

[No. 136, S.]

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CHAPTER 127.

AN ACT to incorporate the city of Ashland.

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

CHAPTER I.

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

Corporate name.

CHAPTER II.

SECTION 1. All of sections twenty-three, twenty-six, twenty-seven, twenty-eight, thirty-two, thirty-three, thirty-four and thirty-five, in township forty eight, range four west, and all of sections two, three, four, five, six, seven, eight, nine and ten, in township forty-seven, range four west, in Ashland county, Wisconsin, shall be included within and constitute the territory comprising the city of Ashland.

City boundaries.

SECTION 2. The city is hereby divided into five wards, as follows: All that part of the territory lying and being northwest of the center line of Delaware street and of said center line extended to the south boundary line of said city, shall constitute and is hereby established as the first ward. All that part of the territory lying and be-

Ward boundaries.

ing between the east boundary line of said first ward and the center line of Lake avenue, and said center line extended to the south boundary line of said territory, shall constitute and is hereby established as the second ward. All that part of the territory lying and being between the east boundary line of said second ward and the center line of Ellis avenue and said center line extended to the south boundary line of said territory, shall constitute and is hereby established as the third ward. All that part of the territory lying and being between the east boundary line of said third ward and the center line of Jefferson avenue, and said center line extended to the south boundary line of said territory, shall constitute and is hereby established as the fourth ward. All that part of the territory lying and being between the east boundary line of said fourth ward and the west boundary line of said territory, shall constitute and is hereby established as the fifth ward. It shall be the duty of the clerk to prepare a book for use at the election in each ward, in which shall be entered in orderly and convenient form all lots and subdivisions of land in the ward. The descriptions shall be as platted when the territory has been platted, otherwise by government description. The council may require also that all lots and parcels of land be designated as occupied or vacant, as the case may be. The books so prepared shall be delivered to the inspectors of election for the respective wards before the polls are opened, and be returned by them with the other returns as hereinafter provided.

CHAPTER III.

Annual
election, when
to be held.

SECTION 1. The annual election for ward and city officers shall be held on the second Tuesday of March of each year except as hereinafter mentioned, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, and ten days' previous notice except the first election after the passage of this act, shall be given by the city clerk, in such manner as the common council shall direct, of the time and place of holding such

elections, and of the city and ward officers to be elected; provided, however, that no election shall be invalidated because of failure to give said notice; and provided further, that no election shall be held in any building where intoxicating liquors are kept; provided further, that after the election of 1887, the annual election in said city for city and ward officers shall be on the first Tuesday of March in each year.

SECTION 2. The elective officers of said city shall be a mayor, one alderman from each ward, a city treasurer, city clerk, one justice of the peace and one supervisor from each ward. The appointive officers shall be a city assessor, city attorney, city auditor, city physician, street commissioner and city surveyor, and such other officers as are necessary to the proper management of the affairs of the city; which officers shall be appointed by the mayor. The term of office of all elective officers, except justices of the peace shall commence on the second Tuesday of April after their election, and continue for one year, or until their successors are elected and qualified. The term of office of all appointed officers shall commence on the first Tuesday after their appointment, and expire with the term of office of the mayor who appoints them, except city auditor, city attorney, city surveyor, city physician and street commissioner, and the term of office of the said auditor, physician, attorney, surveyor and street commissioner shall expire when their successors are appointed and qualified.

Elective and
appointive
officers.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, alderman, supervisor or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the mayor. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and shall be subject to the same liabilities as the person whose office he shall be elected or appointed to fill.

Vacancies, how
filled.

SECTION 4. All the elective officers of said city and all the appointive officers herein specially mentioned, shall be qualified voters of said city, and the mayor, aldermen, supervisors,

Election, and
canvass of
votes.

street commissioners and assessors shall, as a qualification for the office, be the owners in fee of one or more parcels of real estate situate within said city. All ward officers, including aldermen and supervisors, shall be qualified voters of the ward in which they are elected, and shall possess the same qualifications as to property as elective city officers. All appointive officers, except as heretofore provided, shall be qualified voters of said city. When an election shall be closed the canvassers shall proceed to count the votes cast for each and every legal candidate voted for, and shall make a return thereof to the city clerk; on the day following the election they shall return the ballot box sealed, with the ballots therein that have been canvassed by them. If any contest is commenced over the result within ten days they shall be preserved, otherwise they shall be destroyed in the presence of the council, and on the second day after the election, the city clerk, city attorney and the mayor shall proceed to canvass the said votes by said returns, and shall file in the office of the city clerk a written statement of the whole number of votes cast for each office, and the number cast for each candidate therefor, duly subscribed by a majority or all of the said board of canvassers, and the clerk shall, within three days thereafter, give notice to each person elected of his election. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and returns shall be made in the same form and manner as of annual elections, and within such time as may be prescribed by ordinance. 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 prescribed. The clerk of the circuit court, county treasurer and county clerk shall canvass the votes by said returns of the first election held under this act.

Swearing in
votes.

SECTION 5. If at any special or general election the inspectors shall suspect that any person offering to vote is not a qualified elector, or if any vote

be challenged by an elector, such vote shall not be received unless the person offering to vote shall make the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intention to become a citizen conformably with the laws of the United States on the subject of naturalization); that you have been an actual resident within the city of Ashland for one year, and within this ward for thirty days immediately preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election, and that you have correctly stated where you reside;" which oath any member of the board of inspectors is hereby authorized and empowered to administer, and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty dollars. It shall be the duty of the inspectors of election to keep a list of all the names of all the persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and before any such vote shall be put in the box it shall be numbered on the back corresponding to the number of the voter's name on the list of voters, and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall wilfully omit to write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts or tallies of votes, such inspector or clerk shall be liable to indictment or punishment by information, and on conviction thereof shall forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars.

First election,
when held.

SECTION 6. The first election under this act shall be held on the second Tuesday in April, 1887, and elections shall be held annually thereafter on the first Tuesday of March. The present city officers of said city shall hold their offices for the time they were elected, and until their successors are elected and qualified.

Who are
entitled to vote.

SECTION 7. All persons entitled to vote on a general state election, and who have resided in the city six months, and in the ward thirty days next preceding the time of holding said election, and who shall state the lot or parcel of land on which they reside, shall be entitled to vote at all city and ward elections; provided, however, that at the election in April, 1887, all persons otherwise qualified shall have the right to vote in the wards in which they reside at the time of the passage of this act.

How elections
shall be
conducted.

SECTION 8. All the elections shall be conducted by the members of the council from each ward, and a third person to be appointed by them, and by two clerks to be appointed by the by-standers on the morning of election; and if the members of the common council, or either of them, are not present, their places may be filled by election from the persons present who shall proceed to discharge the duties of clerks and inspectors in the same manner as is provided by statute for town meetings, so far as not otherwise provided herein; provided, however, at the election in April, 1887, the town board of the town of Ashland, prior to the election, shall procure a proper place for holding the election in each ward, and a residence shall be construed to mean the place where such elector lodges. No vote shall be received unless the person offering to vote states the lot or parcel of land on which he resides, and in all cases, before the vote shall be placed in the box, the number shall be marked opposite the lot or parcel of land on which such persons claims to reside, in the book prepared by the clerk under section 2, of chapter 2, of this act.

Elections shall
be by ballot.

SECTION 9. All elections by the people shall be by ballot, on which the names of all officers voted for shall be written or printed, A plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the

election shall be determined by the casting of lots in the presence of the common council at such time and manner as they shall direct.

CHAPTER IV.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state; and shall file the same duly certified by the officer administering the same with the city clerk; and the treasurer, clerk and auditor and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city a bond with two or more sureties, the aggregate amount of whose property within the state, over and above their respective debts, exemptions and liabilities, shall be shown to be double the amount of such bonds by their several and respective affidavits attached to or endorsed on such bonds; and such bonds shall respectively contain such penal sums and such conditions as the common council may deem proper; provided, however, the bond of the city treasurer shall not be less than thirty thousand dollars and the bond of the city auditor shall not be less than five thousand dollars; said bond shall be approved by the common council, and the common council may from time to time require new and additional bonds and remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Ashland shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of the city treasurer and of the city clerk, and of all officers who may be charged with the collection or safe keeping or the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of Ashland county. A transcript from the records of such bonds in the office of the register of deeds or clerk, duly certified by such register or clerk, shall be evidence of the due execution

Oath of office,
to be taken by
all officers.

and contents of the bonds so recorded in case of the loss of the originals.

Duties of
mayor defined.

SECTION 2. The mayor shall take care that the laws of this 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 from time to time give the common council such information and recommend such measures as he may deem advantageous to the city; when present, he shall preside at the meetings of the common council, and shall only vote therein on an equal division of the members present. The mayor shall be the chief executive officer of the city, and the head of the fire department and of the police, and in case on any occasion the mayor shall deem it prudent or necessary, he may appoint temporary policemen, within and subject to the restrictions of this charter; but in such case he shall report the same to the next regular meeting of the common council. The term of service of all specials shall expire at said meeting, and shall not be reappointed except as provided in the chapter relating to police department. Any ordinance, resolution or appropriation which shall have been duly passed by the council, shall be in force, unless disapproved by the mayor, within three days, who shall state his objections thereto in writing, to the common council at its next regular meeting. The council shall thereupon reconsider the vote passing such ordinance, resolution or appropriation, and if, after such reconsideration, two-thirds of all the members of the common council elected, shall vote for the passage of such ordinance, resolution or appropriation, the same shall be in force; otherwise it shall be null and void. All such votes on the passage of any such ordinance, resolution or appropriation, after the objections of the mayor are read, shall be taken by yeas and nays, and entered upon the journal of the common council.

Election of
president.

SECTION 3. At the first meeting of the common council in each year after the annual city election, or as soon thereafter as may be, they shall proceed to elect by a ballot, one of their number president, and in the absence of the mayor the president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability

from any cause to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meeting of the common council, the members present shall proceed to elect a temporary presiding officer, who, for the time being shall discharge the duties of the mayor; shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

SECTION 4. The clerk shall keep the corporate seal, and all papers and records of the city, except as otherwise herein provided, and shall keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; he shall also keep a record of the official bonds of all officers required by this act or the ordinances of the common council, and shall record all contracts made by or with the city, in a book to be kept for that purpose, and such record and copies of all papers filed and recorded in his office, and transcripts from the records of the common council and the records of the official bonds, certified by him under the corporate seal, and from contracts with the city recorded by him as provided by this section, shall be evidence in all courts to the same extent that the originals would be if produced; he shall draw and countersign all orders on the city treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages or copies thereof presented to him for that purpose, and safely keep and record the same as provided in the general laws of this state for filing and recording chattel mortgages in town clerk's offices, receiving the same fees as allowed by law to town clerks; and all chattel mortgages or copies thereof so filed and recorded shall be valid, and have the same effect as is given by law to chattel mortgages filed in the office of a town clerk; he shall keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all moneys paid into the treasury. It shall also be his duty to do and perform any act required to be done by clerks of towns, not inconsistent with

Duties of clerk defined.

the provisions of this act, and he shall have power to administer oaths and affirmations. Whenever the clerk shall be absent from any meeting of the common council, the council shall appoint a clerk pro tempore. The clerk shall also keep the claims book under the direction of the auditor

Duties of city
attorney
defined.

SECTION 5. The city attorney shall conduct all the law business of the corporation and of all departments thereof, and all other law business in which the city shall be interested when so directed by the common council. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor, or by the common council, or by any of its committees, or by any other department of the municipal government. He shall keep a docket of all the cases in which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such cases, and said docket shall at all times be open to the inspection of the mayor or any member of the common council, or any city officer. It shall also be the duty of the city attorney to draft all indentures, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the business of the city, to examine and inspect tax and assessment rolls, and all proceedings in respect to the levy and collection of taxes and assessments; also to draft all ordinances, and to revise the ordinances of said city, whenever required by the common council, and to perform such other duties as may be provided by the charter and ordinances of the city. He shall have power to appoint an assistant who shall be authorized to do all acts required by law to be done by the city attorney; provided, that the city attorney shall be responsible to the city for all the acts of such assistant, and that the city shall not be liable for the compensation of such assistant, nor have any power to pay the same. The city attorney shall receive for his services an annual salary to be fixed by the city council, payable monthly.

Duties of city
treasurer,
defined.

SECTION 6. The city treasurer shall perform all the duties required of him by law; collect all city, county and state taxes, and pay over the money in his hands according to law. He shall keep in the proper books an account of all moneys

received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of said city. He shall make reports monthly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out, which shall be published in the city paper; such reports to state the amount of money on hand. The treasurer of the city of Ashland in no case shall receive more than three per cent. on the sums by him collected, and shall be ineligible for re-election for one year next succeeding the termination of his office.

SECTION 7. The assessor shall assess all the taxable property of the city of Ashland as required by law, without regard to wards, and shall complete and return his assessment roll in the manner hereinafter provided, and receive such compensation as the council may determine.

Duties of
assessor
defined.

SECTION 8. The city physician shall have charge of all the sick under the care of the city, and render for them such medical and surgical aid as their condition requires, and in his judgment becomes necessary for their restoration to health. He shall use reasonable diligence to discover any nuisances, or anything existing in the streets, alleys or public places or upon grounds adjoining the same in said city, that may endanger the health of the people residing therein, or in the vicinity of any such nuisances; and once in each month, from the month of March to the month of November in each year, he shall file with the city clerk a report, stating the facts with reference to any such nuisance known to him, and such recommendations with reference to the same as he may think will best subserve the public interest. He may at the same time report anything else known to him relating to the health of the people of said city, which in his opinion should be remedied by the city authorities. For failure to make any such report, he shall forfeit the sum of ten dollars, to be deducted from his salary. Each said report shall at the next ensuing meeting of the council, be presented to them for their consideration. Said physician shall discharge such other and further duties concerning the sanitary condition of the city as the mayor and aldermen may impose.

Duties of city
physician
defined.

Duties of city
auditor
defined.

SECTION 9. It shall be the duty of the auditor to carefully examine any claim presented against the city, and determine whether the claim is properly itemized and sworn to, whether the items charged are correct, and the debt or claim incurred by proper authority, and generally to examine and determine upon the correctness of the claim, item by item. For that purpose he shall have power to swear witnesses and take testimony. If the auditor finds no objection to the claim he shall mark his approval thereon; if he disapproves, or approves in part and disapproves in part, he shall attach to the claim on file a report of his reasons, and in all cases he shall file with the claim all evidence taken by him. No claim shall be considered by the council or referred to the committee until it has thus been examined by the auditor, but such examination shall in all cases be made as soon as practicable after the claim is filed with the city clerk, and in all cases the examination shall be concluded within thirty days after such filing. The auditor shall also once in each month examine the treasurer's accounts as reported by him and as kept by said treasurer, and make report as to the correctness of said accounts, and also any violation of the duties of the treasurer in the manner of keeping his accounts or disbursing the moneys of the city. If on such examination the auditor finds the monthly report of the treasurer correct, he shall mark his approval thereon; if incorrect, he shall report the facts. For any failure on the part of the auditor to make such examination and report, he shall forfeit the sum of ten dollars, to be retained out of his salary. For any month the treasurer shall refuse to submit his accounts and vouchers to the examination, he shall forfeit the sum of twenty-five dollars, to be charged to him in his settlement with the city. The said auditor shall, at the expense of the city, provide a proper book, and enter thereon all uncanceled city orders, and all bonds, coupons, and obligations of the city, outstanding, and thereafter such record shall be kept by the clerk in such a way as to show all outstanding obligations of the city, and the date of cancellation or each such obligation. The auditor shall also, at the expense of the city, procure a claim book, on which thereafter all claims against the city shall be en-

tered as fast as the same are filed. Said claim book shall be provided with an index, and shall be in such form as to require the entry of the name of claimant, number of claim, when filed, amount claimed, date of report by auditor, whether approved, and for how much, date of allowance or disallowance by the council, amount allowed, date of issue of order on same, number of the order, and date of payment of the order. The determination of the auditor on any claim presented, or on the state of the treasurer's account shall be advisory only to the common council. The auditor shall make such other examinations as to the conduct of any of the officers of the city as the council shall from time to time require.

SECTION 10. The justices of the peace, authorized by this act, shall have and exercise all the powers and be subject to the same liabilities as justices of the peace in towns, and their jurisdiction shall be co-extensive with the limits of Ashland county, and they shall have jurisdiction over and cognizance of all actions and proceedings the same as other justices of the peace in the said county of Ashland, and all proceedings before them shall be governed and regulated by the general provisions of law now in force in regard to actions and proceedings before all courts held by justices of the peace; provided, that no two of them shall hold their offices in the same room; and provided, further, that their official bonds be approved by the mayor and city clerk. The common council of said city may require a bond from each and all of said justices, to pay over all moneys belonging to the city which may come into their hands; and they shall report monthly to the common council the amount of money in their hands belonging to the city, and shall pay the same to the city treasurer, taking his receipt therefor, which receipts shall be attached to their reports.

SECTION 11. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to prescribe and fix the compensation of all officers elected or appointed. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the corporate year. The com-

Jurisdiction of
justices of the
peace.

Other duties of
any officer
may be
required.

mon council shall by resolution fix the salary or fees of all other officers of said city, who are to be elected for the ensuing corporate year, entitled to compensation for their services, at their first regular meeting in March of each year; provided, that the present common council may fix the salaries of officers for the coming corporate year at any meeting held during the month of April, 1887, and the compensation of the officers so fixed shall not be increased or diminished during the corporate year for which such resolution may be adopted. In case the common council shall fail to fix the compensation of any city officer as aforesaid, then every such officer shall receive the same compensation as that received by his immediate predecessor in office.

Official newspaper to be designated.

SECTION 12. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing shall be let by contract to the lowest bidder or bidders. The city printer or printers, immediately after the publication of any notice or ordinance or resolution, or by-law, which by this act is required to be published, shall file with the clerk 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 record the same in his office

CHAPTER V.

THE COMMON COUNCIL AND ITS POWERS.

Style of ordinances.

SECTION 1. The mayor, aldermen and supervisors shall constitute the common council, and the style of all ordinances shall be: The mayor and common council of the city of Ashland do ordain, etc. The common council shall meet at such times and places as they by resolution shall direct. A majority of the common council shall constitute a quorum.

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

First annual meeting.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and all of the other property in the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, and so enforce as they shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or this state, and for these purposes they shall have authority by ordinance, resolution or by laws, within the restrictions herein provided:

Management and control of finances.

1. To license, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state or at common law; and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous or fermented liquors, shall not be less than five hun-

License all kinds of things.

dred dollars, any general law to the contrary notwithstanding, except druggists' licenses, which shall be fifty dollars unless fixed by general law, and that all such licenses hereafter granted shall run from the first day of May in each year. All licenses hereafter granted shall expire on the first day of May, after the same are so granted, and if any license is granted after the first day of May in any year, the full amount prescribed for a term of one year shall be paid. No license shall be transferred, or money paid therefor be refunded except by a vote in favor of the same of three fourths of all the members of the common council elected; provided further, that where an application for a license shall once be denied, the council shall not have authority till after the succeeding first day of May to receive, consider or grant any license for dealing in or vending spirituous, vinous or fermented liquors by the same person when denied is on account of the person or on the lot mentioned in the first application, if such denial is on account of the location.

Suppress
games, etc.

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

Prevent riots.

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

Cleansing
nuisances.

4. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as

often as it may be deemed necessary for the health, and comfort and convenience of the inhabitants of said city.

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

Slaughter
houses, com-
bustible
material.

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

Encumbering
streets.

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

Riding or
driving.

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

Restrain cattle.

9. 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.

Restrain dogs.

10. To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides, or skin or substances of any kind, and in default, to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

Putrid
carcasses.

11. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, and to the said city for fire protection and other purposes; to secure the erection of said water-works, said city may by contract or ordinance grant to any persons, company or corporation the full right and privilege, and empower and authorize such company, persons or corporation to build for themselves and own such water-works, and to maintain, operate and regulate the same, and in so doing to use the streets and alleys of said city, in laying, and maintaining the necessary pipe lines and hy-

Public pounds,
water-works,
and a multi-
tude of other
things.

drants for such term of years, and on such terms and conditions as may be prescribed by such ordinance or contracts, and may also, by contract or ordinance, provide for the supplying from said water-works the said city with water for fire protection and other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitation as may be fixed by said contract or ordinance. To erect lamps and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen and all others who may pursue like occupations in this city; and to provide for lighting the streets, public grounds and public buildings with gas or otherwise. And for the purpose of lighting the streets, public buildings and public places in said city with gas or otherwise, to contract by ordinance or otherwise with any person, persons, company or corporation for a term of years, not exceeding fifteen years at any one time at such a price, on such terms and subject to such limitations as may be prescribed by such contract or ordinance.

Boards of health.

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

Size and weight of bread.

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

Riding and driving on sidewalks.

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

Prohibit fire-works.

15. To prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or property therein, or annoying to any citizen thereof.

Restrain drunkenness.

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

Runners and solicitors.

17. To restrain and regulate runners and solicitors for stages, public houses or other establish-

ments, and to establish and regulate the police of the city.

18. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations. Markets.

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

20. To establish wharf and dock lines and lines beyond which structures shall not be erected into or over the waters of Chequamegon bay in said city. Wharf and docks.

21. To regulate the construction and use of piers and wharves extending into the waters of Chequamegon bay in said city. Piers and wharves

22. To construct and maintain, or cause to be constructed and maintained, at the expense of the city, wharves at the foot of the streets extending to, and upon any public landing or frontage on the shore of said bay in said city. Construct wharves

23. To preserve the harbor, and make and enforce all necessary rules, regulations, and ordinances in relation thereto. Preserve the harbor.

24. To regulate the place and manner of weighing and selling hay and wood, and measuring and selling fuel and lime, and to appoint suitable persons to superintend the same; to appoint fish inspectors as herein provided, and to appoint a lumber and shingle inspector. Farmers' produce.

25. To compel the occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel said owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant. Rubbish and dirt.

26. To regulate, control and prevent contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Spread of diseases.

27. To regulate the time, place and manner of holding public auctions and vendues. Auctions.

Watchmen. 28. To appoint watchmen and to prescribe their duties.

Weights and measures. 29. To provide by ordinance a standard of weights and measures, and for the punishment of the use of false weights or measures.

Monuments. 30. To protect trees and monuments in said city.

Sewers. 31. To prescribe and regulate the construction of sewers within said city.

Repair of highways. 32. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from encumbrances, and to protect them from injury.

Name of streets. 33. To alter and change the name of any street in the city.

Lots for public buildings. 34. To locate, purchase sites, and let contracts for the erection and construction of public buildings.

Police regulations. 35. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of the state, for the good order and government of the city, and which may be necessary and expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act or which may be vested in any officer of said city by any ordinance thereof; provided, however:

Penalty for depositing. 1. Any person who shall deposit any dead animal within the city limits, or the owner of any dead animal who shall neglect to cause the removal of such dead animal and burial of the same outside of the city limits, and any person who shall have removed from his premises or who shall remove any rubbish, garbage, dead animal, filth or material of any kind from any place and deposit the same on the premises of another within the city limits without his permission, shall be punished therefor by fine of not less than five nor more than twenty dollars and costs of prosecution. It shall be the duty of the city to provide a place of sufficient size outside of the city limits, and distant therefrom not less than one-half a mile, where all dead animals, rubbish, garbage filth and materials of any kind necessary to be removed from said city may be deposited and buried.

Removal of nuisances. 2. Whenever any nuisance which, in the opinion of the board of health, or city physician, or

the captain of the police, affects or endangers the public health, shall be found on any private property, or in any alley adjoining the same, the owner or occupant of such property, if to be found, may be served with a written notice by any of the officers aforesaid, requiring the removal or abatement of such nuisance within a time in such notice to be named; or such notice may, in lieu of such personal service, be posted on the premises upon or adjoining which said nuisance exists. If such nuisance be not removed or abated within the time mentioned within such notice, the captain of police shall and may cause such nuisance to be forthwith removed or abated, and report the expense of the same to the common council. Such reports shall be accompanied by a copy of a notice posted or served, and the affidavit of the person or officer as to the service of the same. It shall contain a description of the lot or part of lot to which the expense is chargeable, and shall be certified to be correct by the captain of police. The common council shall cause such expense to be audited and paid out of the general fund, and shall direct the clerk of said city to charge such expense to the lot or premises on or adjoining which the same shall have been incurred, and the amount of such expense shall be inserted in the tax list next to be made out as a special tax against such lot or premises, and shall be collected as other taxes on real estate are collected.

3. When any nuisance or thing which, in the opinion of the board of health or city physician, affects or endangers the public health, shall be found on any private property, or in any alley adjoining the same, or when there shall be any accumulation of filth or material from any stable, or any other material in any alley or street, the occupant of the property adjoining the same, or if he be not the person at fault, the person who deposited or allowed said nuisance to be created or material to be deposited in such street or alley, shall remove the same on five days' notice by the captain of police, and if he neglects so to do, he shall be punished therefor by fine of not less than five dollars nor more than twenty dollars and costs of prosecution.

4. No person shall deposit any ashes in any

Depositing
ashes.

street or alley except by written permission of the street commissioner, and any person violating this provision shall be punished by a fine of not less than one nor more than five dollars.

Passage of
ordinances.

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

Shall not bar or
hinder suits.

SECTION 5. The powers conferred upon the said council to provide for the abatement of nuisances shall not bar nor hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored, or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses and places where spirituous, vinous or fermented liquors are sold without the license thereof, within the city limits, are hereby declared and shall be deemed public or common nuisances.

Shall examine
and adjust
accounts.

SECTION 6. The common council shall examine and adjust the accounts of the clerk, treasurer, and all other officers or agents of the city, after the same have been audited by the city auditor, at such

time as they may deem proper, and also at the end of each year and before the time for which the officers of said city are elected or appointed shall have expired; and every officer and agent shall exhibit his books, funds, moneys, accounts and vouchers to the auditor for his examination, and thereafter to the council, if required, for their examination and settlement; and if any such officer or agent shall refuse to comply with this provision or the orders of said council in the discharge of said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

SECTION 7. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board, which shall be known as and styled, the common council of Ashland, consisting of one alderman and one supervisor from each ward, together with such other officers as may be created under this act.

Corporate
authority, in
whom vested.

CHAPTER VI.

SECTION 1. All accounts or demands against the city, before being acted upon by the auditor, shall be verified by affidavit, except salaries and amounts previously fixed or determined by law, and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury, and shall be punished according to law.

Auditing
accounts.

SECTION 2. 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 the county of Ashland, by causing written notice of such appeal to be served on the clerk of said city, within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by

Appeal, how
taken.

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, and no more.

Notice of
appeal to be
given to mayor.

SECTION 3. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council, he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Ashland, and such appeal shall be 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 cost of appeal, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgments shall be rendered against the appellant for the amount of such costs.

CHAPTER VII.

OPENING OF STREETS AND ALLEYS.

Power to lay
out streets.

SECTION 1. The common council shall have power to lay out streets and alleys and to widen the same, as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use for the purpose of laying out streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the

same be known to such petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupants of such lands, if any there be; or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice describing as near as may be the premises proposed to be taken, to be published in the official papers for four weeks successively, 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 the county judge or a court commissioner for the county of Ashland for the appointment of twelve jurors to view said premises and determine if it will be necessary to take the same for the purpose specified in said petition.

Notice, what to contain.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council whether in their judgment it is necessary to take said premises for the purposes specified in such application.

Freeholders to be appointed.

SECTION 4. Any constable of said city shall serve said precept immediately on the jurors therein named, by reading the same to every one that can be found; and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same together with his doings thereon.

Precept, by whom served.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Disqualified jurors.

SECTION 6. The said judge or court commis-

sioner, or any justice of the peace, shall thereupon administer an oath to said jurors, before entering upon the discharge of their duties, that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them; which oath shall be filed in the office of the city clerk.

Jurors to view
the premises.

SECTION 7. The said jurors at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oath to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept, shall be returned to the common council within the time limited in the precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said reports and directing the same jurors, within twenty days thereafter, or such future time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council. And after the jurors shall have made their reports as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any one who shall neglect or refuse to serve in ascertaining the amount of compensation as above; and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

SECTION 8. If there should be any building, in whole or in part, upon the (land) to be taken, the jurors, before proceeding to make their assessment shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him to remove.

In case there is a building on land.

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 parties interested shall be given by publication in the official paper or papers of said city, three successive weeks, once in each week; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Ten days' notice to be given.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner or deposited to his use.

In case owner refuses to take building.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and determine and appraise to the owner or owners the actual value in money of the real estate proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimation of the damages to the lands, the jurors shall include the value of the building or buildings (if the property

Jurors to assess damages.

of the owner 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, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section 8, of this chapter.

In case lands or buildings belong to different parties.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively shall be awarded to them by the jurors.

Award to be signed by jurors.

SECTION 13. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept.

Appeal may be taken in ten days.

SECTION 14. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Ashland county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section 2, of chapter 6, of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal, by filing with the clerk a notice thereof within ten days as aforesaid.

Damages must be paid or tendered within one year.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated, until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds are opened or laid out.

City may tender or pay within one year.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tend-

ered, or deposited all the proceedings in any such case shall be void.

SECTION 17. The city may pay or tender or deposit as herein required at any time within one year from the confirmation of such assessment, and report the damages assessed in any such case; and whenever such damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings, to take and appropriate such lands for the purposes required.

Common council to make report.

SECTION 18. When the whole of any tract or lot or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall on the confirmation of such report, respectively cease and be absolutely discharged.

Covenants to cease.

SECTION 19. When only a part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of the report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved payable and to be paid for 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 reserved for or in respect to the same.

The same, when only a part be taken.

SECTION 20. When any known owner of land or tenements affected by any proceedings under this act shall be an infant, or labor under disabilities, the judge of the circuit court of Ashland county, or in his absence the judge of any court of record in any county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

In case of infant.

SECTION 21. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey thereof to be made and filed in the office of the city clerk.

Accurate surveys may be made.

CHAPTER VIII.

FINANCE AND TAXATION.

Finance and
taxation.

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 out 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 treasurer 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 not otherwise appropriated. All orders shall be payable to the person in whose favor they may be drawn or to the bearer thereof. The city treasurer shall not pay out any of the funds in his hands which shall be appropriated by law for any special purpose except for the purpose for which such funds are specially appropriated, any requirement of the city council to the contrary notwithstanding, and any treasurer who shall violate this provision shall be punished therefor by fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, and any member of the common council who shall knowingly vote to misappropriate any of said funds or to require the city treasurer to pay the same or any part thereof for any purpose other than that for which the said funds were specially appropriated shall be punished therefor by a fine of not less than one hundred dollars nor more than two hundred dollars and costs of prosecution.

Annual tax to
be levied.

SECTION 2. The common council shall annually levy upon the taxable property of said city a tax sufficient to defray the current and lawful expenses of the same.

Debts not to be
contracted,
unless
authorized by
council.

SECTION 3. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasurer unless the same shall be authorized by a majority of all the members of the common council elected, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act; provided, that the common council shall not issue

in any one year, orders upon the city treasury to an amount greater than the amount of taxes levied under the provisions of this act for that year, and the amount received from license, penalties and fines; provided further, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year, and the said taxes, when so levied shall be collected at the same time as other city taxes are collected, or the amount may be borrowed, and certificates of indebtedness issued therefor, drawing interest not more than eight per cent. and payable within eight months.

SECTION 4. Special taxes may also be levied by Special taxes. the common council, at any regular meeting, for the purpose of paying the interest or principal of any outstanding bond now due or hereafter to become due, issued by the city of Ashland, or which may be hereafter issued by said city, by authority of law; provided, however, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on said bonds at the time such tax shall be collected, by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes when so levied shall be collected at the same time other city taxes are collected. Provided further, that in no one year shall the common council levy taxes, including both general and special taxes, in excess of two per cent. of the assessed value of said city as shown by the last assessment rolls, nor shall the city incur any indebtedness nor become indebted in any manner whatever in excess of two per cent. of such valuation.

SECTION 5. The assessor elected under this act shall, within ten days after receiving notice of his election, take and file an official oath with the clerk of the city, and every such assessor shall be authorized to administer such oath as shall be required by this chapter and the laws of this state, and within such time as now or may hereafter be prescribed by the general laws of this state relating to assessment; said assessor shall make out a complete and accurate assessment roll, which shall contain a description, as near as may be, of all the lands, lots or parcels of lands within said Duties of the assessor defined.

city sufficient to identify the same, and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic, shall be affixed the value of the personal property for which such person or body politic shall be assessed; where there are buildings upon any lot or parcel of land, the value of the same may be set forth in a separate column. Any omission to assess any real estate in the city to the owner, or as unknown, shall not affect the validity of the tax; provided, that such assessment roll may be so made as to conform to this act, and the same are hereby declared to be matters of convenience and not material to the validity of the taxes to be levied upon such assessment. The said assessor shall make a careful canvass of the city for the purpose of obtaining a correct statement and assessment of all articles of personal property in said city subjected to taxation, and for the purpose of such canvass, said assessor may appoint an assistant for each ward, subject to the approval of the common council, and for such time as they shall designate in their resolution of approval to assist him in such ward in making said canvass. Such assistant shall be entitled to receive from the city for his services two dollars and fifty cents per day. If any assistant so appointed shall refuse or neglect to serve he shall forfeit therefor the sum of five dollars for each day he so neglects or refuses to serve, and the amount of such penalty shall be recovered for the use of the city as in case of other penalties. Any neglect on the part of the assessor to make such canvass shall not invalidate his assessment, but if he wilfully neglects or does not use reasonable diligence to make the same, he shall forfeit the sum of fifty dollars, to be recovered in the name of the city the same as other penalties are recovered; provided however, that in case where an action is brought to recover said penalty, the same may be retained out of his compensation to await the result of the action, and in case judgment is rendered against him, the amount so retained shall be applied in payment of said judgment so far of the same will go for that purpose.

SECTION 6. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations as justice or equity shall require; provided, the time of hearing objections shall not be more than one week from the expiration of such notice.

Notice of one week to be given.

SECTION 7. Within one week after the time limited for hearing such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same; provided, however, the board of equalization shall not have the power to increase the amount of said roll except by the value of such real property as may have been omitted by the assessor.

Return of the assessment roll.

SECTION 8. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years, that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had it not been omitted, and such tax shall be collected as other taxes for the current year. Should the tax or assessment upon any parcel of land set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax so set aside or declared void to be levied in such manner as they shall by ordinance direct; provided, that if the defect was in the assessment, the same shall be again assessed at

In case lots have been omitted.

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

Board of equalization.

SECTION 9. The mayor, treasurer, city clerk and assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of August in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, in reviewing, correcting and equalizing the assessment roll of said city.

Assessment roll to be delivered to city clerk.

SECTION 10. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, thereupon the common council shall by resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Changes to be recorded.

SECTION 11. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes to remain a lien on property.

SECTION 12. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be levied, from the time of the confirmation of such assessment roll, and on all personal property of any person or body politic assessed for the personal taxes, from the delivery of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real or personal estate shall effect such lien; and any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

City clerk to perfect tax roll.

SECTION 13. It shall be the duty of the city clerk immediately upon the reception of the corrected assessment rolls and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, with two per cent. upon the whole for the expense of collection to be placed in a separate column to be prepared for

that purpose in the assessment roll, placing opposite the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half; otherwise reckoning the said fraction as a cent.

SECTION 14. The city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed and deliver the same to the treasurer on or before the second Monday in December in each year. Duplicate copy to be made.

SECTION 15. To each assessment roll so delivered, a warrant under the hand of the city clerk, and the corporate seal of said city, shall be annexed, substantially in the following form: Warrant and form.
To A. B., treasurer of the city of Ashland:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of real estate described therein, the taxes set opposite to the name of such persons, corporations and property, within the time limited by law, and to apply the taxes by you so collected and make due returns thereof, as required by law.

Dated — day of —, 18—.

_____,
Mayor.

_____,
City Clerk.

SECTION 16. The said assessment roll and warrant thereto attached shall be prima facie evidence, in all courts, that the lands and persons therein named, were subject to taxation, and that the assessments was just and equal. Prima facie evidence.

SECTION 17. All the general laws of this state which are now or may hereafter be in force, relative to the assessment and collection of taxes, shall be in force in said city except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided. General laws in force.

SECTION 18. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that such taxes (describing for what purpose such Public notice to be given in newspaper.

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

Fees.

SECTION 19. The treasurer shall be entitled to receive and collect, as fees for the collection of taxes, two per cent. upon all taxes collected by him prior to the first day of January in each year, five per cent. upon all taxes collected by him after the first day of January, and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make a report to the common council, duly certified on oath, of all fees or other moneys received and paid out by him as treasurer, and he shall receive no further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

When state tax shall be paid.

SECTION 20. The treasurer shall, on or before the third Monday in January in each year, pay to the county treasurer, the state tax assessed upon the property in said city.

Directions only directory.

SECTION 21. All the directions hereby given, for the assessing of lands and personal property, and levying and collecting taxes, shall be deemed only directory, and no error or informality 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 anywise affect the validity of the tax or assessment.

SECTION 22. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract, or to set aside or to set up or interpose any objections to the title derived by virtue of any tax deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such persons first pay or tender to the proper party, or deposit for his own use with the city treasurer, the amount of all state, county and city taxes, that remain unpaid upon such lot or tract, together with the interest and charges thereon.

No person can institute proceedings.

SECTION 23. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things, according to chapter 18, of the revised statutes of this state and the acts amendatory thereto in bringing such delinquent persons before some justice of the peace, and such proceedings shall be had as are provided by said chapter 18, and as are prescribed by chapter 198, of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts or in addition thereto.

In case tax can not be collected, how to proceed.

SECTION 24. The city treasurer shall receive nothing but the lawful currency of the United States for taxes, licenses or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment of city dues.

Lawful currency only for taxes.

SECTION 25. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest, for supplying all funds to meet any deficiency in the treasury. All temporary loans shall be evidenced by certificates of indebtedness in such form as the council may prescribe, and the same shall be payable not later than January 12th after their issue.

Prompt payment of orders.

SECTION 26. When the treasurer shall be unable to pay any order drawn on the treasurer, 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 the funds in his hands have been paid out, then the council

Treasurer to report when out of money.

shall take such action as will enable the city to preserve its credit.

What taxes shall first be paid.

SECTION 27. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then judgments; then all special taxes in the order in which they were levied; then taxes for bridge purposes; then for fire purposes; then taxes for street and other public improvements, and lastly, county taxes. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state.

Final settlement.

SECTION 28. The council shall meet on Tuesday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during its term of office, allow any bill against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

CHAPTER IX.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council shall have power to establish, designate, fix and extend the fire limits by resolution or ordinance, but the common council shall possess no power to contract or diminish the fire limits so established.

Building permits.

SECTION 2. No buildings shall hereafter be erected within the fire limits unless the same shall be constructed in conformity with the following provisions:

1. All outside and party walls shall be made of stone or brick.

2. Outside or party walls not exceeding thirty-two feet in height from the level of the established grade of the street to the underside of the roof joists or rafters, shall not be less than eight inches in thickness, if of brick, and not less than sixteen inches, if of stone.

3. Outside or party walls exceeding thirty-two feet in height from the level of the established grade of the street to the underside of the roof joists or rafters shall not be less than twelve inches in thickness, if of brick, and not less than eighteen inches in thickness, if of stone.

4. All joists, beams and other timbers in outside and party walls shall be separated at least four inches from each other, with stone or brick laid in mortar, and all wooden lintels or plate pieces in front or rear walls shall recede from the outside of the wall at least four inches, except that lintels of timber may be used in cornices covered with copper, tin, iron or other equally fire-proof material, which recede four inches from the outside or front as aforesaid.

5. Roofs, cornices and gutters shall be covered on the outside surface with copper, tin, iron or other equally fire-proof material; and all buildings to be used for stores or warehouse purposes which exceed twenty-four feet in height from the level of the established grade of the street to the under side of the roof joists or rafters shall have shutters to all outside doors and windows made of iron, of not less than one-eighth of an inch in thickness; except that such shutters shall not be required on the doors and windows of the street front of stores.

6. There shall be no more than thirty feet of space between the party or outside walls of any building, unless such building be supported by iron or other columns or supports of fire-proof material.

7. All front and party and outside walls shall extend above the sheeting of the roof at least two feet, and in no case shall the planking or sheeting of the roof extend through or across any party, end or outside wall, and in case of any opening in any party, outside or rear end wall, the same shall be provided with iron or other equally fire-proof doors, properly fitted and hung, so as to be easily and quickly closed in case of fire.

SECTION 3. Buildings to be used exclusively as private dwellings and not exceeding twenty-four feet in height from the water table to the eaves of the building may be erected within the fire limits of wood with a shingle roof, and encased with a brick wall not less than four inches in thickness from the foundation to the roof. But no such buildings shall be used for any other purpose than as private dwellings.

Building in fire limits.

SECTION 4. No wooden building or part of building within the fire limits, except dwelling houses encased with brick, as provided in the

No wooden building allowed.

next preceding section, shall be raised, repaired, enlarged or removed within, nor shall any such building be removed into the fire limits; nor shall any such wooden building within such limits, which may hereafter be damaged to the extent of fifty per cent. of the value thereof, be repaired or rebuilt; nor shall any such building, when the damages are less than fifty per cent. of its value, be so repaired as to be raised higher than the highest point left standing after such damage shall have occurred, or so as to occupy a greater space than before the injury thereto.

Damages to be determined.

SECTION 5. The amount or extent of damages that may be done to any building shall be determined by three disinterested persons, residents of the city, one of whom shall be chosen by the owner of the building, the second by the mayor, and the two so chosen shall elect the third, and the decision of the persons so chosen shall be conclusive and final; and no damaged building shall be repaired until the damage thereto shall have been determined as provided in this section.

Penalty for building contrary to ordinance.

SECTION 6. Any owner, builder or other person who shall add to, build or aid in the erection of any building or part of a building within the fire limits contrary to, or in any way or manner other than is authorized by the provisions of this chapter, or who shall own, remove or assist in removing any such building from without said limits into the same, or own, remove, repair or assist in repairing any damaged wooden building contrary to any provisions of this chapter, shall be subject to a penalty of not less than twenty-five nor exceeding one hundred dollars, in the discretion of the court, for the first offense, and to a like penalty for each and every forty-eight hours such person shall fail to comply with the provisions of this chapter. If any person shall violate any other provision of this chapter he shall be subject to a like penalty, and if any member of the council shall knowingly vote to allow any person to do any of the things herein prohibited, or if any police officer shall knowingly allow any of the things herein prohibited to be done, he shall be punished by a fine of twenty-five dollars.

Officers to report.

SECTION 7. The chief engineer of the fire department and the foreman of the hose companies shall be the inspectors of buildings in the city of

Ashland, and it shall be their duty, and also of all police officers, to report any violation of this chapter to the city attorney, who shall institute proceedings in the municipal court of Ashland county against the party so offending.

SECTION 8. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the occupants and owners of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor or members of the common council and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for violation of any resolution or ordinance passed under this charter.

Dangerous construction of chimneys.

SECTION 9. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineers, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be

Power to purchase fire-engines.

formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax and from serving on juries during the continuance of such membership; and any person having served for the term of ten years in either of said companies shall be forever thereafter exempt from poll tax, except as in cases before mentioned.

Penalty for refusal to obey lawful order.

SECTION 10. When any person shall refuse to obey the lawful order of any engineer or alderman of the city, the mayor or any public officer at any fire, it shall be lawful for the officer giving such order to arrest or direct, orally, any policeman or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack company.

SECTION 11. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers; the members of the said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Ashland, and are hereby vested with all the powers and authority which now and may thereafter be vested in any other police officers of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At all fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction; such company may from time to time adopt such by-laws as they may deem expedient, not contrary to the statutes of this state, or the ordi-

nances of the said city. The members thereof shall not be entitled to any compensation for services rendered in their official capacity. They shall, in case of riot or other disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

SECTION 12. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer and countersigned by the clerk of said department.

Pay of fire department.

SECTION 13. There shall be elected by the members of each company aforesaid, annually at their annual meeting, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of June in each year, return to the city clerk a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Secretary to be elected.

SECTION 14. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the county clerk of Ashland county, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed for the annual meeting of the county board, and said board shall not place the names of such persons on the jury list for the ensuing year.

City clerk to keep record.

CHAPTER X.

ACTIONS TO RECOVER PENALTIES, ETC.

Actions for
penalties.

SECTION 1. The city of Ashland, in its corporate name, may sue for and recover any and all fines, penalties and forfeitures under this act, or under the ordinances, by-laws, police or health regulations made in pursuance thereof, or now in force, and not inconsistent with this act, and such action shall be commenced by complaint substantially in the following form:

FORM OF COMPLAINT.

Justice court—Ashland county.
City of Ashland, }
 against } Before _____,
 _____ } Justice of the Peace.

STATE OF WISCONSIN, }
County of Ashland, } ss.

_____, being duly sworn, complains on oath to _____, says that he, this complainant, knows, or has good reason to believe, that _____, on the _____ day of _____, 18—, at said city, did violate section —, of chapter —, of a general ordinance of the city of Ashland, entitled, "an ordinance _____," which said ordinance is now in force (or did violate section —, or subdivision —, of section —, or of the provisions of section —, of chapter —, of the charter of Ashland, as the case may be), and was then and there guilty of _____, as the complainant verily believes, and prays that _____ may be arrested and held to answer therefor.

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

It shall be sufficient to give the number of the section or sections or subdivisions of the section or proviso of the section, and the title of the ordinance, by-law or resolution violated in the complaint, and such complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of such complaint in the office of any justice of the peace of the city, such justice shall issue a warrant thereon, substantially as follows, to-wit:

FORM OF WARRANT.

COUNTY OF ASHLAND, }
 City of Ashland. } ss.

The state of Wisconsin, to the sheriff or any police officer of the city of Ashland:

Whereas, — — has this day complained to me in writing, on oath, that — —, on the — day of —, 18—, at said city, did violate section —, of chapter —, of a general ordinance of Ashland, entitled, “an ordinance —,” which said ordinance is now in force (or did violate section — or subdivision — of section —, or of the proviso of section — of the charter of Ashland, as the case may be), and was then and there guilty —, as the complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest — —, of the said —, and bring — before me to answer to the said city of Ashland on the complaint aforesaid.

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

Upon the return of the warrant the court may proceed summarily with the case, unless it be continued by consent, or for cause or by order of the court. If the case be adjourned, the defendant, if required by the court so to do, shall recognize in sufficient sureties for his appearance in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest or be committed to the common jail of Ashland county, or to such other place of confinement as may be provided by the common council. The complaint made as aforesaid shall stand in lieu of a declaration, and the plea of “not guilty” shall put at issue all subject matter of the complaint.

SECTION 2. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in an official newspaper, or in a 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 the trial of all cases cognizable before the courts of this state.

Printed copy,
to be official.

SECTION 3. The justices of the peace of the city

Jurisdiction of
justices of the
peace defined

of Ashland, shall have jurisdiction to try and determine all actions to recover penalties, and of offenses against the charter, ordinances and regulations lawfully imposed by the city of Ashland. He shall keep a record book in which shall be recorded the proceedings with reference to each such case. In case of conviction in any such case, the sentence, in addition to the fine, shall require as part of the punishment, the payment of the costs of prosecution, and in all such cases the following costs only shall be taxed or charged: Justice's charges, four dollars; for making arrest, one dollar; one dollar per day for board and keeping, but no fractions of a day shall be charged. Any damages to the city property while in confinement, caused by the accused, and the witness fees prescribed by law in cases before justices of the peace. All sums for fines and costs so collected, exclusive of witnesses fees, shall be paid over to the city treasurer, as hereinafter provided. At the end of each month each justice of the peace shall make and file in the office of the city clerk a report, in a form to be prescribed by the auditor, showing each case presented during the preceding month, the amount of fines and costs recovered in each case in detail; the amount to which any officer is entitled, and such other matters as may be required by the form prescribed. The report shall have attached thereto the receipt of the treasurer, showing payment to him of the amount collected, exclusive of witness fees. If the justice neglects to file said report for ten days after the close of the month, he shall forfeit the sum of five dollars, to be retained out of his compensation. The report shall be examined by the auditor, and otherwise be treated as other accounts are against the city, and when final action is had thereon by the council, an order shall be drawn on the treasurer for the amount to which the justice is entitled as his compensation under this charter, and an order shall also be drawn in favor of each person entitled to any sum as determined by the council on said report. Said order shall be paid by the treasurer on presentation. Any person feeling himself aggrieved by the action of the council may appeal to the circuit court as in other cases of claims against the city.

SECTION 4. In the December report for each year; each justice of the peace shall report all witness' fees unclaimed, and shall pay the same to the city treasurer, and attach the treasurers receipt showing such payment to his report.

Witness fees
unclaimed.

SECTION 5. Witnesses shall attend before any justice of the peace in and for the city of Ashland in all actions for the violation of any ordinance, by-law or regulation of said city, 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. In civil prosecutions for the violation of any provisions of this charter, or any ordinance, by-law or regulation of said city, no jury shall be allowed either party, and the finding of the court shall be, guilty or not guilty; if guilty the court shall render judgment thereon against the defendant, and adjudge that the defendant pay the fine, penalty or forfeiture contained in the ordinance, by-law, resolution or regulation for the violation of which the defendant shall have been found guilty, and for the costs of the suit upon such conviction, and in default of payment of such judgment, fine, penalty or forfeiture and the costs, the court shall adjudge and determine and enter upon the docket that such defendant be imprisoned in the county jail within and for the county of Ashland, or such other place as the common council of said city shall by ordinance designate, for a term which in no case shall exceed six months, in the discretion of the court rendering judgment, and such court shall further adjudge, determine and sentence such defendant to be kept at hard labor during the term of his or her commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment, inserting therein such time of imprisonment, and every person so convicted and committed shall be kept at hard labor in the common jail of the county of Ashland, or at such place as the city of Ashland may provide for the benefit of said city, under the watch-guard and supervision of whomever the mayor and common council shall appoint, for the period of time for which such person shall have been so committed, unless said judgment, fine, penalty, or forfeiture and the

Witness to
attend without
payment of
fees in advance.

costs are sooner paid. The commitment may be substantially in the following form:

Form of
commitments.

COUNTY OF ASHLAND, }
The city of Ashland. } ss.

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

Whereas, at — court, in and for the county of Ashland, held at my office in said city, for the trial of — —, for the offense hereinafter stated, the said — —, convicted of having on the — day of — 18—, at said city, in said county violated section —, of chapter —, of a general ordinance of the city of Ashland, entitled, “an ordinance —,” which said ordinance was then in force, (or did violate section —, or subdivision —, of section —, or of the proviso of section — of chapter —, of the ordinances of the city of Ashland, (as the case may be), and upon conviction the said court did adjudge and determine that the said — pay a fine of — dollars, together with — dollars costs; that in default of payment of said fine and costs, he be imprisoned in the county jail of said county, or in the city prison for the term of — days, at hard labor for the benefit of the city of Ashland; therefore in the name of the state of Wisconsin, you are commanded forthwith to take the — of the — and — convey and deliver to the keeper of the common jail in and for Ashland county, or of the city prison; and the said keeper is hereby commanded, in the name of the said state, to receive and keep in custody in said jail, the said — —, for the term of — at hard labor for the benefit of said city, unless the said fine, together with all costs and jail fees are sooner paid, or — be discharged by due course of law.

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

Working
prisoners.

SECTION 6. If the mayor of the city shall at any time deem it for the interest of the city, he may employ and work the prisoners so committed, outside of the jail or yard, at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such a manner as in

his judgment will prevent their escape, and the keeper or custodian of the common jail of said county shall, upon the order of the mayor of said city, deliver the prisoner or prisoners in such order named or described, in the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city.

SECTION 7. In all cases the defendant may appeal from such judgment to the circuit court of the county of Ashland; provided, such defendant, within twenty-four hours, pay to the justice the costs and one dollar for his return, and make and file with him an affidavit that the appeal is made in good faith and not for the purpose of delay, and enter into a recognizance with one or more sufficient sureties, to be approved by the justice from whose judgment the appeal is taken, conditioned to appear before the circuit court for the county of Ashland at the next general term thereof and from term to term thereafter, and abide the judgment of said 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 warrant and return affidavit or complaint upon which the same was issued, 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.

Appeal of defendant.

SECTION 8. 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 the judgment of the judge 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 9. If the judgment of the court appealed from shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the fine, penalty or forfeiture provided by this act, or the ordinances, by-laws, resolutions or regulations under which he or they are prose-

If judgment be affirmed.

cuted, and enter judgment against him or them for such fine, penalty or forfeiture, together with the costs in the appellate's court; and in default of payment of such fine, penalty or forfeiture and costs, to be committed as provided in section 5, of this chapter. If the fine, penalty or forfeiture is paid, it shall be paid to the clerk of the circuit court, and by him to be, within ten days thereafter, paid to the justice from whose judgment the appeal was taken; and the same shall be by him accounted for to the city in his next report.

In case defendant does not appear.

SECTION 10. In case of the breach of the conditions of the recognizance hereinbefore mentioned by the escape or non-appearance of the defendant at the circuit court as hereinbefore provided, the same shall be prosecuted in the name of the city of Ashland as plaintiff in the circuit court for Ashland county; and the measurement or recovery shall be twice the amount of the fine, penalty or forfeiture imposed together with the costs and fees that accrued in the case subsequent to the appeal, all of which shall be paid to the clerk of said circuit court, and by him paid over to the treasurer of the city. Such judgment shall be enforced by execution as in actions of (tort.)

Shall not work incompetency.

SECTION 11. No person shall be an incompetent judge, juror or witness, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Suits vested in corporation.

SECTION 12. All rights, actions and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Claim to be filed.

SECTION 13. No suit of any kind on any claim of any character shall be brought against said city, but the claimant shall file his claim with the city clerk for the action of the council thereon, and if he feels aggrieved by their determination, he may appeal to the circuit court in the manner hereinbefore provided. If the council neglects to take final action within sixty days after the claim is filed, the same for the purposes of an appeal by the claimant may be taken as disallowed. In case an appeal is taken, the city clerk shall immediately notify the city attorney, and shall make and deliver to him a copy of all papers and pro

ceedings relating to the matter in his possession. He shall also notify the common council of such appeal at its next meeting.

SECTION 14. All fines, penalties and forfeitures recovered and collected under and by virtue of this act not hereinbefore provided for, shall be paid into the city treasury for the use and benefit of said city.

Fines, penalties, etc., to be paid into treasury.

SECTION 15. No execution shall at any time be issued on any judgment against the city, but the judgment shall be levied on the taxable property of the city and placed in the next tax roll for collection, and on or before the first day of May thereafter, the amount of such judgment shall be paid to the judgment creditor.

Execution against city shall not be issued.

SECTION 16. The mayor shall have power to grant pardons or commutations after conviction, for all offences against the ordinances, by-laws resolutions or regulations of the city, upon such conditions as he may deem proper, but he shall not have power to pardon any person convicted of violating any provisions of this charter. He shall communicate any such actions to the common council at its next meeting with the reason therefor.

Power to grant pardons.

CHAPTER XI.

IMPROVEMENTS OF STREETS.

SECTION 1. The common council of the city of Ashland shall have power to establish the grades of the streets of said city and to change and re-establish such grades as they shall deem expedient; provided, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but proceedings to recover the same shall be had by filing the claim as in cases of other claims against the city.

Improvement of streets.

SECTION 2. The common council of the city of Ashland shall have the power by an affirmative vote of two-thirds of all the members elected, to order and contract for the making, grading, paving and repairing and cleansing all streets and parts of streets, alleys, public grounds, reservoirs,

Care of streets.

gutters and sewers, and to order and contract for the construction of gutters and sewers, and to provide for the construction of sidewalks or the repair of the same, in the manner hereinafter mentioned, and direct and control all persons employed thereon.

Board of public works.

SECTION 3. The auditor, city attorney and city surveyor shall constitute a board of public works, and the auditor shall be president thereof. Said board shall, before the first day of June in each year, determine upon a system of improvements for the ensuing year, and report the same to the common council, mentioning in said report the most necessary improvements first, and the others in the order of their necessity; and after the same shall have been approved by the council, the said system shall be carried out and not materially deviated from, except in case of necessity.

Cost of paving, etc.

SECTION 4. The grading, graveling, paving, planking or macadamizing to the center of any street or alley, and the grading, graveling and macadamizing, planking or paving of any sidewalk, the paving of any gutter, and the construction of cross walks, where there is no intersection of streets, shall be chargeable to and payable by the lots fronting or abutting upon such street, alley, sidewalk or gutter, to the amount which such grading, graveling, macadamizing, planking or paving shall be adjudged by said board to benefit such lots; provided, however, that in case of paving a street, a portion of the cost, not exceeding, however, one-third thereof, may be paid by the city at large, if the common council so determine. The expense of all such improvements or works across streets at their intersections with streets or alleys, and across public grounds, and to the middle of streets and alleys adjacent to public grounds, shall be paid by the city at large, and the expense of maintenance, renewing, keeping in repair and cleaning all streets, and the pavement or other surface thereof, in all cases where such streets shall have been constructed to the established grade, and graveled, planked and macadamized or paved as required by the council at the expense of the lots fronting or abutting on such streets as hereinbefore provided, shall be paid out of the general fund of the city; pro

vided, that when a street which has been graveled is ordered to be paved, planked or macadamized, the expense of such paving, planking or macadamizing shall be chargeable to and payable by the lots fronting or abutting upon said streets as hereinbefore provided for the first improvement of a street.

SECTION 5. Before the common council shall order any work to be done on any street by the owners of lots or lands fronting on the same, said board of public works shall view the premises and consider the amount proposed to be made chargeable against said several lots or pieces of land, and the benefits which, in their opinion, will actually accrue to the owners of the same in consequence of such improvements, and shall assess against the several lots or pieces of land, or parts of lots or pieces of land, which they may deem benefited by such improvements, the amount of such benefit, which those lots or pieces of land will, severally, in the opinion of said board, derive from such improvement when completed, in the manner contemplated in the estimate of the cost of such work, which estimate shall previously be made by the city surveyor and placed on file in the office of the city clerk. Said board shall take into consideration in each case any injury which, in the opinion of the board, may result to any parcel of land by such improvement. The balance shall be apportioned on the balance of the lots on the street graded in proportion to the benefits to such lots, or the same may be paid by the city at large, or part may be so apportioned and part paid by the city at large, as shall finally be determined in the manner herein provided.

Board of public works shall have power to investigate.

SECTION 6. The said board shall draw up a report showing their determination as to the amount of the cost of the said work or improvement that should be charged to each parcel of said land, and the amount that should be paid by the city at large, and file said report in the office of the city clerk.

Notice of determination to be given.

SECTION 7. A notice that such report is ready for examination at the office of the city clerk, and that the same shall be opened for review and correction by said board at said office for ten days after the first publication of said notice during certain hours, not less than two hours of at least

Report to be open for examination.

three days, and that persons interested may be heard in objection to such report, shall be published in the official paper of said city twice in succession. No irregularity in the form of said report or of said notice shall affect the validity of the same if it fairly contains the information intended to be conveyed therein. Said board shall attend, during the hours mentioned for that purpose, shall hear objections and evidence, and have power to review, modify and correct their report as they shall deem just, and thereupon said board shall draw a completed and final report, and file the same, together with all evidence taken by them, and proof of publication; but no irregularity in the form of said report or manner of conducting the proceedings of said board shall invalidate or affect the legality of said report. Said report shall not be binding on the city, but shall be advisory to the common council. At any time after the filing of the said report, the common council may confirm or correct the same, or refer the report back to the board for further consideration. In case of paving a street, the council shall deduct the proportion which they shall determine shall be paid by the city at large. When the report shall be so corrected as to be satisfactory to the common council, they shall by resolution confirm the same.

Final determination to be protested.

SECTION 8. Thereupon the city clerk shall publish a notice in the official paper for one week that the final determination has been made as to the amount of the cost of the proposed improvement to be charged to each parcel of land abutting on the street to be graded or improved. The amount so determined shall be conclusive unless appeal shall be taken as provided in the next section; provided, however, if the costs of any said improvement shall exceed the estimated amount as so approved, the excess shall be apportioned in the same ratio, and in case the cost of the improvement is less than the amount so apportioned, such amount shall be proportionately decreased.

Owner feeling himself aggrieved may appeal.

SECTION 9. If the owner of any parcel of land abutting on said street, against which any portion of such improvement is chargeable, feels himself aggrieved by reason of the improvement or the amount charged to his parcel of land, or any parcel of land in which he has an interest, he may

within twenty days after the date of such confirmation appeal therefrom to the circuit court and such appeal shall be taken tried and determined, and bonds for costs shall be given, and costs awarded in like manner as in cases of appeals from the disallowance of claims under this chapter; provided, however, that the issue on such appeal shall be tried by the court. In case any contract shall have been made for making said improvement said appeal shall not affect the contractor or the proceedings in reference to his contract, but the certificate against the lot in question shall be given as if no appeal had been taken, and in case the appellant shall succeed, the difference between the amounts charged in the certificates, and the amounts finally adjudged, shall be paid to the city after he shall have done the work in question.

SECTION 10. The appeal given by the last preceding section from the report of the board of public works, as confirmed by the common council, shall be the only remedy of the owner, or any party interested in any parcel of land affected by said report, for the redress of any grievance he may have by reason or the making of the said improvement and of the amount of the cost of said improvement chargeable to said parcel of land.

Appeal the only remedy.

SECTION 11. The contract for making any such improvement shall be let to the lowest bidder, in such manner as the council may direct, and the street commissioner shall supervise the performance of such work of the contractor under the direction of the board of public work.

Contract to be let to lowest bidder.

SECTION 12. Whenever any work has been done under contract as provided under this act and the same shall have been approved by the board of public works, the contractor shall be entitled to the certificate thereof as to each parcel of land against which any part of the cost of the work is chargeable. Said certificate shall be signed by the mayor, and state substantially the lot against which it is issued, the amount chargeable to the said lot or parcel of land, and that said certificate is issued for work chargeable to said lot. The amount chargeable to the city shall be audited and paid the same as any other claim against the city. Said certificate shall be conclusive evidence of the legality of all proceedings up to and inclusive

When contractor to be entitled to certificate.

of the issue thereof, and may be transferred by indorsement. If the same is not paid upon presentation, the same shall draw interest at the rate of ten per cent. from the date thereof until the same is inserted in the tax roll as hereinafter provided. Such presentation shall be made to the owner or occupant of the land, and if no such owner or occupant is known it shall draw such interest without presentation. If not paid before the making out of the next tax roll, it shall be placed in such roll as a special tax, and collected as other taxes are collected, and in case the owner of the lot is known, and the name of such owner appears on the tax roll as owner of said lot, collection may be made by distress and sale of the goods and chattels of said owner, the same as in case of other taxes, and if the same is not collected the lot shall be returned delinquent and sold therefor by the county treasurer, the same as in case of other delinquent taxes. All moneys collected by the city treasurer on any such tax shall be paid to the owner of the certificate on demand. All moneys collected by the city treasurer on any such tax so returned to him, either before sale, or which he collects by sale, shall be by him returned, paid to the city treasurer, and in case no one bids off any parcel of land, so returned delinquent at the tax sale, the county treasurer shall bid the same off in the name of the county, as in other cases and shall issue a tax sale certificate, as in other cases of lands bid off by the county, which certificate, he shall endorse as county treasurer, and deliver to the city treasurer. All said certificates and money so received by the city treasurer, from the county treasurer, shall be on demand, delivered or paid to the party entitled thereto. All laws relating to fees for collecting of taxes, penalties in case of delinquent return, and other charges subsequent to the issue of tax sale certificates, shall apply, in case of said grading tax, and all laws relating to the redemption from tax sales and tax deeds, in case redemption is not made, shall apply in case of certificates issued on sale for delinquent grading taxes.

Grade of sidewalks—notice to owners of lots, etc.

SECTION. 13. Sidewalks shall be constructed or prepared, upon the proper established grade of any street in said city, of such width, in such

manner, of such materials, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground, in front of which sidewalks shall be ordered. When the common council shall so determine to build such sidewalk they shall cause a notice to be served upon the owner or occupant of land in front of which the sidewalk is to be constructed, or if there is no such occupant, notice may be posted on the unoccupied lot, which said notice shall be so served or posted at least ten days before the expiration of the time limited for the owners or occupants of lots to construct said sidewalk. Said notice shall be substantially in the following form:

City of Ashland:

To the owners or occupants of the following described premises:

You are hereby notified and required to build a sidewalk in front of your premises on — street, which walk must be — feet in width, — of — material on the established grade. If you do not complete said walk by the — day of — 18—, the same will be constructed by the city, and the cost thereof charged to said lot and collected as other taxes are collected, chargeable to you or the said block or parcel of land.

Dated, this — day of —, 18—.

_____,
City Clerk.

If said sidewalk is not constructed pursuant to said notice, the same may be constructed by the city, either by contract to the lowest bidder, or in such other manner as the council may by resolution determine. When said sidewalk is completed, if constructed and paid for by the city, the board of public works shall file with the city clerk a certificate, showing the amount chargeable to any parcel of land on account of the construction of said sidewalk by said city. Such amount if not sooner paid, shall be, together with ten per cent. interest thereon from the date of such certificate, placed in the next tax roll for collection as a special tax, the certificate of the board of public works, so far as aforesaid, shall be conclusive evidence of all proceedings up to and inclusive of the making of such certificate, and conclusive evidence that the parcels of land therein

specified are legally chargeable with the amounts specified therein. Such special tax shall be collected the same as special grading taxes heretofore provided for, and all provisions of this chapter, so far as applicable thereto relating to the collection of charges for grading, shall apply in case of the said sidewalk tax. If said sidewalk tax is not paid, and the parcel of land bid off by the county at the tax sale, the certificate issued therefor shall be the property of the city, and the city may dispose of the same, or take a tax deed in case the land is not redeemed, and dispose of said land in such manner as the common council may determine. The city shall have power to require the repair or reconstruction of any sidewalk, and the same proceedings shall be had as in case of the original construction of sidewalks for such repairs, and the collection of the costs of such repairs and reconstruction of such walks. All sidewalks constructed or repaired under this section shall be so constructed or repaired under supervision of the street commissioner; provided, further, that in case the expense of repairing any sidewalk does not exceed the sum of five dollars the same may be forthwith repaired by the street commissioner, and by him certified to the city clerk, and if not sooner paid the same shall be inserted in the tax roll as a tax against the property, and all proceedings with reference to the same shall be as provided in case of charges for sidewalks, certified by the board of public works aforesaid.

• Cleaning
sidewalks.

SECTION 14. It shall be the duty of the owners or occupants of lots or parcels of land to keep all sidewalks around the same free from snow, ice, boxes, barrels, and any obstructions which will obstruct, in whole or in part, said walks, or impede persons in the use of said walks for walking thereon. Any person who shall fail to comply with the provisions of this section shall forfeit the sum of not less than one dollar nor more than five dollars for each offense, and the further sum of one dollar for each and every day said violation is continued. In construing the provisions of this section, where the premises are occupied, the occupants or persons in charge shall be deemed the proper persons whose duty it shall be to comply with the provisions of this section.

SECTION 15. The common council shall appoint one street commissioner, whose general powers and duties shall be the same as those of overseers of highways in towns, except as otherwise herein provided. It shall also be the duty of such street commissioner to see that all ordinances of the city relating to streets, alleys, public grounds, reservoirs, sewers and water-courses within the city are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have general supervision over all work let by contract for the making, grading, paving and repairing and cleansing all streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner herein mentioned, and direct and control the persons employed therein, under the direction of the board of public works.

Appointment
of street
commissioner.

SECTION 16. Every street commissioner appointed by the common council as aforesaid shall, before entering upon the duties of his office, give a bond to the city of Ashland, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than two thousand dollars, conditioned to render an account to the common council when required by law, or the ordinances of said city, or by a vote of said council to keep safely and account for and deliver over, when lawfully required, all property of said city that may come into his hands; to use, disburse and pay over according to law or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Shall take oath
of office.

SECTION 17. The street commissioner shall, on or before the first day of November of each year, also at the expiration of his term of office, render an account under oath, to the common council, showing the amount of money collected by him as such commissioner, and from whom collected, and showing the amount of money that has been expended, specifying the work for which it was expended, and also showing the amount of labor and by whom performed, in payment of highway taxes, and when the same was performed. Such an account shall be rendered as often as the common council shall require. All said reports shall be examined by the auditor the same in all

Street commis-
sioner to make
annual report.

respects as provided in cases of treasurers' reports, and thereafter shall be placed before the common council for their consideration.

Penalty for failure to make report.

SECTION 18. If such street commissioner fails to make his report he shall forfeit the sum of ten dollars, and one dollar a day for each day he shall so fail to make and file such report, and the same may be retained out of his salary.

Poll tax.

SECTION 19. It shall be the duty of every male inhabitant in the city, being over the age of twenty-one years, excepting persons of over fifty years of age, idiots, lunatics, paupers, and such persons whose names appear upon the list filed with the city, as provided by section 10, of chapter 9, of this act, to pay each year when demanded by the street commissioner, a poll tax of one dollar and fifty cents. Said tax may be paid to the street commissioner or be commuted for in labor, as now provided for by law; and in default of paying the same, either in money or labor, when demanded by the proper officer, he shall forfeit and pay a penalty of three dollars. The street commissioner shall be entitled to ten per cent. of the amount collected by him as poll tax, to be retained by him out of the moneys so collected, and such other compensation as the common council shall determine; the amount thereof to be fixed in the same manner as provided in this act for the appointive officers, and not to exceed the sum of five hundred dollars per annum; and the city shall not be liable for any services ordered to be performed by said street commissioner, unless provision is made for paying therefor at the time such services are ordered, except as provided in section 7, of this chapter. Whenever any person shall refuse or neglect to pay his poll tax, the street commissioner may commence suit for the penalty incurred by the party refusing to pay the tax, in the name of the city as provided by law in other cases. In case said poll tax is not paid by the first day of July, it shall be a sufficient demand to lay foundation for prosecution for the penalty above provided for, if a notice is posted up for ten days in three public places in the city of Ashland, substantially in the following form: To the following named persons: You are hereby notified that you are liable to pay a poll tax of one dollar and fifty cents to me as street commissioner

of the city of Ashland. If you neglect to pay the same within ten days from date hereof, you will be liable to a penalty of three dollars. Payment may be made to me at the office of the city clerk.

Dated this — day of —, 18—.

_____,
Street Commissioner.

All poll taxes collected by the street commissioner in said city shall be expended upon the streets in the ward where the person resides from whom said tax is collected; provided, that any person liable to pay such poll tax may, in lieu of such payment, perform or cause to be performed, one day's labor on said streets.

Poll taxes to be expended in ward where collected.

SECTION 20. The city clerk shall prepare a list in a book to be provided for that purpose, of all persons in said city, on the first day of May, so far as the same can by reasonable diligence be ascertained by him, who are liable to pay such poll tax. The names shall be arranged in the alphabetical order. He shall attach thereto a warrant substantially in the following form:

City clerk to prepare poll list—duties of street commissioner.

Ashland—ss.

To — —, street commissioner of said city: You are required to collect of each of the persons whose names appear herein, one dollar and fifty cents as a poll tax, and to render an account of the same as provided by law.

Dated this — day of —, 18—.

_____,
City Clerk.

Said book shall then be delivered to the street commissioner, and he shall be charged therefor the amount of the poll taxes specified on the said roll. The commissioner may add any names omitted by the city clerk. The said commissioner shall mark on the said book all taxes paid, and he shall return said poll tax book, with a report of his doings thereon, on a day before the first day of November thereafter, and such report shall be examined by the auditor, and then placed before the council for their action, the same as in case of other reports examined by the auditor as provided in the charter. All taxes not collected by the street commissioner and returned delinquent may thereafter be collected by the captain of police, and a proper book, containing the names of the delinquents, shall be pre-

pared and delivered to him by the city clerk, with warrant attached thereto, substantially the same as hereinbefore provided for the street commissioner. He shall make report of the same by the first day of the succeeding April, and such report shall be acted on the same as the report of the street commissioner. And the said captain of police shall receive the same fees for the moneys so collected by him as are paid to the street commissioner for such services.

CHAPTER XII.

Division of city
into sewerage
districts.

SECTION 1. After the passage of this act, the board of public works may cause the city to be divided into sewerage districts, constituting such tiers of blocks and such district of territory as by nature of the ground and the grade established or to be established will most practicably and properly be drained through one main sewer or sewerage district, and generally to lay out and determine upon a sewerage system for the city. They shall make a plat of the same, and deposit the same with the city clerk. The city clerk shall thereupon give notice of the filing of the same by publishing a notice (in) the official paper of the city once in each week for three weeks. The notice shall specify that any objections to the system as determined upon, or any part thereof, may be filed with the city clerk at any time within thirty days from the date of the notice. The city clerk shall, at the end of the time specified, place before the board all objections that shall have been filed, and the board shall then consider the same. They may make any change deemed advisable by them, and if any changes are made they shall correct the plat accordingly, or make a new diagram, if necessary. They shall then attach thereto a certificate that the said plat exhibits the plan of sewerage as finally agreed upon by them. For the purposes of this work the board may, at the expense of the city, employ a competent engineer to assist the city surveyor for not exceeding thirty days.

Plans to be
considered by
the common
council.

SECTION 2. The plan shall then be considered by the common council, and all the proceedings up to the time of the consideration by said council

shall be advisory only. The council shall, as speedily as practicable, conclude the consideration of the same, and shall thereupon confirm said plan as the same shall be corrected and agreed upon by them. Said confirmation may be by resolution. They shall cause a careful diagram of the plan as so confirmed to be made in duplicate, and certified to be correct by the city surveyor. One of the same shall be recorded in the office of the register of deeds, and one shall be filed with the city clerk. Either of said originals, or said record, shall be conclusive evidence of the legality of the establishment of said plan.

SECTION 3. The council may, for the purposes of the construction of main sewers, borrow money to the amount of five thousand dollars, and issue the coupon bonds of the city therefor, which bonds shall be made payable at such time as the council may determine, and bear interest at not exceeding eight per cent per annum.

Money to construct main sewers may be borrowed.

SECTION 4. For the purpose of providing for the payment of said bonds, and of providing a general sewerage fund, there shall be a sewerage tax levied each year after the construction of the first main sewer shall have been commenced, of not less than one mill on the dollar, on all the taxable property of said city, which amount, to the extent of said one mill on the dollar, shall be placed in the tax roll by the city clerk for collection without any direction except this provision. Said sewerage tax shall be collected the same as other taxes are collected.

Sewerage tax may be levied.

SECTION 5. The treasurer shall not pay out any of said fund for any other purpose, or in any way divert the same from the purpose for which it is collected. For any violation of this provision said treasurer shall forfeit the sum of one hundred dollars, to be collected as other penalties are collected.

Funds not to be divided.

SECTION 6. The cost of the construction of all main sewers in excess of the cost of the construction of a minor sewer eight inches in diameter, shall be paid out of the general sewerage fund. The cost of the construction of all catch basins for receiving the water from gutters, and of all pipes connecting them with the sewers, and of the repairing and cleaning of sewers, and of all expenses for engineering work, shall be paid out of

Construction of all main sewers to be paid out of general fund.

the general sewerage fund. The cost of the construction of minor sewers and such portion of the cost of construction of the main sewers as shall be equal to the cost of construction of a minor sewer eight inches in diameter, shall be chargeable to the lots of land abutting on the street along which any such sewer shall be constructed, in proportion to the frontage of such lots or lands upon such streets.

May be constructed under contract.

SECTION 7. Any portion of such sewerage system may be constructed under contract with the city, which contract may be made in such manner as the common council may determine.

Notice to be given to all owners of lands fronting.

SECTION 8. Whenever the cost of construction of any portion of such sewerage system shall have been determined, the board of public works shall give notice to the owners of all lands fronting on the street where said sewers shall have been constructed, of the time when they shall meet to determine the amount of such cost chargeable to the lots or parcels of land fronting on the street, by publishing in the official paper of the city a notice substantially in the following form:

City of Ashland:

To the owners or persons interested in the lots or parcels of lands fronting on _____ street, from _____ street to _____ street: Take notice, that on the _____ day of _____, at _____ o'clock of that day, we shall meet at the office of the city clerk, to determine the amount chargeable to lots or parcels of land fronting on _____ street, between the points above mentioned, for the construction of the sewer constructed on said street.

Dated _____.

Board of Public Works.

Said notice shall be published at least two weeks prior to the date of said meeting. At the time specified in said notice, the board of public works shall hear all parties interested, that may desire to be heard, and shall then, under their hands, make an award fixing the amount that they shall deem properly chargeable to each such lot or parcel of land, for the construction of said sewer, according to the provisions of this chapter, and the award when so made shall be recorded by the city clerk, and said award or said record shall be

conclusive evidence of the legality of all proceedings, up to and the making of such award.

SECTION 9. The cost of the construction of said sewer not so awarded to the lots or parcels of land fronting upon the street, shall be paid out of the general sewerage fund and for the amount chargeable to the lots or parcels of land, sewerage certificates shall be issued and signed by the city surveyor, substantially the same as in the case of grading certificates, and all provisions of this charter with reference to grading certificates subsequent to their issue shall apply to such sewerage certificates.

What portion is to be paid out of general sewerage fund.

SECTION 10. No private drain or sewer shall be connected with any public sewer, without the board of public works first issuing their written order or permit for such connection; nor shall any such order be made or permit granted, until there shall be paid therefor to the city treasurer by the person or persons applying for such permit or order, an amount to be fixed by the said board, proportionate to the size of such private drain or sewer, but such sum shall in no case be less than three nor more than ten dollars for each drain or private sewer from any lot or parcel of a lot; provided, that no charge shall be made for the permit or order herein referred to, when the connection for which it is used is made before the sewer is finished in front of the premises, to be constructed at the cost and expense of such premises, or the owner or owners thereof. Any moneys paid to the city treasurer under this section shall belong to and be credited to the sewerage fund.

Private drains not to be connected with public drains until paid for.

SECTION 11. No person shall break open or make connections with any public sewer, except by the written order or permit and under the direction of the board of public works; and any person who shall do so, or shall wilfully or maliciously obstruct, damage or injure any public or private sewer or drain, or wilfully injure any of the material employed or used, or intended to be employed or used in the construction of any sewer, or for sewerage purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars, or be imprisoned not to exceed three months.

Making connection with public sewer—how done.

CHAPTER XIII.

POLICE DEPARTMENT.

Police
department.

SECTION 1. The mayor of Ashland shall ex-officio be chief of police of said city, and together with such a number of police officers as he, with the approval of the common council, shall determine to appoint, constitute the police force. One of said policemen shall be designated and appointed as captain of police, and shall be confirmed as such by the council. He shall, under supervision of the mayor, have charge of and direct the other police officers, and see that the ordinances of the city are enforced. Within the scope of this provision the common council may, by ordinance, more fully define the powers of the captain of police.

Detailing
police officers.

SECTION 2. The mayor or common council may direct or detail any of the police officers to perform such official duties as he or they may deem proper, and no extra compensation shall be allowed therefor.

Who may
command the
peace.

SECTION 3. The members of said police force shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and good order and health of the city; they shall possess all the powers of constables at common law or by the laws of this state.

Summary
arrests may be
made.

SECTION 4. The mayor, or acting mayor, chief of police, the sheriff of Ashland county and his deputies, each and every alderman, justice of the peace, peace officer and watchman of said city, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes they may command the assistance of all by-standers, and if any person shall refuse to aid in maintaining the peace, when so required, each such person shall forfeit and pay a fine not to exceed one hundred dollars, and costs, and in default of payment of such fine and costs, be committed to the county jail in and for said county, at hard labor, either within or without said jail, for the benefit of said city, for a period not exceeding six months, and,

in case where the civil power may be required to suppress rioters and disorderly behavior, the superior or senior officer present, in the order above named in this section, shall direct the proceedings.

SECTION 5. It shall be the duty of the captain of the police and all police officers in and for said city, and they are hereby authorized and required, with or without warrant, to summarily arrest and take before some justice of the peace in and for said city of Ashland, or some court of competent jurisdiction, all persons guilty of violating any of the provisions of this act, or any ordinance by-law, resolution or regulation of the common council of said city, passed in accordance herewith, or which are now in force in said city and to make complaint before such justice against any such offenders, and the said justice shall have power to hear, try and determine all complaints for such offenses; provided, that when any person is arrested, as heretofore provided, it shall be lawful for such arresting officer to take and convey such person to the common jail of said county, or police station of said city, there to remain for a period not exceeding twenty-four hours, within which time it shall be the duty of said officer to take such person before the justice or court aforesaid, to be tried in the manner aforesaid; provided, however, that in computing the said period of twenty-four hours, Sundays shall be excluded.

Removal of
police officers.

SECTION 6. All police officers shall be removed in the discretion of the mayor and common council.

SECTION 7. The term of service of all special police officers shall not last longer than the next meeting of the council after they are appointed. The action of the mayor in making the appointment shall be acted on by the council and if not confirmed the mayor shall not again during that term of office reappoint the same person, if the failure to confirm is on account of the person appointed, and if the failure to confirm is not on account of the person, shall not thereafter during his term of office appoint special police in a like emergency. The failure to confirm shall not prevent the special police officer from obtaining his pay while actually and lawfully engaged under the first appointment. If the mayor shall violate

Terms of
special officers.

the provisions of this section, he shall forfeit the sum of ten dollars as a penalty, and one dollar per day for each day he shall continue the violation.

CHAPTER XIV.

DISQUALIFICATIONS, IMPEACHMENTS, ETC.

Only one office at a time.

SECTION 1. No vote, shall be eligible to hold more than one office under this charter at the same time.

Member of council cannot vote when interested.

SECTION 2. No member of the common council shall vote on any question, matter or resolution in which he shall be directly interested. This provision shall be so construed as to prevent any person engaged directly or indirectly in dealing in or vending spirituous, fermented or intoxicating liquors from voting on any resolution fixing the amount of license in such cases, or the limits within which such business may be carried on, or the granting or rejection of any application for license.

Shall not be interested in any job.

SECTION 3. No member of the common council shall be a party to or interested in any job or contract with the city, and any contract with the city in which any such member may be so interested shall be null and void; and in case any money shall have been paid on such contract the city may sue for and recover the amount so paid from the parties to such contract, and from members of the common council interested in the same.

Persons interested in any city job, ineligible to office.

SECTION 4. No person interested, directly or indirectly, as principal or surety, in any contract or agreement, written or verbal, to which said city shall be a party in interest, or to which any officer under this act shall officially be a party, for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the said city by any officer under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority over the subject matter of such interest; and if any person thus interested shall be elected or ap-

pointed to office, his election or appointment shall be void, and such office shall be declared vacant.

SECTION 5. If any member of the common council, or any officer of the corporation, after his election or appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation shall be a party in interest, or to which any officer under this act officially be a party, or in any question, subject or proceeding pending before the common council, or on which such officer may be called upon to act officially, with intent to gain, directly or indirectly, any benefit, profit or pecuniary advantage, he shall be removed from his office, and the same shall be declared vacant by the common council, and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than one year, or by a fine of not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

May be removed from office for participation in contract.

SECTION 6. If any member of the common council or officer or agent of the city shall, directly or indirectly, accept or agree to accept or receive any money, goods or chattels, or any bank notes, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods or chattels or any deed of writing containing a conveyance of land or conveying or transferring an interest in real estate, or any valuable contracts in force, or any other property or reward whatever, in consideration that such member of the common council or other officer or agent will vote affirmatively or negatively, or that he will not vote, or that he will use his interest and influence, on any question, ordinance, resolution, contract or other matter or proceeding pending before the common council, or in which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council or agent shall be removed from office, and his office declared vacant by the common council and both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of felony, and on conviction

Penalty for receiving bribes.

thereof, shall be punished by imprisonment in the state prison for not more than three nor less than one year, or by fine not exceeding one thousand dollars, or both fine and such imprisonment at the discretion of the court.

Dismissal from office, how effected.

SECTION 7. A majority of two-thirds of all the members elect of the common council shall have power to dismiss from office for malfeasance in office, or any other due cause in said city, any person elected or appointed to office in said city, except justices of the peace. And the common council shall provide by ordinance the manner of hearing and disposing of complaints against such officers.

Committee of investigation.

SECTION 8. Whenever any charge of official misconduct shall be preferred against any member of the common council of the city of Ashland, or any officer of said city, the common council shall appoint a committee to investigate such charges; and it shall be the duty of the committee, as soon as practicable after their appointment, to investigate the matter of any charges which may have been so preferred, and to report the results of their investigation to the said common council, and in case such committee shall deem it necessary or proper, for the purpose of their investigation, they may examine witnesses on oath in relation to any such charges, and the several members of such committee are hereby authorized and empowered to administer oaths to witnesses to be examined for the purpose of such examination.

Subpœnas may be issued.

SECTION 9. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before any committee appointed pursuant to the preceding section. Each subpœna shall state when and where, and before whom the witness is required to appear and testify, and may require such attendance forthwith, or on a future day named, and on the production of such books, records, documents and papers therein to be designated, without payment of fees in advance or a tender thereof. All such subpœnas shall be signed by the city clerk of said city, and shall be issued under the seal of said city, and may be served in the same manner, and shall have the same force and effect as subpœnas issued out of the circuit court. Any wilful or corrupt false swearing by

any witness or person giving testimony before such committee, or any member thereof or making deposition to any material facts relating to the matter under investigation before such committee shall be deemed perjury, and shall be punished as such in the manner provided by law. The provisions of law in respect to the attachment of witnesses subpoenaed before justices of the peace, and compelling the attendance of such witnesses to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before such committees, and such committees may exercise the powers of arrest, fine and imprisonment, on conviction, in circuit or justice courts, in such cases. Writs of attachment and commitment for contempt shall be signed by the chairman of such committee.

CHAPTER XV.

RELATING TO PUBLIC SCHOOLS.

SECTION 1. There shall be elected by the mayor and common council of the city of Ashland a board of education, which shall be composed of one school commissioner from each ward, and one from the city at large. Said election shall be by ballot, and this provision shall not be so construed as to give the mayor any right to designate the person to be voted for, and in no case shall the mayor cast ~~but~~ one vote at said election. Additions made necessary by this revision shall be first elected at some meeting in May; provided, however, commissioners residing in wards as established by this revision, shall hold their office for the term they were appointed. The first commissioners appointed for the other wards shall hold their offices so that the term of office of none of the new appointees shall be over four years, and that the term of one or more will expire each year, and after that the term of all commissioners shall be four years from the second Tuesday of April, in the year of their appointment, and till their successors are elected; provided, however, that in case of a vacancy the person elected shall serve during the balance of the term for which his predecessor was elected.

School commissioners to be elected.

Board of
education.

SECTION 2. The school commissioners elected under the provisions of section , of this chapter, shall form the board of education of the city of Ashland, and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners, by resignation or otherwise.

Election of
president.

SECTION 3. The board of education shall, at its first regular meeting in June of each year, elect one of its members president, who shall preside at all the meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall sign all orders drawn by the secretary for the payment of teachers' salary and janitor's wages, and other incidental and necessary expenses of said board of education, and in suits brought by or against the school district, he shall appear in behalf of said district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions appropriating money, or the adoption of text-books, the vote shall be taken by ayes and noes, and on any other questions the ayes and noes shall be called when any member shall request it; provided further, that in the absence of the president, the board shall elect a president pro tempore.

One regular
meeting in
each month.

SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed by them, and they may have special meetings at such other times as they may deem necessary, when called together by the president or a majority of the members. All questions to be determined by the board shall be brought up for consideration at a general or special meeting by motion or resolution, and no such motion or resolution shall be adopted except by a vote of the majority of the members of the board.

Duties of board
of education.

SECTION 5. The duties of the board of education shall be as follows:

1. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and to hire and make contracts with teachers;

and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher, and by the president or secretary of the board of education. Such contract shall be made in duplicate, and one copy thereof filed with the secretary together with a copy of the teacher's certificate.

2. To arrange and determine terms and vacations in all public schools, and to establish uniformity in the school system and to require and secure uniformity in text-books, and to adopt or reject text-books at will.

3. To establish rules and regulations for the schools not in conflict with the constitution of this state.

4. To make contracts for all fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs on school houses; to make contracts for all incidentals required for carrying on the schools, such as lighting fires, sweeping school rooms, etc., and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the secretary of said board. The board shall select one of their members as purchasing agent, and no purchases shall be made except by him, or when ordered by a majority of the board.

5. The board of education shall, on the first day of November of each year, submit a statement to the mayor and council of all the money disbursed by them during the year, and for what purposes the same was disbursed; and they shall at the same time submit for the consideration of the common council a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items separately and specifically. Nothing in this section contained shall prevent the council from taking into consideration the amount to be received from the county school tax during the ensuing year. The report of the school board shall be examined by the auditor as to receipts and disbursements, and placed before the council for action, the same as

in case of other reports of officers to be examined by said auditor.

Repair of school-houses.

SECTION 6. Whenever repairs to a larger amount than four hundred dollars shall, in the opinion of the board, be required for any one school-house, they shall cause a statement to be made, showing the repairs required, and an estimate of the cost, to be laid before the mayor and council, and whenever, in their opinion, another school-house shall be necessary, they shall cause estimates of the cost of a site for such school-house or houses, and a plan of the proposed building or buildings, together with an estimate of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites unless there shall be a vote of two-thirds of the members of the common council of the city against the same, in which case such proposed repairs shall not be made, nor shall such a site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs, or for the erection of such buildings, or the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

Payment of teachers' and janitors' wages.

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school funds, for teachers' and janitors' wages, and all other expenditures authorized by this act.

Member of board not to be interested in any job.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

City clerk to act as secretary.

SECTION 9. The city clerk of the city of Ashland shall, in addition to his other duties, act as secretary of the board of education, unless the board should elect a clerk, which they are empowered to do.

Free high school.

SECTION 10. The free high school of the town of Ashland shall hereafter be the free high school of the city of Ashland, and shall report and receive

aid as such, and the board of education shall be the free high school board of such high school district, which district shall comprise the territory of the city.

CHAPTER XVI.

MISSCELLANEOUS.

SECTION 1. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharfs and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of the county of Ashland.

New survey may be made.

SECTION 2. The surveys and landmarks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharfs and blocks, in all cases in which they shall be drawn into controversy, in all courts of this state.

To be prima facie evidence of lines and boundaries.

SECTION 3. The city may purchase and hold real and personal estate sufficient for the public use of the inhabitants thereof, and may sell and convey the same, and the same, while owned, occupied or held by said city, shall be exempt from taxation.

City may hold real and personal property.

SECTION 4. Every individual or company of individuals or body corporate owning a lot or tract of land within the corporate limits of the city of Ashland, who may desire to subdivide or plat such lot or tract into city lots, shall, in platting the same, cause the streets and alleys in such plats to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to said lot or plat so platted; and before making such plat, as required by law, it shall be the duty of such person or persons, or corporation making such plats to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council the said person or persons

Platting of streets, etc.

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

Deeding and leasing.

SECTION 5. When the city of Ashland deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Ashland, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor to execute deeds and leases.

SECTION 6. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed, and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and be duly witnessed and acknowledged so as to entitle it to record under the laws of this state.

In case of failure to hold election.

SECTION 7. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed it shall not be considered reason for arresting, suspending or dissolving said corporation, but such election or organization may be had at any subsequent day by order of the council, and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city, are to be done by any officer at any specified time, and the same are not then done or performed, then the common council may appoint

another time at which said action may be done and performed.

SECTION 8. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

What is deemed a vacancy in office.

SECTION 9. The mayor shall have the power to suspend any police officer from duty, and any officer so suspended shall not have any pay or compensation during such suspension, until the council shall take up his case and dispose of it, and with the approval of the common council may appoint as many special police officers and night watchmen as he may deem necessary for the welfare of the city, and in no case shall such special police officer remain on the police force for a longer time than twenty days, unless reappointed, and such special officers and watchmen shall have all the powers of constables within the city of Ashland.

Suspension of police and other officers.

SECTION 10. The offices of mayor and councilman shall be filled by their incumbents without fee or salary, or compensation for any services.

No salary for mayor and councilmen.

SECTION 11. All the ordinances of said city shall be revised by the city attorney and adopted by the common council, together with such new ordinances as may be deemed necessary, within three months after the passage of this act. The board of public works shall, within the same time, at the expense of the city, cause to be written out at length a careful explanation and statement of the established grades and streets and sidewalks in said city, so as to show, so far as practicable, to any non-expert reading the same, the said grade, with reference to each parcel of land fronting on any street in said city. The said board of public works shall then, at the expense of the city, cause the city charter, by-laws and ordinances, and said explanation of the grades, to be printed in convenient book form, and at least five hundred volumes of the same furnished to the city. Any city officer shall be entitled to a copy of the same for use during his term of office.

Ordinances to be revised by city attorney.

The city council shall furnish a copy of the same to any person not a city officer at not more than one dollar for such copy.

Repealing
section.

SECTION 12. All acts and parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, acts or suits, claims, penalties or demands that may have been entered into or performed, commenced, or that may exist under or by virtue of, or in pursuance of the said acts, or any former acts incorporating said city, or any of them; but the same shall exist and be enforced and carried out and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed.

Joint meeting
of town and
city.]

SECTION 13. As soon as possible after the next town meeting of the town of Ashland, there shall be a joint meeting of the town board of supervisors of the town of Ashland and the common council of said city, at the council rooms in said city, at which meeting they shall ascertain the amount of the indebtedness of the town of Ashland, justly and legally chargeable to said town, and the amount of all judgments against said town, and shall divide and assume the same respectively, in such proportions as the aggregate amount of the assessment of the property within the city limits bears to the aggregate amount of the assessment of the property within the town outside of the city limits, as shown by the last assessment roll of said town.

Outstanding
indebtedness.

SECTION 14. All the outstanding indebtedness of the town of Ashland, justly and legally chargeable against said town, and all judgments against said town shall be borne and paid by said city and town respectively, in the aforesaid proportions; and all moneys and personal property belonging to the town of Ashland shall be divided between the town and city in the same proportion.

Issue of bonds.

SECTION 15. The common council of the city of Ashland shall have power to direct the issue of bonds of the city, not exceeding the amount limited by the constitution of this state, drawing not more than seven per cent. interest, and payable at such times as they may deem proper, to be used in raising money to pay the city's just proportion of the indebtedness of the town of Ash-

land; provided, that said bonds shall not be negotiated, sold or exchanged for such indebtedness at less than their face value.

SECTION 16. All easements of lands outside of the corporate limits of the city of Ashland, now held and owned by the town of Ashland, by dedication or otherwise, shall be and remain the property of said town, and all such easements and lands now owned and held by said town, and situated within the corporate limits of the city of Ashland, as described in this charter, shall be and hereby are vested in said city.

Easements to remain property of town and city.

SECTION 17. The next annual town meeting of the town of Ashland shall be held at such place as the town board of supervisors of said town shall designate, and the said town meeting, and all town meetings of said town, may be held in said city, and the town officers of said town may hold their respective offices in said city, unless otherwise directed by the proper town authorities.

Annual town meeting.

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

Approved March 25, 1887.

[No. 38^u, A.]

[Published March 29, 1887.]

CHAPTER 128.

AN ACT to incorporate the city of Reedsburg.

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

SECTION 1. From and after the adoption of this charter as hereafter provided, the following described district of country, to-wit: The southwest quarter of the southwest quarter of section two, the south half of the southeast quarter and the south half of the southwest quarter of section three, the east half of section nine, all of section ten, the west half of the southwest quarter, and the west half of the northwest quarter of section eleven, all in township number twelve north, of

Corporate name and boundaries.