required of him by the ordinances of said city, and he shall have power and authority to appoint one or more deputies, to be approved by the mayor, for whose official acts the said marshal shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

SECTION 19. It shall be the duty of the street commissioner, within ten days after his appointment and qualification to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts and all bridges and approaches thereto, and all matters and things appertaining to the streets, and to report to the common council, recommending what in his opinion is necessary and ought to be done thereto. On the receipt thereupon, the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance to the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done, and said common council may act thereupon as they may deem fitting and proper, and said street commissioner may at other times, make such other reports as the necessities of the case may require.

Duties of street commissioner.

SECTION 20. It shall be the further duty of the street commissioner to employ men, and procure utensils, teams and materials, and whatever may be necessary in performing the street work in said city, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the common council so to do, and shall keep an accurate account of all material procured, and all teams, utensils and men employed by him, and be able to certify to the account thereof, and shall do and perform, or cause to be performed, any and all other duties pertaining to his office, that may be prescribed from time to time by the common council; provided, however, that no street commissioner

Further duties of street commissioner.

shall contract nor create any greater expense to the city in any one year than the amount raised by the common council for highway purposes.

Accounts to be paid out of highway tax.

SECTION 21. All accounts against the said city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the highway tax of said city; provided, however, that the expense of building and maintaining any bridge in said city may be paid out of the general fund. All such accounts for street commissioner purposes shall be duly verified, and when they arose or were created under the direction of the street commissioner, shall be certified by him to be true and correct in all particulars. The street commissioner shall be paid for his services, and for every day's service actually and necessarily rendered, such compensation as the common council and street commissioner shall agree upon at the commencement of his official year, which shall not exceed two dollars per day, and such account for services shall be rendered under oath, as other accounts are. The common council may at any time remove such street commissioner from office by a majority vote of the common council.

Further duty of street commissioner.

SECTION 22. It shall be the further duty of the street commissioner to collect all highway taxes and superintend the laying out of the same under the direction of the common council. He shall possess all the powers and have all the rights in the collection of such taxes as is by law conferred upon road overseers. He shall, before he enters upon the duties of his office, execute to the common council a bond, in such sum, with such sureties and conditions as the said common council shall direct, for the faithful discharge of his official duties.

Further duty of street commissioner.

SECTION 23. It shall be the further duty of the street commissioner to see that all the ordinances of the city relating to the obstructing and cleaning of sidewalks, streets, alleys, public grounds, gutters and sewers within said city, are duly kept and observed, and direct and control the persons employed therein.

Part'er duty of street commissioner.

SECTION 24. It shall be the further duty of the street commissioner to report to the common council, in writing, when required, the amount of labor, materials or money expended in each ward separately, and also the amount expended on the street running between and dividing the three wards, and shall at the close of his official year, make an annual report in writing to the common council, which shall set forth

the amount of highway tax paid in money, and the amount paid in labor, also the amount of poll tax collected, the manner in which such moneys have been disbursed and the particular items of such disbursement.

SECTION 25. The city clerk shall keep the corporate seal, and all the papers and records of the city, and shall attend the meetings of the common council, and keep full minutes of its proceedings, and enter the same on record; and shall keep a faithful record of all doings and votes of the inhabitants of said city, at their annual and other legal meetings. The records kept by the clerk shall be evidence in all legal proceedings, and copies of any and all books, papers, instruments or documents, and all indorsements thereon, filed and kept in his office, and transcripts from the records in his office duly certified by him under the corporate seal of the city, shall be evidence in all courts of the contents of the same, in like manner as the originals; and abstracts from any such records or papers so certified, shall in like manner be evidence of the particular matter to which they relate. The clerk shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep an accurate account thereof in a book provided for that purpose; he shall also keep an account with the treasurer, and charge him with all moneys paid into the treasury. He shall draw and countersign all licenses granted by the common council. He shall be the custodian of all election returns, and of the oaths and bonds of such officers as are required to file the same in his office, and immediately upon the election or appointment and qualifying of any officer elected or appointed in said city, he shall certify the same to the clerk of the circuit court of Clark county, under his hand and the corporate seal of said city, and in like manner shall certify to the county clerk of Clark county the election and qualifying of the supervisor or supervisors that may be elected to represent said city in the county board of supervisors, such certificates shall be filed by the clerk of the court and county clerk respectively, and shall be evidence of the election and qualifying of such officers. He shall perform such other duties as are incident to his office, or as may be required of him by the common council, or provided by the statute. He shall receive such compensation for his services as shall be fixed by the common council, or as may be agreed upon. The clerk shall

have authority to administer oaths and affirmations. Whenever he shall be absent, or from any cause be unable to perform the duties of his office, the common council may appoint a clerk pro tem., who for the time being shall be vested with the powers and duties of the clerk.

Duty of supervisor.

SECTION 26. The supervisor shall represent his ward on the county board, and perform the duties required of him by law as a member thereof.

Duty of city attorney.

SECTION 27. The city attorney shall conduct the law business of the corporation, but the council may, when necessary, provide assistance or employ such counsel as it may deem expedient. He shall when required furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. He shall keep a docket of all the cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city and shall at all times be open to the inspection of the mayor, or any member or committee of the common council. It shall also be the duty of the city attorney when required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances and other instruments in writing, necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon for services rendered.

Settling of town business.

SECTION 28. The town business of the present town of Pine Valley up to the time of the taking of effect of this act, shall be settled by the town of Pine Valley as it now stands, and the amount of funds remaining, and the indebtedness of the town shall be apportioned between the town of Pine Valley and the city of Neillsville according to the amount of taxable property belonging to each, as taken from the assessment roll of the year of 1881, and the records of the present town of Pine Valley shall remain with the clerk of said town, and the city of Neillsville shall be entitled to take copies of said records, and such copies shall have the same effect when certified to by the clerk having the custody of the same as the original records would have; and the dockets of the justices of the peace now residing or holding these offices in said city shall deliver the same to the police justice at the expiration of their offices. The police

justice may make transcripts therefrom and issue executions and enforce judgments thereon the same as if such judgment was obtained in his court.

SECTION 29. From and after the taking effect of this act, the connection between the town of Pine Valley and that part of said town included within the city limits for all town purposes shall be dissolved. All that part of the town of Pine Valley not included within the city limits shall constitute the town of Pine Valley, and the first town meeting shall be held on the day now fixed by law at such place as the supervisors of said town may direct.

Connection between town and village broken.

SECTION 30. The city shall own and be entitled to collect, and shall be liable for its portion of the moneys in the town treasury, and any claims or demands the town may have against any person, or the county of Clark, for money due or to become due, or other claims; and shall pay its portion of all indebtedness due, or claims contracted, or demand accruing, before the passage of this act, in proportion to the assessed valuation of the property in the territory comprising the city as appears from the assessment roll for 1881.

City entitled to its portion of the moneys in treasury.

SECTION 31. This act shall be considered a public act, and shall be construed favorably in all courts and places.

Public act.

SECTION 32. This act shall take effect and be in force from and after its passage and publication in the state paper, and all acts or of parts of acts conflicting or contravening the provisions of this act are hereby repealed.

Repealed.

Approved March 29, 1882.

[No. 204, S.]

[Published April 13, 1882.]

CHAPTER 272.

AN ACT to submit to the people an amendment of section 1 of article 3 of the constitution of this state.

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

Whereas, at the annual session of the legislature of this state for the year 1881 an amendment to the constitution of this state was proposed and agreed to by a majority of the members elected to each of the two houses, which amendment was in the following language: Resolved by the assembly, the senate concurring, that section 1 of article 3 of the constitution of this state, be amended by inserting after the word "elec-

Amendment.