

three hundred dollars a year, payable quarterly at the end of each quarter, out of the school fund.

Repair of school-houses.

SECTION 19. Section 119, subdivision 7, of said chapter 84, is hereby amended so it shall read as follows: Section 119, subdivision 7. In the name of the city of Menomonie, to contract for the repair of school-houses and their appurtenances, and for all things necessary or proper for the support and maintenance of schools in said city, and to superintend the erection, construction and repair of all school-houses, and generally to have the entire and exclusive supervision and control of all property belonging to said city, used for said purposes. The board of education shall have the power, by and with the consent of the council of said city, to erect, construct, hire and purchase buildings suitable for school-houses, buy and lease sites for school-houses, with the necessary grounds, and to furnish the school-houses in said city with the necessary fixtures, furniture and apparatus.

Repealing section.

SECTION 20. Section 139, chapter 102, of the laws of 1882, is hereby amended so it shall read as follows: Section 139, chapter 102, of the laws of 1882, and chapter 84, of the laws of 1883, and acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 21. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1887.

[No. 577, A.]

[Published March 28, 1887.]

CHAPTER 130.

AN ACT to amend an act entitled, "an act to incorporate the city of Viroqua," being chapter 54, of the laws of 1885.

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

Elective and other officers enumerated.

SECTION 1. Section 6, of chapter 54, of the laws of 1885, an act amendatory thereof, is hereby

amended by striking therefrom the word, "marshal" where it occurs in the second line thereof, and by adding after the fourth word in seventh line thereof the words, "a marshal, a street commissioner and," so that when so amended, it shall read as follows: Section 6. The elective officers of said city shall be a mayor, treasurer, clerk, assessor, two justices of the peace, one police justice and two constables for the city at large, and two aldermen from each ward, and one supervisor for each ward, who shall represent said ward on the county board of Vernon county. A marshal, a street commissioner, and all other officers necessary for the proper management of the affairs of said city, shall be elected by the common council. The treasurer, assessor, marshal, supervisors, clerk, justices of the peace, police justice and constables shall be qualified voters and residents of the city of Viroqua, and the mayor and aldermen shall be qualified voters and freeholders in the city of Viroqua. All the elective officers except justices of the peace, unless otherwise provided, shall hold their offices for one year, and until their successors are elected and qualified; provided, however, that the common council shall have power for cause to expel any of its own members except the mayor, and to remove from office any officer or agent under the city government, on notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

SECTION 2. Section 7, of said chapter 54, of the laws of 1885, is hereby amended by striking therefrom the words, "justice of the peace or police justice," where they occur in the second and third lines thereof, so that when so amended said section shall read as follows: Section 7. Whenever any vacancy shall occur in the office of mayor 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 in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject

Filling of
vacancies.

to the same liabilities as the person whose office he shall be elected or appointed to fill.

Appointment
of deputy.

SECTION 3. Section 20, of said chapter 54, of the laws of 1885, is hereby amended by adding at the end thereof, the words, "He shall also have authority, with the consent of the common council, to appoint a deputy in writing under his hand and file such appointment in his office; and such deputy, in case of absence or disability of the clerk, shall act in his place, and shall have like powers and shall receive such compensation as the common council shall provide or allow;" so that when so amended said section shall read as follows: Section 20. The city clerk shall perform all the duties required of him by law and the ordinances of the city. He shall be keeper of the books, records, and papers, and the corporate seal of the city, and the record of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall perform the same duties in regard to common schools in said city that are by the general laws imposed on town clerks. He shall draw and countersign all orders on the treasurer, and keep a record of the same; he shall file in his office all chattel mortgages left with him to be filed and the renewals thereof, receiving the same fees allowed to town clerks therefor, and the same mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths; and he shall receive such compensation as the common council shall provide by ordinance or resolution. He shall also have authority to appoint a deputy in writing under his hand, and file such appointment in his office, and such deputy in case of absence or disability of the clerk shall act in his place, and shall have like powers and receive such compensation as the common council shall provide or allow.

Duties of city
clerk.

SECTION 4. Section 33, of said chapter 54, of the laws of 1885, is hereby amended by striking out the word, "build" in the next to the last line thereof, and inserting in lieu thereof the word, "rebuild" so that when so amended it will

Regarding
streets.

SECTION 4. Section 33, of said chapter 54, of the laws of 1885, is hereby amended by striking out the word, "build" in the next to the last line thereof, and inserting in lieu thereof the word, "rebuild" so that when so amended it will

read as follows: Section 33. The common council may cause any street or any part of any street not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides and of the owners of at least one-half of the frontage of such street or part of street to be improved, or order any sidewalk or gutter on one side of a street to be built, on the petition of a majority of the owners on such side and of the owners of at least one-half of the frontage on such side, and may order any sidewalk or gutter previously built to be put in repair or rebuilt when necessary without petition.

SECTION 5. Section 37, of said chapter 54, of the laws of 1885 is hereby amended by striking therefrom the words, "street committee" where they occur in the fourth line of said section, and substituting in lieu thereof the words, "street commissioner," and by striking therefrom the words and figures, "five dollars (\$5.00)" where they occur in the fifth line of said section, and substituting in lieu thereof the words and figures, "ten dollars (\$10.00)," so that when so amended said section shall read as follows: Section 37. Whenever a sidewalk or gutter shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, will not cost to exceed the amount of ten dollars, (\$10.00), in front of any one lot, to repair the same, it shall be authorized, and is hereby made his duty to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the costs of such repairs, specifying the lot and block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Viroqua, for payment, and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the common council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, in the same

Repair of streets.

manner as special taxes are levied for the construction of sidewalks and gutters. In case the owner of such lot, piece or parcel of land, does not reside in the city of Viroqua, the said commissioners shall return the said account to the common council with his certificate stating the fact; and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

Disallowing
claims.

SECTION 6. Section 47, of said chapter 54, of the laws of 1885, is hereby amended by striking therefrom the word, "section," where the same occurs in the sixth line thereof, and by inserting in lieu thereof, the word, "action," so that when so amended said section shall read as follows: Section 47. When the claim of any person against the said city shall be disallowed, in whole or in part, by the common council, the determination of the council disallowing the same in whole or in part, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an action to recover the same shall be commenced within sixty days after such disallowance by the common council of said city; provided, that any person in whose favor any claim is allowed in part may accept the part so allowed and bring an action against said city for the balance.

Length of time
required
amended.

SECTION 7. Section 50, of said chapter 54, of the laws of 1885, is hereby amended by striking therefrom the word, "twelve" where it occurs in the sixth line of said section, and inserting in lieu thereof the word, "five," so that when so amended said section will read as follows: Section 50. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or expiration of such publication, as the case may be, application will be made to a court commissioner of said county of Vernon for the appointment of five jurors to view said premises and to determine whether it will be necessary and proper to take the same for the purposes specified in said petition.

Number of
freeholders
required
amended.

SECTION 8. Section 51, of said chapter 54, of the laws of 1885, is hereby amended by striking therefrom the word, "twelve" where the same occurs in the fourth line thereof, and inserting in lieu thereof the word, "five," so that when so amended

it shall read as follows: Section 51. Upon the presentation of such application and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner shall appoint five resident freeholders, residents of said city but not interested in the result of such application. The said 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 make returns under their hands to the common council whether in their judgment it is necessary and proper to take said premises for the purposes specified in such application, and to ascertain the damages to be paid to the said owner or owners of said property proposed to be taken, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

SECTION 9. Section 70, of said chapter 54, is hereby amended by striking therefrom the words, "shall have the same and equal jurisdiction, and perform all and like duties of justices of the peace of the several towns of the state," where they occur in the second, third and fourth lines thereof, and by inserting in eighteenth line of said section, after the word prescribe, the following: "in case of a vacancy or," and by adding at the end of said section the words, "any person holding the office of justice of the peace shall not be thereby disqualified from holding the office of police justice;" and by striking from said section the words, "in addition to his jurisdiction as justice of the peace," where they occur in the sixth and seventh lines of said section, so that when so amended it shall read as follows: Section 70. The police justice elected under this act shall qualify in the same manner as provided for justices of the peace in this act, and he shall have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by the common council, and in all actions in which said city is a party, within the limits of jurisdiction of justices of the peace under the general law. The police justice shall be entitled to receive for his

Jurisdiction of
justices
amended.

services the same compensation in fees, as is allowed by law to justices for similar services, and such further compensation as the common council may allow and prescribe. In case of a vacancy, or in case of absence, sickness or inability of the police justice, the mayor may issue to one of the justices of the peace of said city a warrant, instructing him to assume the duties of police justice, upon the receipt of said warrant the justice of the peace shall perform the duties of police justice, and have the authority and power and rights of police justice. Appeals and writs of certiorari may be taken from the police justice in the same manner as from justices of the peace. Any person holding the office of justice of the peace shall not be thereby disqualified from holding the office of police justice.

Holding
elections.

SECTION 10. There is hereby enacted a new section, to be known as section 14a, of chapter 54, of the laws of 1885, which shall read as follows: Section 14a. All general elections shall be held in each ward of said city of Viroqua, under the provisions of the general law of the state of Wisconsin, unless the common council of the city shall, prior to the time of giving notice of such election, by vote or resolution, order a single polling place for the several wards of the city.

Respecting
testimony.

SECTION 11. There is hereby enacted a new section, to be known as section 75a, of chapter 54, of the laws of 1885, which shall read as follows: Section 75a. No person shall be incapacitated or excused from testifying in any action for any offense committed against the provisions of this act or any ordinance of the city of Viroqua by reason of his or her being implicated in such offense, but the testimony of such witness shall in no case be used against such witness. Witnesses shall attend before justices of the peace and police justice in said city.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.
Approved March 25, 1887.