

exist and be enforced and carried out and completed, as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.
Approved March 30, 1883.

[No. 140, S.]

[Published April 13, 1883.]

CHAPTER 182.

AN ACT to incorporate the city of Lake Geneva.

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

CHAPTER 1.

Corporate
name.

SECTION 1. All the territory hereinafter described, situated in the county of Walworth, shall, from and after the adoption of this charter as hereinafter provided, be a city by the name of Lake Geneva, and the people now inhabiting, and those that shall hereafter inhabit said territory, shall be a municipal corporation by the name of the city of Lake Geneva, and shall have all the general powers, rights and immunities possessed by municipal corporations at common law, and in addition thereto, shall 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, of 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.

Boundaries.

SECTION 2. All the territory in the county of Walworth and state of Wisconsin, included within the following described boundaries, shall constitute the city of Lake Geneva, to-wit: Commencing at the southeast corner of town two (2) north of range seventeen (17) east, in said county; thence north forty (40) chains in the east line of said town to the quarter section post therein; thence east four hundred sixty-six and sixty-nine hundredths (466 69-100) feet in the east and west quarter line of section thirty-one (31) in town two (2) north, of range eighteen (18) east in said county; thence north four hundred

sixty-six and sixty-nine hundredths (466 69-100) feet; thence west four hundred sixty-six and sixty-nine hundredths (466 69-100) feet to the aforesaid east line of said town two (2) north, of range seventeen (17) east; thence north in said town line to the northeast corner of the southeast quarter of section twenty-five (25) in said town; thence west in the east and west quarter lines of sections twenty-five (25) and twenty-six (26) to the north and south quarter line in said section twenty-six (26); thence south in said quarter line and the north and south quarter line of section thirty-five (35), to the south line of said town two (2); thence south in the north and south quarter line of section two (2) in town one (1), of range seventeen (17) east, to the east and west quarter section line in said section; thence east in said east and west quarter line and the east and west quarter line of section one (1), in said town to the east line of said town one (1); thence north in said east line to the northeast corner of town one (1) aforesaid, constituting all the territory comprised in the village of Geneva and other territory.

SECTION 3. This charter shall be submitted to the electors residing within the limits of the territory heretofore described, and voting at a special meeting, to be called for that purpose by the trustees of the village of Geneva, in the manner provided by chapter 40, revised statutes 1878, and held in said village, and conducted in the same manner as special meetings are held and conducted in said village. The polls of such meeting shall be open from ten o'clock A. M. until four o'clock P. M. Every qualified elector of this state, residing within said territory, shall be entitled to vote at said meeting. The vote upon that question shall be by ballots, upon which shall be written or printed the words, "For the charter," or "Against the charter." If a majority of the ballots cast at such meeting have thereon the words, "Against the charter," this act shall not take effect. If a majority of such ballots have thereon the words, "For the charter," this act shall be of full force and effect. The inspectors of said election shall make and certify returns of the result thereof, and file duplicates of the same in the offices of the county clerk of Walworth county, of the town clerks of the towns of Geneva and Linn, and of

Charter to be submitted to electors before adoption.

Opening of polls.

Inspectors.

the village clerk of the village of Geneva, and such returns shall be evidence of the facts therein stated, and the regularity of all the proceedings in relation to such meeting. In case this charter shall not be adopted at the first election held for that purpose, the same may again be submitted to the electors of the said territory, at a meeting to be called, held, conducted and certified in the same manner as above provided, at any time within two years from and after the passage of this act, and if adopted at such meeting by a majority of the ballots cast thereat, shall take effect and be of full force from and after that day.

In case charter should not be adopted.

SECTION 4. In case this act is adopted as the charter of said city, it shall be the duty of the village board of the village of Geneva, to designate the time and place for holding the first election in each ward, appoint the inspectors of election, and perform such other acts as may be required in holding the first municipal election in said city. The village board shall also act as a canvassing board for said city, at the first election, and perform such duties as may be required of the board of canvassers under this act, and all officers chosen thereat shall hold their offices until the first annual election thereafter.

First election.

SECTION 5. That part of the corporate territory lying west of a line drawn from the south end of Broad street, where it abuts upon the lake, northerly along the center of said street to the north line of section thirty-six (36), thence west to the center of Williams street, thence north along the center of Williams street and beyond the terminus of Williams street, upon the same course north to the north line of the city, shall constitute the first ward. And that part of the corporate territory lying east of said line and east of the lake shall constitute the second ward.

Ward limits.

SECTION 6. The corporate authority of said city shall be vested in one principal officer styled the mayor, and a 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 are hereinafter provided for, or may be created under this act.

Corporate authority, in whom vested.

CHAPTER 2.

ELECTIVE OFFICERS, ETC.

SECTION 1. The elective officers of said city shall be a mayor, treasurer, assessor, city clerk, two justices of the peace, and two constables for the city at large, and three aldermen and one supervisor for each ward. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council.

Elective and appointive officers.

SECTION 2. Justices of the peace shall hold their office for two years. All other elective officers for one year, or until their successors are elected and qualified.

Terms of justice of the peace.

SECTION 3. All officers of said city shall be residents and electors thereof, and all ward officers shall be residents and electors of the ward wherein they are elected or appointed. No person having been city treasurer for two years in succession shall be eligible to re-election, until one year shall have elapsed.

Officers shall be residents and electors.

SECTION 4. The annual election for ward and city officers shall be held on the first Tuesday of April of 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, until sundown; and ten days' previous notice shall be given by the common council in a paper published in said city, of the time and place of holding such elections, and of the city and ward officers to be elected.

Annual election.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and shall have resided ten days next prior to any election in the ward where they shall offer to vote, shall be deemed qualified electors of said city, and may vote in the ward in which they reside.

Electors.

SECTION 6. All elections shall be by ballot, and a plurality of votes shall constitute an election. The votes for all elective officers shall be on one ballot and shall be deposited in one ballot box. 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 casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

Legal ballots.

Tie vote.

Inspectors. SECTION 7. The aldermen in each ward shall constitute the board of inspectors of elections, and they shall take the usual oaths or affirmations, as prescribed by the general election 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; said elections shall be held and conducted in the same manner and under the same laws and penalties and vacancies in the board of inspectors thereof be filled, as required by the laws of this state regulating general elections.

Vote to be declared. SECTION 8. When an election shall be closed, and the number of votes for candidates, or persons 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 of his election to each person so elected.

Common council may expel any of their number. SECTION 9. The common council shall have power for due cause to expel any of their number. The mayor shall have power to suspend the marshal or any other 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. All officers appointed by the mayor or common council may be removed at the pleasure of the council by a two-thirds vote.

When office shall be deemed vacated. SECTION 10. 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 qualify and 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.

Vacancies how filled. SECTION 11. Whenever a vacancy shall occur in the office of mayor, alderman or justice of the peace, such vacancy shall be filled by a new elec-

tion, 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 right and subject to the same liabilities, as the person whose office he may be elected or appointed to fill.

SECTION 12. Special elections to fill vacancies or for any other purpose, shall be held and conducted 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. Special elections.

CHAPTER 3.

OFFICERS AND THEIR POWERS.

SECTION 1. Every person elected or appointed to any office under this act, except justice of the peace, shall, before he enters upon the duties of his office, take and subscribe the oath of office, prescribed by the constitution, and file the same, duly certified by the officer taking the same, with the city clerk, and the 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 Lake Geneva a bond with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, liabilities or exemptions, and said bond shall contain such penal sum and such conditions as the council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with not less than two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in such bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, ex- Officers and their powers

cept that their bonds shall be approved by the common council.

Duties of
mayor.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and except in the election of officers, shall have a vote only in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties; he shall, at the first regular meeting of the common council in each year, make out and announce such standing committees for the year, and on such subjects as may be required by ordinance or resolution of the common council; and shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. He may appoint special policemen, when in his judgment the safety and good order of the city require it, but their appointment shall not continue beyond the next meeting of the common council thereafter, unless approved by said council; the compensation of such special policemen shall be fixed by the common council.

President.

SECTION 3. At the first meeting of the council after its election in each year, it shall proceed to elect, by ballot, one of its members 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 both the mayor and president shall be absent from any meeting of the common council, it shall proceed to elect one of its number a temporary presiding officer, who, for the time being, shall have the same authority and power as the president. The president or temporary presiding officer while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and any acts performed by either of them shall have the same force and validity as if performed by the mayor; but the president of the council, or temporary presiding officer, as acting mayor, shall sign no warrant or other proceeding whatever, which the mayor theretofore has refused to sign.

SECTION 4. The city clerk shall perform all the duties required by law to be performed by him; City clerk, his duties. he shall be keeper of the books, records and papers and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect; he shall draw and countersign all orders on the city treasurer and keep a record of the same; he shall also keep in such manner as the council may direct, an accurate account with the treasurer, and charge him with all tax rolls delivered to him for collection, and all sums of money paid into the treasury; he shall file in his office all the chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks; he shall act as clerk of the board of equalization, and shall perform such other duties not here enumerated as may be required of him in his said capacity by the common council, or by the general laws of the state of Wisconsin in relation to the assessment and collection of taxes in said city; he shall also have power and authority to administer oaths and affirmations, and may appoint a deputy in writing under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place, and he shall receive such compensation as the common council shall provide or allow.

SECTION 5. The treasurer shall perform such duties, and exercise such powers as may be lawfully required of, or conferred upon him by the ordinances of said city, or the laws of this state. City treasurer his duties. He shall receive all moneys belonging to the city, shall pay out the same only upon written orders, signed by the mayor and countersigned by the clerk, and shall keep an accurate and detailed account of all receipts and disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct; he shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed statement

of all receipts and expenditures since the date of the last annual report, and of the state of the treasury, which statement shall be filed with the clerk. He shall be collector of taxes in said city, and in addition to the powers and duties herein specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers of towns.

Marshal.

SECTION 6. The city marshal shall possess all the powers and authority 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 laws of this state, may pursue and 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, and abate all nuisances, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city, or law of this state, and forthwith bring such person before competent authority for examination, and for such service he shall receive such fees as are allowed by law to constables for like service. He shall do and perform all such duties, as may lawfully be enjoined on him by the mayor or common council, or by the ordinances of said city. 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 a bond for the faithful discharge of their duties. The marshal shall be appointed by the common council as soon as it shall organize, and it may at the time of his appointment or afterwards, allow him such further compensation as it may deem prudent.

City attorney.

SECTION 7. The common council may, at its first meeting, elect a city attorney to conduct the law business of the corporation, but the council may omit such election, and when necessary provide or employ such an attorney or counsel as it may desire. The city attorney, if there be one, 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, and advise and instruct all other officers in their duties when directed by the common council. He shall keep a docket of all cases

to which the city may be a party in any court, 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 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.

SECTION 8. The common council shall have Further duties. power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them, where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix by resolution the salary which shall be paid to the clerk and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected; neither shall extra compensation be granted except by unanimous vote of the council, approved by the mayor. For the year 1883 such compensation shall be fixed by the common council, within ten days after it shall organize, and the notice of the first election held under this charter may be given by the acting village clerk, and the inspectors thereof may be appointed by the persons acting as the board of trustees of the present village of Geneva.

SECTION 9. 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 of every description in his possession 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 (\$100) besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such

Penalty for failure to deliver to successor.

books, papers and effects in the manner prescribed by the laws of this state therefor.

Mayor or aldermen not to be interested in any job.

SECTION 10. No mayor or alderman shall be a party to, or interested in any job or contract with the city, and any contract in which they, or either of them 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 mayor or alderman interested in the same, or either or any one of them.

Officers of the peace.

SECTION 11. The mayor or acting mayor, and each and every alderman, justice of the peace, marshal, constable and watchman, shall be an officer 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 purpose may command the assistance of all by-standers and other citizens; and if any person, bystander or citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of five dollars (\$5); and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Actions to be brought in corporate name of city.

SECTION 12. All actions brought to recover any penalty or forfeiture under this chapter, or the ordinances, by-laws, police and health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice in such cases shall be paid over to the city treasurer, except those for refusing to pay poll tax, which shall be paid over on demand to the street commissioner. Each justice shall report to the common council on the first Monday in January, April, July and October, in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

Resignations.

SECTION 13. Any officer may resign his office by filing his written resignation with the clerk, and such resignation shall take effect, and his office shall be deemed vacant, from the time such

resignation shall be accepted by the common council.

SECTION 14. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any officer required to give a bond as aforesaid, enter upon the discharge of the duties of his office until his bond shall have been filed and approved as by this act required.

No city officer to be surety on bond.

SECTION 15. The council at the 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, notices and other proceedings and matters required by this act, or 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 or bidders.

Official newspaper.

SECTION 16. The city printer or printers immediately after the publication of any notice, 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 and keep the same in his office.

Affidavit of publication to be filed.

SECTION 17. The common council may also at its first meeting for organization after the annual election, or as soon thereafter as convenient, elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation, for any service 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.

City surveyor.

SECTION 18. 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.

Regarding constables.

SECTION 19. The assessor shall assess all the property subject to taxation within the city, and

Assessors.

in the performance of his duties, shall possess the same powers and be governed by the same laws and regulations as town assessors, and shall complete and return his assessment roll to the city clerk, at the same time and in the same manner as town assessors are required to make returns to town clerks.

Justices of the peace, their duties.

SECTION 20. The justices of the peace elected under this act shall have the same jurisdiction, and perform all the duties of justices of the peace in towns; and in addition thereto shall have jurisdiction of all cases arising under the provisions of this act, and the ordinances, resolutions and by-laws enacted by the common council, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds shall be approved by a majority of the common council. Their fees shall be governed by the general laws concerning fees of justices of the peace, but they shall not receive any perquisites or compensation from said city, except so far as the city may become liable to them for fees as a party to a suit before them.

CHAPTER 4.

THE COMMON COUNCIL — ITS POWERS AND DUTIES.

Style of ordinances.

SECTION 1. The mayor and the aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Lake Geneva do ordain." The common council shall hold its first annual meeting in each year on the second Tuesday in April, and thereafter stated meetings at such times as it may determine. A majority of the aldermen shall constitute a quorum.

Special meetings, how held.

SECTION 2. The common council shall hold special meetings by order of the mayor, or on written request of two aldermen filed with the clerk, and notice to each of the members served personally or left at his usual place of business or abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members and to enforce its rules, and by a vote of two-thirds of its members to impose a fine upon any member for disorderly or contemptuous conduct, or to expel any member for

cause. Their sessions shall be open and public; their proceedings shall be recorded in full, and all their papers and records and all election returns shall be deposited with the city clerk, and the same may be examined at any time in the presence of the clerk.

SECTION 3. The common council shall have jurisdiction over so much of Geneva Lake as lies within the corporate limits of the city, and may enact and enforce ordinances or by-laws for the preservation of the fish in the waters thereof, or in the mill race and outlet of the same, and may also, by ordinance or resolution, prohibit and prevent any deterioration of the said water, or any nuisance being cast therein, by which the health of the inhabitants of the city, or the purity of the water shall be impaired.

Council shall have jurisdiction over Lake Geneva.

SECTION 4. The common council shall have exclusive control of the lake shore below high water mark within the city limits, and may regulate the use thereof, and prescribe rules and regulations for the protection of the same. And it may for the preservation and protection of the shore of said lake adjoining any public grounds, streets or alleys, construct and maintain breakwaters, wash-overs, piers, or any other structure or device, which in the judgment of the common council and the city surveyor will protect and preserve such shore.

Also lake shore.

SECTION 5. The common council shall have the management and control of the finances and of all the property of the city; and shall likewise, in addition to the powers herein vested in it, have full power and authority 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 crime, and for the benefit of trade, commerce, and health, as it shall deem expedient, and to prescribe penalties for the violation thereof, and sue for and collect the same with costs of suit; and in case of default of payment to provide for committing the person convicted to the city watch-house, or the county jail of Walworth county for a term not exceeding ninety days; or by other lawful means to enforce such ordinances, rules or by-laws, against all persons violating any of the provisions thereof; and such ordinances, rules, and by-laws are hereby declared to be and have the force

Control and management of finances.

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 ordinance, resolution or by-law:

Grant licenses.

1. To license, regulate, suppress and prohibit the exhibitions of common showmen or shows of any kind, or of caravans, circuses or theatrical performances; to prevent or license and regulate the keeping of billiard tables, pigeon-hole tables and bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law; and to grant licenses for and regulate groceries, taverns, victualing houses, and all places for vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per annum; and provided further, that druggists or other persons whose chief business is to sell drugs and medicines, shall not be deemed within the provisions hereof, when the same are sold for medical, mechanical or sacramental purposes. Such licenses shall not be granted for a longer term than one year, and shall run from the first day of May, and shall be liable to be revoked for a violation of the provisions thereof or of the statutes of this state.

Gambling.

2. To prohibit all descriptions of gaming, gambling and fraudulent devices and practices, and playing of cards, dice or other games of chance for the purpose of gaming in said city, and to authorize the confiscation and destruction of all instruments and devices used for the purpose of gambling.

Suppress riots.

3. To prevent and suppress all fights, riots, noise, disturbances, disorderly assemblages, disorderly conduct, disorderly houses, and houses of ill-fame.

Nuisances.

4. To declare what are nuisances, and to prevent or abate the same.

Nauseous places.

5. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or any 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.

6. To direct the location and management of slaughter houses, or to prevent the unauthorized erection or use thereof within the city, and to regulate the storage, safe keeping and conveying of gunpowder or other combustible materials.

7. To prevent the encumbering of streets, sidewalks, crosswalks, public grounds, lanes, alleys, or bridges, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, logs or any other material or substance whatever, and to prevent the loading and unloading of lumber, logs, or other materials or substances of whatever name or kind upon the bridges in said city.

8. To renumber the lots and blocks of the city, or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds.

9. To prevent horse racing, and immoderate riding or driving in the streets and upon any and all bridges, and to regulate bathing and swimming in the waters within the limits of said city.

10. To restrain, regulate or prohibit the running at large of neat cattle, horses, mules, swine, sheep, goats, poultry or geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto; to establish pounds and regulate and protect the same.

11. 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.

12. To prevent any person from bringing, depositing, or having within the limits of said city, any putrid carcass, meat, fish, or other unwholesome substance, and to require the removal of the same by the owner thereof, or by the person bringing, depositing, or having the same upon his premises, and on default, to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

13. To regulate, license or suppress omnibuses, hacks, cabs, drays, carts, and to regulate the

charges of omnibus drivers, hackmen, cabmen, draymen and cartmen in the city.

Boards of health.

14. To establish and regulate boards of health, provide hospitals, dispensaries, pest houses and cemetery grounds; to enclose, lay out and ornament such grounds, and sell and convey lots therein; to regulate the burial of the dead, and return the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.

Riding or driving on sidewalks.

15. To prevent all persons from riding or driving any horse, ox, mule, cattle, or other animal, on the sidewalks in said city, or in any way doing any unnecessary damage to such sidewalks.

Firearms and fireworks.

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

Drunkenness.

17. To restrain and punish drunkenness, immoderate drinking, or any obscene or indecent exhibition or conduct 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; and to restrain and punish vagrancy, mendicancy and prostitution.

Runners and solicitors.

18. To restrain and regulate runners and solicitors for stages, steamboats, public houses or other establishments, and to make rules and ordinances for the government and regulation of the police of said city.

Public parks.

19. To establish public parks and walks, inclose, improve and ornament the same, and prevent the incumbering or obstruction thereof.

Public buildings.

20. To control and protect the public buildings, property and records and insure the same.

Shade trees.

21. To provide for and regulate the planting and trimming of trees within the streets and public grounds of the city, and prohibit the planting of such trees as are or may become nuisances, and provide for the removal of such as are already planted.

Markets for provisions.

22. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish and other provisions; establish and regulate markets and restrain sales in the streets.

Hay and fuel.

23. To regulate the place and manner of the weighing, measuring and selling of fuel, hay and

lime, and to appoint suitable persons to superintend and conduct the same.

24. To compel the owners or occupants of buildings or grounds to remove snow, dirt, or rubbish from the sidewalks adjacent thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health may direct; and on their default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owners or occupants.

Remove snow, dirt, etc.

25. To regulate, control and prevent the landing or passing through said city of persons from boats, vessels, cars, stages or other conveyance, who are infected with contagious or infectious diseases, and to make such disposition of such persons and their property as will preserve the health of said city.

Contagious and infectious diseases.

26. To license auctioneers, peddlers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts, received from sales by auctioneers or transient dealers, or the payment of a license, or both, as the common council shall determine.

Auctioneers or peddlers.

27. To appoint watchmen and policemen, and prescribe their duties.

Watchmen and policemen.

28. To purchase, build or lease, maintain and regulate a watch house, or a place for the temporary confinement of suspected persons, and offenders against the statute or city ordinances.

Watch-house.

29. 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, and to prevent unnecessary waste of water.

Pounds.

30. To erect lamps, and regulate the lighting thereof; and to provide for lighting streets, public grounds and public buildings with gas or otherwise.

Lamps and lighting.

31. To prohibit the carrying or wearing by any person under his clothes, or concealed about his person, any dangerous or deadly weapon; and to provide for the confiscation or sale thereof.

Concealed weapons.

32. To prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals, attached to vehicles or

Abuse of animals.

otherwise, while standing or remaining in any street, alley or public ground.

Pre-serve the shore of lake.

33. To construct and maintain, at the expense of the city on the shore of Geneva lake, within the city limits, wharves, docks, or piers for the landing of boats, and to grant permission for the construction and maintaining of private wharves, docks or piers, and to make laws regulating the construction, location and use thereof.

Stagnant waters.

34. To provide for the removal of stagnant water, and the draining and removal of obstructions from any watercourse within the city limits, and to prevent the obstruction or defilement thereof.

Hitching horses to trees, etc.

35. To prohibit the hitching of horses, teams or animals to any fence, tree, pump or monument and to prevent injuries thereto.

Bread.

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

Inspection of steamboats.

37. To provide for the inspection and regulation of steamboats and steam boilers; to provide a code of signals and rules and regulations to govern boats, navigating the waters of the lake within the municipality, and to prevent unnecessary noise from steam whistles.

How laws and ordinance shall be passed.

SECTION 6. All laws and ordinances, shall be passed by a majority vote of all the members of the common council, and all ordinances before the same shall be in force, shall be signed by the mayor, and shall be published once a week for two successive weeks, in the official newspaper of the city, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before the said laws, ordinances or regulations 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 the 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.

When to take effect.

SECTION 7. All ordinances shall take effect from and after their approval and publication.

Veto power of mayor.

SECTION 8. The mayor shall have power to veto any ordinance, by-law, act or resolution passed by the common council, by notifying them of his objections thereto in writing on or before the next succeeding stated meeting of the council, and in

case the council shall not, at their next stated meeting, subsequent to the receipt of such objection, re-enact such ordinance, or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, by-law, act or resolution presented to him on or before the next stated meeting of the council after the passage thereof, it shall take effect in the same manner as if he signed it.

SECTION 9. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Reconsideration of votes.

SECTION 10. The power 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. Gambling houses or houses of ill-fame are hereby declared and shall be deemed public or common nuisances.

Shall not bar or hinder suits, public nuisances.

SECTION 11. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such times as it may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties, in pursuance of this section, or shall wilfully neglect or refuse to render his accounts or present his moneys, books 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 may order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts or in the discharge of his official duties; and it shall cause to be made a full record of all its proceedings relating to the matters mentioned in this section.

Council shall examine and adjust accounts.

SECTION 12. No compensation or salary shall

No salary to mayor or aldermen.

be paid to the mayor or any alderman of said city, except such fees as are now or may be hereafter allowed by law.

Contracts to be let to lowest bidder.

SECTION 13. All contracts for work ordered by the common council of said city, the expense whereof shall exceed the sum of fifty dollars (\$50), shall be let to the lowest reasonable and responsible bidder, who shall have complied with the requirements hereinafter set forth. All bids and proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city in a penal sum equal to the amount of the bid, which bond shall be signed by the bidder and by a responsible surety, who shall justify that he is worth the sum mentioned in such bond, over and above all his debts, liabilities and exemptions; such bond shall be conditioned that such bidder will execute a contract at such time as the common council shall require, with satisfactory sureties to perform the work specified; and in case of failure, said bond may be prosecuted in the name of the city and judgment received thereon for the full amount of the penalty thereof, as liquidated damages, in any court having jurisdiction of the action.

CHAPTER 5.

OPENING OF STREETS, ALLEYS, ETC.

Opening and laying out of streets.

SECTION 1. The common council shall have power to lay out and open public squares, grounds, streets and alleys, and to change, enlarge, extend or vacate the same, and to use lands in said city for the purpose of constructing and repairing sewers and drains as follows: Whenever ten or more freeholders residing in the city shall, by petition, represent to the common council that it is necessary to take certain lands within the city for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, or to use certain lands within the city for the purpose of constructing and repairing sewers and drains, giving the course and distances, metes and bounds, of the lands proposed to be taken, or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioner, the common council shall, if it deem it necessary to take and use such lands for

the purpose specified in such petition, cause an accurate survey thereof to be made and a plat thereof to be filed with the clerk, and cause notice of such application to be given to the owner or owners of such lands, in case such owner or owners shall reside in the county of Walworth, and to the occupant or occupants of such lands, if any there be, which notice may be served personally or by leaving the same at the place of business, or at the residence of such owner or owners, occupant or occupants; or if a portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in the city of Lake Geneva, for four successive weeks, at least once in each week.

SECTION 2. Such notice shall state that on 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 a justice of the peace residing in said city, who has no title to any of the lands described in such petition, for the appointment of six jurors to view said premises, and to determine whether it will be necessary to take or use the same for the purposes specified in said petition, and if so to assess damages.

What notice shall state.

SECTION 3. Upon presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said justice of the peace shall thereupon appoint, as jurors, six reputable freeholders, residents of the city, and not interested in the result of such application. The said justice of the peace shall thereupon issue his precept, directed to said jurors, requiring them within thirty days from the date thereof, to view such premises, to be specified in said precept, and to make return under their hands to the common council, whether, in their judgment, it is necessary to take or use said premises for the purposes specified in such application.

Jurors to be appointed.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award as to damages, the justice of the peace shall appoint others in their place, and a memo-

Disqualified jurors.

random of such substitution shall be indorsed on the precept.

Duties of jurors.

SECTION 5. The said jurors, having first taken the oath hereinafter provided for, shall, at such times as they may agree, proceed in a body to view the premises in question, and shall hear such testimony as may 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 witnesses.

Jurors shall make a report.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceeding, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take or use the premises in question for the proposed public use; which said report, testimony and precept shall be returned to the common council within the time limited therein.

Providing jurors report it is necessary to take premises.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council, if it approves such report, may agree with the several owners as to damages, but if unable to do so, it shall enter an order among its proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may 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 the property proposed to be taken or used, and to assess and return within the time limited, such damages to the common council.

In case building is on premises.

SECTION 8. If there should be any building standing, in whole or in part upon the lands to be taken, which for the proper use of the lands so taken or used, it shall be necessary to remove, the jurors, before proceeding to make assessments, shall first estimate and determine the whole 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 remove.

Notice required to be given.

SECTION 9. 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 persons interested

shall be given by publication in a newspaper published in said city, for three successive weeks; which notice shall specify the building and the award of the jurors, and shall require the parties interested to appear by a day to be therein named, or give notice to the common council of their election to accept the award of the jurors, and allow such building to be taken with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for that purpose as the common council may allow.

SECTION 10. If the owner refuse to take the building at the value to remove, or fails 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 city treasurer for the use of the owner and shall thereafter be paid over to the owner on his application therefor.

If owner refuses to take building at value to remove.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and after hearing such testimony as may be offered (which shall be reduced to writing by one of said jurors), they shall proceed to make their assessments and to determine and appraise to the owner or owners, the value of the real estate so proposed to be taken or used, and the injury arising to them respectively in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of any building or buildings required to be removed if the property of the owners of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, they shall only include the difference between such value and the whole estimated value of such building or buildings.

SECTION 12. The jurors shall assess the damages to every person separately, so that their return shall show how much is to be paid to each,

Jurors shall assess the damages.

and the amount shall be placed opposite their respective names.

Providing the lands or premises belong to different persons.

SECTION 13. If the lands or buildings belong to different persons, or be subject to lease, judgment or mortgage, or other incumbrance, or if there be any estate therein less than an estate in fee, the injury done to such person, or interest, respectively, shall be awarded by the jurors to the person entitled thereto, less the benefits resulting to such interests respectively, from the proposed improvements.

Award of jurors to be signed.

SECTION 14. The award of the jurors shall be signed by them, and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment, and shall be final, unless appealed from, in the manner hereinafter provided; and the damages allowed by such award shall be a legal charge against the city.

Land shall not be taken until damages are tendered.

SECTION 15. The lands required to be taken or used for the purposes mentioned in this chapter, shall not be appropriated until the damages awarded to the owner thereof, shall be paid or tendered to the owner, or his agent, or in case said owner, or agent cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit, to be determined by the common council; and then, and not before, such lands may be taken, or used and appropriated for the purposes required, and the city shall thereafter have the same rights in and power over them, as it has in and over streets, alleys and public grounds previously opened or laid out, except that where the lands are to be used for the purpose of sewers and drains, the city shall have power to go upon, occupy and control said premises only at such times and so far as may be necessary for the purpose of constructing, examining and repairing such sewers and drains.

Former covenants on land to cease.

SECTION 16. When the whole of any lot or tract of land, or other premises, under lease, or other contract or incumbrance, shall be taken or used by virtue of this act, and compensation shall have been made or provided for parties interested, all covenants, contracts, engagements, or liabilities relating to the same, or any part thereof, shall, after the expiration of the time for appeal, as hereinafter provided, respectively cease, and be absolutely discharged.

SECTION 17. When only part of the lot or tract

of land, or other premises so under lease or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance, shall be absolutely discharged as to the part thereof so taken or used, but shall remain valid as to the residue thereof; and the rents, considerations, liens and payments reserved, payable and to be paid for, in respect to the same, shall be so proportioned 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.

When only part of said land is taken.

SECTION 18. The damages assessed on each separate lot or tract, shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessments and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid, shall be void.

Damages on each separate piece shall be tendered.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under disability, the judge of the circuit court of Walworth county, or the county judge, may, upon the application of the common council, or of such party by his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian in the same manner as if he were the party interested.

In case of a minor or incompetent person.

SECTION 20. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath, before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to take an oath.

SECTION 21. The city council, or any party interested, may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of Walworth county from the decision of said jurors, so far as it affects the interest of said appellants. Notice of such appeal shall be filed by the appellant, with the clerk of said court, within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party other than the common

Appeal from decision may be taken to circuit court.

council shall file such notice of appeal, he shall, before the trial thereof, give a bond in such sum and with such sureties as shall be approved by said court, conditional to pay all costs of said appeal, if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

In case the court increases or diminishes award.

SECTION 22. In case the amount of damages awarded by the jurors shall be increased or diminished, upon the final determination of the appeal, the city clerk shall attach to said award a copy of the final judgment therein, and such award shall be considered (as to such difference) amended thereby.

Survey of streets to be made.

SECTION 23. Whenever any streets, alleys, or public grounds shall be laid out or extended, or sewers or drains constructed, under the provisions above, the common council shall cause an accurate survey and profile thereof to be made, and filed in the office of the city clerk.

Respecting vacating streets.

SECTION 24. No street or alley, or part thereof, shall be vacated, except upon the petition of the owners of three-fourths of the front, upon such street or alley in the block in or along which such street or alley runs; but the boundaries of streets may be changed upon petition to the council by the parties interested.

Does not affect unplatted lands.

SECTION 25. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands, in the same manner as roads are laid out by supervisors in towns.

Directions only directory.

SECTION 26. All the foregoing directions given in this chapter shall be deemed only directory, and no errors, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall, in any way, affect the validity of the proceedings.

CHAPTER 6.

POLL TAX.

Poll tax.

SECTION 1. The common council of said city shall have, and it is hereby granted power to tax annually, each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents (\$1.50), to be denominated a poll tax, and to be appropriated to the im-

provements of streets, roads, alleys and crosswalks in said city.

SECTION 2. On or before the twentieth day of May, in each year, the city clerk shall make out a list of the names of all male persons, over the age of twenty-one and under the age of fifty years, liable to pay such poll tax, with the amount thereof set opposite to each person's name, and submit the same to the common council for correction. When such list is correctly made out, and on or before the first day of June, in each year, the board shall, by order (to be signed by the mayor and clerk and annexed thereto), direct the same to be delivered forthwith to the treasurer for collection. The treasurer shall forthwith proceed to the collection of such tax, and shall demand the same once of each person named in the list, and if any person neglects to pay the same for two days thereafter, then such treasurer shall, in the name of the city sue for and collect such tax with fifty per centum damages on the same, with costs of suit, before a justice of the peace of such city, and in default of payment of such judgment, execution shall issue against the defendant as in cases of tort, and the first process in such action shall be a civil warrant; provided, the council may, by resolution, cause the said poll list to be placed in the hands of the street commissioner to be collected, and the said street commissioner shall have the same authority to collect and receipt for such tax as the treasurer, and shall account for such taxes by him collected in the same manner as for other moneys coming into his hands by virtue of his office. And the treasurer or street commissioner, while said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax as may have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such list.

SECTION 3. The common council shall, at its first meeting for organization in each year, or as soon thereafter as possible, choose, by ballot, a street commissioner, who shall perform such duties in the improvement and repair of streets, walks, gutters, sewers and other public works, as the common council shall direct; he shall collect the poll tax, when placed in his hands, as above provided, and under the direction of the common

List of persons
liable to pay
poll tax.

Selection of
street commis-
sioner.

council, expend the same on the streets, bridges, crosswalks and highways in said city, and the common council may, by resolution, direct the expenditure of not to exceed one-third of the poll tax upon the highways leading into said city, outside of the corporate limits.

Street commissioner to give a bond.

SECTION 4. Every street commissioner hereafter appointed by the common council shall, before entering on the duties of his office, give a bond to the city of Lake Geneva, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than fifteen hundred dollars (\$1500), conditioned to render an account to the common council, whenever required by law or the ordinances of said city, or by vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse, or pay over, as required by law, or the ordinance of said city, all moneys that may have come into his possession, as such officer, and to faithfully discharge the duties of said office.

Term of office of street commissioner.

SECTION 5. Every street commissioner shall hold his office for the term of one year, from the first Tuesday in April of the year in which he is appointed, unless sooner removed, as provided in section 7, of this chapter, and shall, on or before the first Monday in November, render an account, under oath, to the common council, showing the amount of money collected by him, as such commissioner, and from whom it was collected, and the amount that has been expended, specifying the work for which it has been expended. Such an account shall be rendered as often as the common council shall require.

Compensation for services.

SECTION 6. The street commissioner shall receive such compensation for his services, which may be by a per diem or a percentage upon the tax collected and expended, as the common council shall determine, and his compensation shall be decided upon at the time of his appointment, and shall not thereafter be changed, except in the manner heretofore prescribed for changing compensation of other officers.

Street commissioner may be removed.

SECTION 7. The common council may, for good cause, by a two-thirds vote of the aldermen, remove the street commissioner and declare his office vacant, after giving him due notice and a chance to be heard, and appoint his successor, who

shall thereafter be entitled to all the emoluments, writs, records, books, papers, property and effects of every description in the hands of the person so removed.

SECTION 8. The street commissioner shall return all unpaid taxes in the manner and form prescribed for such return, by the overseer of highways in towns.

Shall return all unpaid taxes.

CHAPTER 7.

STREET IMPROVEMENTS.

SECTION 1. The common council shall have general control and supervision of all streets, alleys and highways within the municipality; and may, whenever it deem it necessary, cause the same to be cleaned, sprinkled, graveled, graded or otherwise repaired, and crosswalks or sidewalks upon or along the same to be built or repaired at the expense of the city.

Control and supervision of streets.

SECTION 2. The common council may also cause any street or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalks or gutter to be built, either wholly or in part, at the expense of the adjacent property upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half the frontage of such street or part of street to be improved; or may order any sidewalk or gutter on one side of a street or part of a street, to be built as aforesaid on the petition of a majority of such owners, and of the owners of at least one-half of the frontage on such side; and may, without petition, order any sidewalk or gutter previously built to be put in repair or rebuilt.

Paving and grading.

SECTION 3. For the purpose of so improving any street, or building or repairing any sidewalk or gutter, the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof where only such sidewalk or gutter is to be built, and upon the owners thereof, a tax sufficient to pay the expense of constructing such improvement, as ordered, opposite such property to the center of the street, or such proportion thereof, not less than half, as they shall deem justly assessable, to such property, if

May levy tax for improvements.

they shall think the whole ought not to be so assessed; in which case the remainder of such expense shall be paid from the city treasury. Every such tax for repair shall be for the entire cost of repairs in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency. If any person so taxed shall have constructed such improvement in front of his premises, previous to the order of the common council therefor, and the same shall be done to the satisfaction of the street commissioner, the latter shall deliver to him a certificate to that effect, and thereupon the common council shall remit the tax against the person or property named in such certificate.

Tax list to be delivered to street commissioner for collection

SECTION 4. Whenever the common council shall levy, any such tax as specified in the preceding section, it shall make out and deliver to the street commissioner of such city a list of the persons and a description of the property taxed, together with a warrant signed by the mayor and clerk, for the collection of such tax, and thereupon, if the work be such as is required by this act to be let by contract, or the common council shall deem it for the best interest of the city, it shall so let it; and the street commissioner shall proceed to collect such tax in money; but if the work be not required or directed to be let by contract, the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said city, and shall specify in such notice a time or times, not less than twenty days nor more than forty days from the date thereof, when the person charged with taxes, in such list, may pay their taxes in labor, materials, or money; and the persons charged with such tax may, at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials; provided, the labor and materials offered in payment of such taxes are such as may be required by the street commissioner, and done and furnished to his satisfaction.

Street commissioner to be provided with a book.

SECTION 5. The street commissioner shall be provided with a book by the city clerk, in which he shall keep an accurate account of all moneys

coming into his hands by virtue of his office, the amount received and disbursed by him, the name of every person from whom money or labor is due, the amount paid in money or labor, and a correct account of all expenditures by him made as street commissioner. The book containing the account so kept shall, at all times, when required, be furnished for the inspection of the mayor, or common council, and ten days before the expiration of his term of office shall be handed to the city clerk, to be filed in his office for the inspection of the tax payers of his district.

SECTION 6. At the expiration of forty days from the date of said notice given by said street commissioner, he shall make out and deliver to the city clerk a certified list of the lots, pieces or parcels of land, in said city upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of such lots or parcels of land; and the said clerk shall add the said delinquent taxes to the next tax roll, opposite to the description of the proper lots, pieces or parcels of land therein; and such delinquent taxes shall be collected with and in the same manner as other taxes in said city.

Shall return delinquent list to city clerk.

SECTION 7. Whenever any lot, parcel or tract of land shall be returned delinquent for any such tax as hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax when collected.

Work to be done at the expense of city.

SECTION 8. Whenever the public convenience or safety shall require any sidewalk or gutter, in case of injury or defect to be immediately repaired, and the cost of the repairs will not exceed the sum of ten dollars (\$10), the street commissioner may give written notice to the parties subject to the tax for the repairs thereof, if known and residing in said city, that unless such sidewalk or gutter, therein to be specified, be repaired to the satisfaction of the street commissioner, within twenty-four hours thereafter, he will repair the same at the expense of the property; and if the same be not in such time repaired, or whenever the owner shall be non-resident or unknown, such commissioner shall make such repairs and return the cost as a delinquent tax on such property, and the same shall be collected as other delinquent assessments, as hereinbefore provided.

Street commissioner shall make slight repairs.

Owner may be requested to set out ornamental trees.

SECTION 9. The common council shall have power to require the owner of any lot, or parcel of ground 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 parcel of ground to pay the expense of the same.

CHAPTER 8.

FIRE DEPARTMENT.

Fire limits may be prescribed.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other materials, that shall not be considered fire proof, may be erected, repaired or removed, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of such fire-proof material, and in such a manner as it may ordain, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of value thereof, and to prescribe the manner of ascertaining such damages.

Construction of chimneys.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs and stairs, or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such

regulation for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter and the ordinances under it by suitable penalties.

SECTION 3. The common council shall have 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 to prohibit their meetings as such when disbanded. Each company shall be officered and governed by its own by-laws, provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city. Every active member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein for ten years, he shall be entitled to a discharge, signed by the mayor, and shall thereafter be exempt as aforesaid.

Power to purchase fire engines.

CHAPTER 9.

SCHOOL DISTRICT.

SECTION 1. The school district now embracing the present village of Geneva and a part of the towns of Geneva, Lyons and Linn, shall remain intact, and the same territory shall remain therein, excepting there shall be added thereto, any and all territory within the limits of the city, not heretofore contained in said school district, and the management of school matters shall remain the same as it has heretofore existed in the said village of Geneva.

Bounds of school districts.

CHAPTER 10.

AUDITING ACCOUNTS.

SECTION 1. No account or demand against the city shall be paid until it has been audited and allowed, and an order drawn on the treasury therefor. Every such account shall be made out by items and verified by affidavit, endorsed or annexed to the effect, that the same is just and correct and no part thereof paid (or if paid in part, except as therein stated), and that said account has

Auditing accounts.

not been presented before. When an account shall have been audited, the clerk shall endorse on each account the word "allowed" or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the council shall show to whom and for what purpose every such account was allowed, and the amount. Every such account allowed in whole or in part shall, with the affidavit thereto, be filed with the clerk, and those of each year consecutively numbered, and have indorsed the number of the order issued in payment therefor, and the clerk shall take receipts for such orders.

Council cannot issue negotiable order or borrow money except by unanimous vote.

SECTION 2. Neither the common council nor any officer of the city, shall have power to issue any time or negotiable order, or borrow any money, except in the manner and for a purpose expressly declared by statute or by this act; but the common council may, in case of temporary necessity, by unanimous vote of the council, and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one per centum of the assessed valuation of the property in said city, according to the last assessment, and may give orders on the treasury payable at a future date therefor, with or without interest; but no such order shall be made payable at a later date than the first day of March following the date of issue of such order, and for the payment of any such order, the city tax for the same year, or a sufficient amount thereof, shall stand irrevocably pledged.

Property cannot be sold for judgment.

SECTION 3. No real or personal property of the city or any of its inhabitants, or of any individual or corporation therein, shall be levied on or sold by virtue of any execution issued to satisfy any judgment against said city.

Defects of sidewalks, injury resulting therefrom.

SECTION 4. Neither the city nor any officer thereof shall be liable for any damage that may happen, by reason of any defect or insufficiency in any sidewalk, street, highway or bridge in said city, unless the street commissioner shall have first had actual notice of such defect or insufficiency, and reasonable time thereafter to repair the same, or place the same in good order, or unless the same shall have existed for so long a time that notice may be presumed.

SECTION 5. No action shall lie or be maintained against the city unless a statement in writing, signed by the person injured, or claiming to be injured by any act or neglect of the city, or any of its officers of the injury and time, place and circumstances thereof, and the amount of damages claimed, shall be presented to the common council, within thirty days after the occurring or happening of the injury alleged; nor unless such action be commenced within one year after the date of such injury.

Respecting actions against city.

SECTION 6. No action for injury to the person shall lie or be maintained against said city, unless the person claiming injury shall permit the mayor or common council, by a physician of his or its appointment, to make personal examination of the alleged injury, as often as requested after the time of its infliction, until the amount of damages is adjusted.

Respecting actions for injuries.

SECTION 7. No action shall hereafter be maintained by any person against the city, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim or demand to the common council of said city.

Respecting actions against city.

SECTION 8. When the claim 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 of Walworth county, 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 such 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.

Disposition of claims.

SECTION 9. 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 the ordinance or resolutions 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 decisions 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 Walworth, and such appeal shall be

Duties of clerk when appeal is made.

entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon 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 costs, 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.

Determination
of council to be
final.

SECTION 10. 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 be taken as hereinbefore provided, or the common council shall consent to the institution and maintenance of the action; provided, however, that when the council shall refuse or neglect to act upon a claim to it duly presented, this chapter shall not be construed as to prevent the institution and maintenance of an action by said claimant against said city.

CHAPTER 11.

FINANCES AND TAXATION.

Funds to be
under control
of council.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

No debts to be
contracted un-
less by major-
ity vote.

SECTION 2. No debts shall be contracted by the city, or order be drawn on the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the council whenever the same shall be asked for by any one member; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act,

and for the payment of indebtedness now existing. City orders shall be receivable for all city taxes, except school and special taxes for bridge and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, or the city's proportion of the bonds of the town of Geneva, which shall be collected in money or in orders drawn upon such funds respectively; and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn.

SECTION 3. The common council shall annually levy a tax not exceeding one per centum upon the total assessed valuation of the city, to defray the current expenses thereof, including highway tax; and for schools, bridges and the bonded indebtedness of said city, such sum as a majority of the electors thereof shall vote at any annual or special meeting.

Taxes for current expenses.

SECTION 4. All forfeitures and penalties, accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of five of the aldermen elect.

Penalties to be paid into city treasury.

SECTION 5. All property, real or personal within the city, except such as may be exempt by the laws of this state, shall be subject to annual 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. The assessor elected under this act shall have and possess the same powers, and perform the same duties as are or may hereafter be conferred upon township assessors, except 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 assessors.

All property taxable for city government.

SECTION 6. The assessor elected by virtue of this act shall, in all things pertaining to his office so far as practicable, be governed by the same laws as assessors in towns.

Laws governing assessor.

SECTION 7. The mayor, supervisors, clerk and assessor shall constitute the board of review, and

Board of review.

shall meet at the chambers of the common council, on the first Monday in August in each year, and shall proceed in all respects as town boards are by law required to proceed.

City to be regarded as town for equalizing purposes

SECTION 8. The county board of supervisors shall have the right to regard the city of Lake Geneva as a town, in equalizing the assessment rolls of the several cities and towns in Walworth county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Board of supervisors may levy taxes.

SECTION 9. The said board of supervisors may levy a tax or taxes in the same manner as now is, or may hereafter be provided by law, in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Duty of city clerk when statement of tax is received.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years and all special taxes levied by the common council, since making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax list of the city of Lake Geneva," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list shall be prima facie evidence.

SECTION 11. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record in this state that every act or thing required by law to be done, relating to assessing or levying of taxes, from the election of officers to the completion of the tax list inclusive, had been done regularly, correctly and as required by law.

SECTION 12. Immediately after making out the

tax list aforesaid, the clerk shall make out a duplicate copy thereof which shall be called the tax roll, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer requiring and commanding him to collect the taxes and assessments specified in said tax roll, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Clerk shall make a duplicate copy.

SECTION 13. The city treasurer, upon the receipt of such tax roll, shall proceed to collect the taxes therein in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per cent. fees upon all taxes paid to him before the tenth day of January, and three per cent. fees upon all taxes collected after that time, to be added to the amount of taxes and collected with the same, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

City treasurer shall collect.

SECTION 14. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Walworth county a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers; and all the provisions of chapter 49 of the revised statutes of 1878, and acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax.

Return of delinquent tax roll.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Lake Geneva, at the same time and in the same manner as other delinquent lands are sold in the county.

County treasurer shall sell.

SECTION 16. All the directions hereby given, except in section 9, of this chapter, for assessing of lands, and the levying, collecting and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or infor-

Directions only deemed directory.

mality in the proceedings of any of the officers entrusted 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.

Special taxes for purchase of fire engines.

SECTION 17. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied, unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people, and approved by them. Whenever the council shall recommend such a tax, it shall specify the amount to be raised and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

Proceedings in case money is low in treasury.

SECTION 18. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council. Thereupon, the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

State tax shall first be paid.

SECTION 19. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then county taxes; then judgments; then all special taxes, in the order in which they were levied. Delinquent returns shall be received by the county treasurer in payment of county taxes, in the manner provided by law.

Meeting for unfinished business.

SECTION 20. The common council shall meet on Tuesday evening, one week previous to the holding of the charter election, for the purpose of disposing of the unfinished business, and shall not thereafter, during its term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of its term.

Investment of surplus funds.

SECTION 21. All surplus funds belonging to the city, not needed for immediate use, may be invested as the council may direct, or borrowed for the temporary use of the other funds of the city, and all interest and profits arising from such investment shall belong to the city, and shall be accounted

for in the same manner as other funds are accounted for.

CHAPTER 12.

ACTIONS TO RECOVER PENALTIES.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. 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.

Actions to recover penalties.

SECTION 2. In all prosecutions for any violation 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 hereinafter provided.

Prosecutions to be by summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

COUNTY OF WALWORTH, }
City of Lake Geneva. } ss.

Form of summons.

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

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned justice of the peace in and for said city, at my office in said city, on the _____ day of _____, 18—, at _____ o'clock in the _____ noon, to answer to the city of Lake Geneva, to the damage of said city, two hundred dollars (\$200) or under.

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

SECTION 4. Such summons shall be made returnable and served in the same manner as is now, or hereafter may be prescribed by the laws of this state, for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced

When returnable.

by summons and triable before justices of the peace.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

Form of complaint.

CITY OF LAKE GENEVA, }
 against } In Justice Court.
 A. B. }

Before C. D., Justice of the Peace.

The plaintiff complains against the defendant, for that the defendant on the — day of —, 18—, at the said city, did violate (section —, of chapter —, of this act, or section —, of an ordinance or by-law or regulation of said city, describing it by its title), which said — is now in force. By reason of such violation an action hath accrued to the city of Lake Geneva, to recover of the defendant the sum of — dollars debt, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

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

Form of complaint.

CITY OF LAKE GENEVA, }
 against } Before C. D., Justice of
 A. B. } the Peace.

County of Walworth, ss.

E. F., being duly sworn, on oath complains to C. D., justice of the peace in and for the city of Lake Geneva, 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 its title), which said — 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 Lake Geneva therefor.

Sworn and subscribed to before me this — day of —, 18—.

Requirements.

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 com-

plaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with a justice of the peace, he shall issue a warrant substantially in the following form:

COUNTY OF WALWORTH,)
 City of Lake Geneva.) ss.

Form of warrant.

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal or any policeman of the city of Lake Geneva 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 said _____ 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 city of Lake Geneva on the complaint aforesaid.

C. D., Justice of the Peace.

Upon the return of the warrant the justice shall 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, 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 watchhouse in such village or the common jail of Walworth county, and shall be received and kept therein the same as in criminal actions, except as modified by this act or the ordinances of said city. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter embraced in the action.

How justice shall proceed.

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

Printed copy shall be *prima facie* evidence.

trial of all cases cognizable before any court of this state.

Witnesses and jurors shall attend without fees in advance.

SECTION 8. Witnesses and jurors shall attend before justices 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.

Trial by jury.

SECTION 9. In city prosecution both plaintiff and defendant shall enjoy the right of trial by jury, as in civil actions in justices' courts, and the findings of the court shall be either "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-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and the non-payment thereof, the justice shall forthwith issue execution as in cases of tort, in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Form of execution.

COUNTY OF WALWORTH,)
 City of Lake Geneva.) ss.

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

Whereas, the said city of Lake Geneva, on the — day of —, 18—, recovered a judgment before the undersigned, justice of the peace in and for said city, against — —, for the sum of — dollars, together with — dollars and — cents, costs of suit, for the violation of (section — 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 by distress of the goods and chattels of the said — —, excepting such as the law exempts, and make sale thereof accord-

ing to law to the amount of said sums together with your fees and twenty-five (25) cents for this writ; and the same return to me within thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said ———, and him convey and deliver to the keeper of the common jail of Walworth county; and said keeper is hereby commanded to receive and keep in custody in said jail the said ——— for the term of ———, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

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

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 return of writ.

Form of commitment.

SECTION 10. Any defendant, feeling aggrieved by the judgment of a justice of the peace in an action commenced under the provisions of this act, may appeal from such judgment in the manner provided by the general laws of this state; such defendant shall, within twenty-four hours, enter into a 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 a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return together with the proceedings, and a copy of the entries on his docket in the action, together with the recognizance to be filed in the office of the clerk of said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Right of appeal.

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

Appeal to stand for trial.

SECTION 12. If the judgment of the justice shall be affirmed, or if, upon the 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.

Not to work in competency.

SECTION 13. No person shall be incompetent to the office of judge, justice, witness or juror, 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.

Old ordinances to remain in force.

SECTION 14. All ordinances and regulations now in force in the village of Geneva, 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.

City to carry along ordinances, etc., of village.

SECTION 15. All actions, rights and penalties, fines and forfeitures, which have arisen or accrued under the several ordinances of the corporate village of Geneva, or which may hereafter arise or accrue under said ordinances during the time they may remain in force, as provided in the last preceding section, shall be vested in and prosecuted by the corporation hereby created.

How city may be served with process.

SECTION 16. When any suit or action shall be commenced against said city, the service thereon shall 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 of said city so served, forthwith to inform the common council thereof, or to take such action or proceeding as by the ordinance or resolution of said council may be in such cases provided.

Penalties to be paid into city treasury.

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.

General laws established.

SECTION 18. The general laws for the preservation of bridges, and the punishment provided by such laws for the wilful and malicious injuries done thereto, are hereby extended to and shall include all of the bridges extending across water courses in said city, and shall apply to any wilful or malicious damage which may be done to them by any person or persons whatever; and the common council of said city may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges, by any vessel or watercraft, or by the

master or any person in command thereof, such vessel or watercraft may be proceeded against by the said city, under the law to provide for the collection of demands against boats and vessels, which does now or may hereafter exist.

CHAPTER 13.

MISCELLANEOUS PROVISIONS.

SECTION 1. The plats of the village of Geneva, and the additions thereto heretofore executed and recorded, are hereby adopted as plats of the city of Lake Geneva and additions thereto, and the real estate included in said plats may be hereafter described by lots and blocks, as they appear on said plats, and by describing the plats as "the original plat of the village of Geneva, now city of Lake Geneva, or the plat of a specified addition to the village of Geneva, now city of Lake Geneva, and in like manner with the plats of other additions, or in any other manner, so as to describe the land with reasonable certainty.

Description of lots in village plats.

SECTION 2. All laws in relation to the support of the poor in towns shall apply and be in force in said city.

Poor laws.

SECTION 3. All moneys, property, effects and credits belonging to the present village of Geneva, shall belong to the city of Lake Geneva, and shall be transferred to the proper officers of said city by the persons in charge of the same, as soon as such officers shall be elected and qualified; and the title to all real estate and public grounds now belonging to said village of Geneva, shall pass to and vest in said city of Lake Geneva.

Property of village to be turned over to city.

SECTION 4. Any lawful debt, claim, demand or right of action against the present village of Geneva, shall be and become a lawful debt, claim, demand or right of action against the city of Lake Geneva, and any and all irregularities that may exist by virtue of "re-incorporating" said village, and the election or appointment of any and all officers, and the acts of any and all officers or pretended officers of said village, shall in no way invalidate or be set up as a defense by the said city of Lake Geneva, or any person or persons in any action upon any bond issued by said village, or any other debt, claim and demand against said village.

Lawful debts, claims to be transmitted.

Board of equal-
ization.

SECTION 5. The board of review of the city of Lake Geneva, together with the board of supervisors, clerk and one assessor of the town of Geneva, shall constitute a board of equalization, who shall meet annually at the council chamber in said city on the third Monday in August in each year, for the purpose of apportioning the bonded indebtedness of said town maturing the ensuing year. Said board shall at such meeting carefully examine the assessment rolls of said city and town, and determine and assess the relative aggregate value of all the taxable property in each, which is liable to taxation for the payment of said bonded indebtedness; and upon the equalized valuation so determined and assessed, shall apportion the amount of said bonded indebtedness next thereafter maturing, between said city and said town, *pro rata* according to the relative equalized valuation of each. The said valuation and apportionment shall be incorporated in a resolution, to be certified in duplicate by the mayor and clerk of the city, and the chairman and clerk of the town, and one copy thereof filed in the office of the clerk of each municipality. The said town and city clerks shall thereupon carry out upon their respective tax rolls, upon a uniform percentage, opposite each valuation in said roll subject to taxation therefor, the amount required to be raised upon such valuation to realize in such town or city its proportion of said indebtedness as thus apportioned, and the amount to be raised by said city shall be paid over by the city treasurer to the town treasurer on or before the date of maturity of the said indebtedness.

Respecting
bonds and their
apportionment.

SECTION 6. In case the electors of said city or of said town shall, by vote or resolution at any annual or special election, determine to call in and pay or refund the bonds of said town which are now payable, at the option of said town, in the year A. D. 1886, or thereafter, the said board of equalization shall, at their next meeting, apportion the whole of said bonded indebtedness, subject to the option aforesaid, between said town and city, in the manner provided in the last preceding section. The city of Lake Geneva may in such case issue and negotiate bonds of said city, for its proportion of said indebtedness, payable at such times, and bearing such rate of interest as may be determined by its electors, in the manner

and upon such notice as is provided in respect to the issue of town bonds by sub-division 7, of section 776, of the revised statutes.

SECTION 7. No general law contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SECTION 8. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state, and shall take effect as hereinbefore provided.

Approved March 30, 1883.

[No. 467, A.]

[Published April 10, 1883.]

CHAPTER 183.

AN ACT to revise, consolidate and amend the charter of the city of Oshkosh, the act incorporating the city, and the several acts amendatory thereof.

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

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Winnebago contained within the limits and boundaries hereinafter described, shall be a city by the name of "Oshkosh;" and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the "City of Oshkosh," and by that name capable of suing and being sued in all courts of law and equity.

SECTION 2. The territory included in the following boundary and limits shall constitute the city of Oshkosh, to-wit: Commencing at a point where the north line of section eighteen (18), town eighteen (18), range seventeen (17) east, intersects the shore of Lake Winnebago, running thence west along the section line and the continuation thereof, to the center of the Oshkosh and Winneconne highway; thence northwesterly along the center of said highway until it intersects the north line of fractional lot five (5), section ten (10), town eighteen (18) north, range sixteen (16) east; thence due west to the produced one-eighth ($\frac{1}{8}$) line run-