

[No. 346, S.]

[Published April 6, 1887.]

## CHAPTER 162.

AN ACT to revise, consolidate and amend the charter of the city of La Crosse, and the several acts amendatory thereof.

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

## CHAPTER I.

## CITY AND WARD BOUNDARIES.

City and ward boundaries.

SECTION 1. All the district of the country in the county of La Crosse, contained within the limits and boundaries hereinafter described, shall be a city by the name of La Crosse. And the people now inhabiting, and those who shall hereafter inhabit the district of country hereinafter prescribed, shall be a municipal corporation by the name of the city of La Crosse, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers herein especially granted, and the authorities thereof shall have perpetual succession, and be capable of contracting and being contracted with, suing and being sued, pleaded and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure. The territory lying in the county of La Crosse, included within and described by the metes and bounds following shall constitute the city of La Crosse, to-wit: Commencing at a point in the western boundary line of the state of Wisconsin where the south line of section eight, township fifteen north, of range seven west, produced west, intersects said western boundary, and running thence east upon the said south line of said section eight, and the south line of section nine, town and range aforesaid, to the south quarter post of said section nine; thence running north on the north and south quarter lines of section nine and four of the town

and range aforesaid, and of sections thirty-three, township sixteen, range seven west, to the north line thereof; thence running west on the section line between sections thirty-three and twenty-eight to the center of the southwest quarter of section twenty-eight aforesaid; thence running north on the north and south eighth lines of sections twenty-eight, twenty-one and sixteen, township and range last aforesaid, to the center of the south half of said section sixteen; thence running due west on the north line of the south half of the south half of section sixteen and section seventeen, town and range last aforesaid, to the center of the main channel of Black River; thence running southwardly along the center of the main channel of Black River to its intersection with the north line of section thirty-one, town and range aforesaid; thence running west on said section line produced to the western boundary of the state of Wisconsin; and thence southwardly along said western boundary of the state to the place of beginning. All portions of the territory heretofore embraced in the limits of said city not included in the foregoing boundaries are hereby restored to and made part of the town of Campbell, in La Crosse county; and all portions of territory included in said boundaries heretofore, and belonging to said town of Campbell, are hereby detached from said town and made part of said city of La Crosse.

SECTION 2. The said city of La Crosse shall be divided into ten wards, numbered and bounded as follows, to-wit: All that part of said city lying south of the north section lines of sections thirty-two and thirty-three, township sixteen, range seven west, and east of the center line of Sixth street extended, to its intersection with the north line of said section thirty-two and north of the center line of Pine street extended, east to the eastern boundary of said city, shall constitute and be known as the First ward. All that part of said city lying south of the north lines of sections thirty-one and thirty-two, township sixteen, range seven west, and west of the center line of Sixth street extended, north to its intersection with the north section line of said section thirty-two and north of the center line of Cass street extended, west to the western boundary of said city

Division of city  
into wards, and  
their bound-  
aries.

shall constitute and be known as the Second ward. All that part of said city lying south of the center line of Cass street extended, to the western boundary of said city and west of the center line of Sixth street extended, south to its intersection with the channel of the Mississippi river, shall constitute and be known as the Third ward. All that part of said city lying south of the center line of Pine street extended, east to the eastern boundary of said city, and east of the center line of Sixth street, and north of the center line of King street extended, east to the eastern boundary of said city, shall constitute and be known as the Fourth ward. All that part of said city lying south of the center line of King street extended, east to the eastern boundary of said city, and east of a line beginning at the intersection of the center lines of King and Sixth streets, running thence south along said center line of Sixth street to the center line of Cass street, thence west to the center line of Cass street to its intersection with the center line of Sixth street, thence south on the center line of Sixth street extended, to its intersection with the center line of Ferry street and north of the center line of Ferry street extended, east to the eastern boundary of said city, shall constitute and be known as the Sixth ward. All that part of said city lying south of the center line of Ferry street extended, east to the eastern boundary of said city, and east of the center line of Sixth street and north of the center line of Jackson street extended, east to the eastern boundary of said city, shall constitute and be known as the Seventh ward. All that part of said city lying south of the center line of Jackson street extended, east to the eastern boundary of said city, and east of the center line of Sixth street extended, south to the channel of the Mississippi river, and east of said channel, shall constitute and be known as the Eighth ward. All that part of said city lying north of the north section lines of sections thirty-one, thirty-two and thirty-three, township sixteen, range seven west, and south of the center line of St. James street extended, east and west to the boundary lines of said city, shall constitute and be known as the Fifth ward. All that part of said city lying north of the Fifth ward as herein

constituted, and south of the center line of Sill street extended, east and west to the boundaries of said city, shall constitute and be known as the Ninth ward. All that part of said city lying north of the Ninth ward of said city as herein constituted shall constitute and be known as the Tenth ward.

## CHAPTER II.

### ELECTIONS.

SECTION 1. \* The elections for ward and city officers shall be held on the first Tuesday in April in each year in which it shall be necessary to hold such elections under this act, 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, unless otherwise provided by the general laws of the state, and ten days' previous notice shall be given by the common council of the time and place of holding such elections and of the city and ward officers to be elected; provided, however, that the first election under this act shall be held on the third Tuesday in April, 1887.

Annual election, when to be held.

SECTION 2. The elective officers of said city shall be a mayor, treasurer, city attorney, comptroller for the city at large, three commissioners of public works for the city at large, justice of the peace for the city at large, (who shall be ex-officio police justice), city clerk, tax commissioner, and two aldermen, one justice of the peace, one supervisor, and one constable for each ward. All city officers must be residents of the city, and ward officers, supervisors and aldermen, must be residents of the ward for which they are elected. The mayor, clerk, treasurer, tax commissioner, comptroller and aldermen, must be freeholders within the city limits when elected and during their several terms. All city and ward officers, except aldermen, to be elected by the people under this act, shall hold their respective offices for terms of two years. All supervisors shall hold their offices as members of the county board for two years, any other law of this state to the contrary notwithstanding. The term of every officer elected by the people under this act (except the treasurer)

Elective officers, and who they are.

shall commence on the third Tuesday of April of the year in which he shall be elected, except in cases of election to fill vacancy; the term of office of the treasurer shall begin on the first Monday of July following his election. The treasurer now in office shall continue to hold said office until the first Monday of July, 1887. Aldermen, except as otherwise herein provided for aldermen, to be elected at the charter election of 1887, shall hold office for the term of four years. Should there be a failure of the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding such election being first given. The mayor and aldermen of the city of La Crosse shall be denominated the common council. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council or by the mayor, where such power is given to him by this act, or in such manner as the common council may direct, except when otherwise provided in this act.

Terms of office.

SECTION 3. The terms of office of the tax commissioner, justice of the peace for the city at large, now in office, and of all justices of the peace now in office whose terms extend beyond the third Tuesday of April, 1887, are hereby extended to the third Tuesday of April, 1889. The terms of office of all persons now serving as aldermen in said city shall cease and determine on the third Tuesday of April, 1887. At the charter election to be held in said city on the first Tuesday of April, 1887, there shall be elected by the people, a mayor, city clerk, city attorney, comptroller for the city at large, three commissioners of public works for the city at large, and treasurer for the city, one supervisor, one constable, one alderman to serve for two years and one alderman to serve for four years, for, and in each ward; and in each ward where, as constituted by this act, there shall be no justice of the peace then resident whose term of office extends beyond the third Tuesday of April, 1887, one justice of the peace. All officers heretofore elected with terms to expire on the second Tuesday of April, 1887 (except treasurer), shall continue to hold and exercise their several offices

until the third Tuesday of April, 1887, notwithstanding any change of ward boundaries in this act. After said charter election of 1887, all city and ward officers shall be elected biennially at the charter elections as their terms expire, and for the full terms prescribed by this act.

SECTION 4. In the event of a vacancy in the office of mayor, alderman, justice of the peace for the city at large, ex officio police justice, tax commissioner, treasurer, comptroller, city attorney, or either of the commissioners of public works, or justice of the peace, by death, resignation, or removal, or other disability, the common council shall order a new election and give ten days' notice thereof. Any vacancy occurring in any other office in said city shall be filled by election or appointment of the common council, or by the mayor in those cases where he appoints by the terms of this act. The person elected or appointed to fill a vacancy shall hold his office and perform the duties thereof for the unexpired term with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill; provided, that when any such vacancy in any of the offices first named in this section shall become known to the common council in session, less than six months prior to the next ensuing annual election, said council may, in its discretion, order a special election as hereinbefore provided, or may appoint a suitable person to fill such vacancy until the third Tuesday after the next ensuing charter election. If the term of the office in which the vacancy occurs does not then expire, the same shall be filled by election by the people at such charter election. If any such vacancy shall occur in the office of mayor within the time aforesaid, and the common council shall not order an election to fill the same, the duties of mayor shall be performed until the end of the term, as in this act provided in case of the absence of the mayor or his inability to act.

SECTION 5. All elections by the people shall be by ballot, and a plurality of the votes shall elect. All elections by the common council shall be viva voce. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determin-

Vacancies, how filled.

Elections to be by ballot.

ed by the casting of lots in the presence of the common council, at such time and in such manner as it may direct.

General election laws to prevail.

SECTION 6. Except where otherwise provided by the general laws of the state, the elections in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election, and shall make the usual oaths or affirmations as prescribed by the general election laws of this state to be taken by the judges and inspectors of election, and shall have power to appoint clerks of such election, and to administer the necessary oaths. Vacancies in the board of inspectors shall be filled as required by the laws of this state regarding elections, and all other requirements of such laws in relation to challenging, receiving, counting, sealing and preserving ballots, and returning the same with returns of election, so far as the same may be applicable to elections in said city, shall be observed and carried into effect at such elections. At the close of any election in the city, the inspectors shall count the ballots and make returns thereof, stating therein the number of votes for each and every office, and shall deliver such returns to the clerk of said city, who shall lay the same before the common council. The common council shall meet within one week after each and every election and canvass said returns, and declare the results, as it appears from the same, and the city clerk shall notify, by a certificate, the persons elected to the respective offices.

Who are entitled to vote.

SECTION 7. All persons entitled to vote at any election for state or county officers, and who shall have resided in the state for one year next preceding such election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created, except as hereinafter provided.

Challenge of voters, and penalty for illegal voting.

SECTION 8. If either of the inspectors of election, or aldermen, suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or aldermen, before receiving any such vote, shall require the voter to take the following oath: "You do solemnly swear (or affirm as the case may be), that you are

twenty-one years of age, that you are a citizen of the United States, or have declared your intention of becoming a citizen, conformably to the laws of the United States on the subject of naturalization, that you have resided within this state one year, and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, in any court of justice, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspector to keep a list of the names of all persons whose votes may be challenged, as aforesaid, and shall swear in their votes; and if any inspector or alderman shall, knowingly and corruptly, receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect count and tallies of votes, each and every such inspector or clerk shall be liable to indictment or information, and on conviction thereof shall forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such offenses shall be tried in the circuit court of this state.

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of such ward, or inspectors, as provided by this act, and returns thereof shall be made in the same time, form and manner as of general or annual elections.

Special elections to fill vacancies.

SECTION 10. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify for ten days after no-

What shall be deemed a vacation in office.

tice of his election or appointment, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy, shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

## CHAPTER III.

### OFFICERS — THEIR POWERS AND DUTIES.

Officers, their powers and duties.

SECTION 1. Every person elected or appointed to fill any office under this act, shall, before he enters on the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, comptroller, clerk, chief of police, constables, justices of the peace, for the city at large and justices of the peace for the several wards, and such other officers as the common council may direct, shall severally, before they enter on the duties of their respective offices, execute to the city of La Crosse a bond in such sum and with such security and such conditions as the common council may direct; and the common council may from time to time require new and additional bonds, and remove any officer from office refusing or neglecting to give the same. All official bonds executed to the city of La Crosse, except that of city clerk, shall be filed and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bond of the city clerk shall be filed with the city treasurer. The justices of the peace for the several wards, elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds of said justices shall be approved by a majority of the council. A certified copy of the bonds and oaths of office of said justices and of the justice of the peace for the city at large, certified by the city clerk, shall be filed in the office of the clerk of the circuit court of La Crosse county within the time required by law, and shall have the same

effect as though the original bond and oath of office had been so filed. Any justice of the peace may hold his office at any place within the city limits not forbidden by the laws of the state.

SECTION 2. The mayor shall be the chief executive officer and head of the police of the city, and head of the fire department, and shall, when present, preside over all meetings of the common council, and shall see that the laws of the state and ordinances of the city are duly enforced and observed within the corporate limits of the city, and that all officers of the city discharge their respective duties. He shall communicate to the common council in writing, from time to time, such information as he shall deem necessary, or which the common council may require. He shall have power to administer oaths or affirmations, and to take and certify acknowledgements of deeds and other instruments in writing, and in case of a riot or public disturbance he may appoint as many special or temporary policemen as he may deem proper. He shall have a vote in the common council only in case of a tie. Any ordinance, resolution or appropriation which shall have been duly passed by the common council shall be in force unless disapproved by the mayor, 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 aldermen elected to such council 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 council.

Duties of the mayor defined.

SECTION 3. At the first meeting of the new common council each year after the annual city election, or as soon thereafter as may be, they shall proceed to elect 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

Election of president of the council.

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 council shall proceed to elect a temporary presiding officer, who for the time being shall discharge the duties of the mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of 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.

Duties of the  
city clerk de-  
fined.

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, of the ordinances of the common council, and shall record all contracts made by or with the city, except contracts required to be kept in the office of the board of public works, in a book to be kept for that purpose, and copies of all papers filed or recorded in his office, and transcripts from the records, and from the records of 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 as 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 presented to him for that purpose, and safely keep and record the same as provided in the general laws of the state for filing and recording chattel mortgages in town clerk's offices, and all chattel mortgages so filed and recorded shall be valid and have the same effect as if the same had been filed in the town clerk's office of any town; 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 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 may appoint a clerk pro tempore.

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council may direct; he shall report to the common council as often as required, and shall report annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures from the date of his last annual report, and also of the state of the treasury, which statement he shall file with the clerk; he shall also be the collector of taxes, and except as hereinafter provided, shall have the same power, and be subject to the same liabilities as treasurers of towns. The common council shall have power, by ordinance or resolution, to make and establish any regulations which it may deem proper, not inconsistent with general law, for the conduct and management of the offices of treasurer, comptroller and clerk, and for the keeping of such books and accounts, and the making of such reports as it may deem necessary to secure greater accuracy and accountability in the financial and other transactions of said officers; and all such ordinances and resolutions, when duly passed, shall have the force of general law, and shall be deemed to be embraced in and covered by the conditions of the bonds of said officers.

Duties of the treasurer defined.

SECTION 6. The justice of the peace for the city at large, shall have and possess all the authority, powers and rights of a justice of the peace in civil and criminal actions and proceedings, and shall have sole and exclusive jurisdiction of all offenses against the provisions of this charter and the ordinances and police regulations of the common council of the city, and shall have exclusive jurisdiction in all cases in which the city is a party, and shall have the same power and authority in cases of contempt as a court of record; provided, that nothing herein contained shall be construed so as to divest the judges of the circuit or county courts of their authority as conservators of the public peace; nor to affect or impair, or

Power and jurisdiction of justices of the peace.

limit in any manner the jurisdiction of the circuit and county courts. The justice of the peace for the city at large, ex-officio police justice, shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services; but the common council shall have power, by ordinance or resolution, to fix and establish an annual salary, payable out of the city treasury, for any term of the office of said justice of the peace for the city at large, subject to the same restrictions provided in reference to fixing the salaries of other city officers, and the payment of such annual salary shall be in full payment and discharge of any and all claims of such police justice for the city at large upon said city on account of any and all fees or services whatsoever. In case of the absence, sickness or inability of the justice of the peace for the city at large, the mayor, by warrant may authorize any justice of the peace within the city to perform the duties of justice of the peace for the city at large and police justice, and it shall be the duty of the mayor to inform the city attorney and chief of police of such substitution, and make a report thereof to the common council, and they may confirm or set aside such appointment, and before action thereon be had by the council, the justice so appointed shall have all the authority, powers and rights of the justice of the peace for the city at large, ex-officio police justice. Appeals and writs of certiorari may be taken from the justice of the peace for the city at large, ex-officio police justice, in the same manner as from other justices of the peace. The bond of the justice of the peace for the city at large must be approved by the common council.

Quarterly  
report of  
justice.

SECTION 7. The justice of the peace for the city at large shall quarterly report to the common council a list of all proceedings instituted before him, in behalf of the city, and the disposition thereof, and shall at the same time account and pay over to the treasurer the amount of all penalties and fines collected, which may by law accrue to the city. The city shall not be liable to pay over any costs and fines collected for violations of the state laws in the court of the justice of the peace for the city at large.

**SECTION 8.** The city attorney shall conduct all the law business of the corporation and of all the 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 the 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, 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, not exceeding fifteen hundred dollars, payable quarterly.

Duties of city attorney defined.

**SECTION 9.** On or about the first day of October in each year the comptroller shall report to the common council a statement in detail of the expenses of the city during the current year, estimating such expenses from the time of such report to the first of January following, and likewise a detailed estimate of the revenue necessary to be raised for the ensuing year; and the fiscal year of the city shall commence on the first day of January. He shall examine all estimates of work to be done by the board of public works of the city, and countersign all contracts entered into by said board of public works, and all certifi-

Duties of the city comptroller.

cates of work given by them; and also all contracts made in behalf of the city; and no contract entered into or certificate issued against property shall be of any validity unless countersigned by the comptroller, except as otherwise expressly provided for in this act.

Further duties  
of the comp-  
troller.

SECTION 10. He shall keep a list of all certificates issued against property, and at the first regular meeting of the common council in November shall report to the council a schedule of all the lots or parcels of land which, under this act, may be subject to any special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on each such lot or parcel of land, with a full statement of the several acts done and performed in reference to such special taxes or assessments, which said schedule shall be verified by the affidavit of the comptroller, and shall be prima facie evidence of the facts therein stated in all cases where the validity of such special tax or assessment shall come in question. Except as otherwise ordered by the common council, such special taxes and assessments shall be entered in the city tax list and collected, and their collection enforced as other taxes on real estate.

Shall report  
monthly.

SECTION 11. He shall report monthly to the common council the amount of work done, or for which contracts have been entered into, chargeable to the general city fund and to any other fund, and set forth the condition of such fund and of the portion thereof raised and appropriated for the purposes of such work. He shall include in said report a statement of the condition of the treasury, and of all funds, appropriated and set apart therein. Said report shall be published in the official paper with the proceedings of the common council.

Examination  
of accounts.

SECTION 12. He shall examine the reports, books, papers, vouchers and accounts of the treasurer, board of public works, city clerk, collector of water rates, justice of the peace for the city at large, and of any other officer or agent of said city or of any department thereof authorized to collect or receive, or charged with the duty of collecting or receiving any moneys for said city, or any moneys for which said city may, in default of such officer or agent, become liable to other

persons, and shall perform such other duties as are prescribed in this act, and as the common council may from time to time direct.

SECTION 13. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the comptroller, and immediately after the allowance by the common council of any claim or account it shall be the duty of the clerk to furnish to the comptroller a complete list of the same, and before any city order shall be issued therefor, it shall be the duty of the comptroller to countersign the same.

Claims to be audited and adjusted.

SECTION 14. The comptroller shall be authorized to administer oaths and affirmations in all matters arising under the laws and ordinances of the city, and he may require all parties having claims or accounts against the city to verify the same by affidavit. In all cases of doubt arising under any claim or contract against or with the city, he shall inquire into the same, and for this purpose he may examine parties and others under oath, and if any person shall swear or affirm falsely touching the expenditure of any of the money of the city, or in support of any claim against the city, such person shall be subject to indictment or information, and on conviction thereof, shall be punished as for wilful and corrupt perjury.

May administer oaths.

SECTION 15. The comptroller shall keep a record of all his acts and doings, which record shall be open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party. The comptroller shall receive such salary as the common council may prescribe, not exceeding eighteen hundred dollars per annum, payable quarterly.

Comptroller to keep a record of his doings.

SECTION 16. The comptroller, clerk and treasurer may each appoint a deputy, for whose acts they shall respectively be responsible. Such deputies, after taking the oath of office required to be taken by their principals, may, in case of sickness or absence of their principals, respectively perform all the duties imposed by the law or the ordinances of the city, on said principals respectively, and shall likewise be subject to the same liabilities and penalties.

Appointment of deputies.

Annual provision for city printing.

SECTION 17. The common council shall annually provide that the printing, authorized and required to be done for the use of the city or any officer or department thereof, shall be let by contract to the lowest responsible bidder for the term of one year, but no bid shall be considered unless made by the publisher of a daily newspaper that has been published for at least one year immediately preceding the date for receiving said bid, and said newspaper must be printed in the English language in the city of La Crosse, unless the bids of such publisher shall be higher than the legal rates of advertising, or unless such publisher shall fail to bid. All ordinances and other proceedings and notices, required by this act or by the resolutions or ordinances of the common council to be published, shall be published in a newspaper selected under the provisions of this section, and the printer of such newspaper shall file with the clerk of said city his own affidavit, or the affidavit of his foreman or principal clerk, annexed to a printed copy of such ordinance, resolution, notice or other proceedings, taken from said paper, and specifying the time when, and the paper in which the same was published; and such affidavit shall be received in all courts and places as presumptive evidence of such publication, and of the facts stated therein. The common council shall have power to contract with the publishers of newspapers printed in foreign languages, for the publication therein of the proceedings of the common council and the annual reports of such city officers as the common council may order to be so published; provided, that the expense thereof shall not exceed the sum of seventy-five dollars per year for each such paper publishing the council proceedings, nor forty cents per folio for the publication of such reports.

Penalty for failure to deliver to successor.

SECTION 18. If any person having been an officer in said city, shall not, within ten days, after notification and request, deliver to his successor in office, all property, moneys, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office which he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver, and his successor may recover the possession

of such books, papers and effects in the manner prescribed by the laws of this state for the recovery of personal property.

SECTION 19. The mayor, the sheriff of La Crosse county, each and every alderman, justice of the peace for the city at large, and the justices of the peace for the several wards, the chief of police, constables, policemen and watchmen shall be officers of peace, and shall have power to suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all by standers, and if need be of all citizens and if any person or by-stander, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

SECTION 20. The salaries of all city officers provided for in this charter, or by ordinance or resolution of the common council for the several terms of their office shall be fixed and determined, as herein provided, by said common council at its first meeting in March in each year in which any such officers are to be elected, or at a meeting to be held prior to the charter election then next ensuing. Such salaries shall be payable quarterly at the end of each quarter; but all other employes may be paid monthly. The salary of the treasurer so fixed shall be in lieu of the fees and emoluments by law allowed him for his services, and all such fees shall be collected by him, and paid into the city treasury for the use of the city.

#### CHAPTER IV.

##### THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen of the city shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of La Crosse do ordain, etc." The common council shall meet at such times

and at such places as it shall by resolution determine. A majority of the aldermen shall constitute a quorum for the transaction of business but a smaller number may adjourn and may fix a time and place for holding the next meeting of the council and may compel attendance of absent members.

When the common council shall meet.

SECTION 2. The common council shall hold stated or regular meetings, and the mayor, or in case of his refusal to act, any five aldermen, may call special meetings by a notice of at least twenty-four hours, to be issued by the clerk upon written request to be served personally on each member of the council or left at his usual place of abode, or at his regular place of business within business hours. The common council shall determine the rules of its own proceedings, and be the judge of the elections, qualifications and returns of its own members, and shall have power to compel the attendance of absent members, and to compel obedience to the rulings of the presiding officer of the council by suspension or expulsion of any member of such council refusing to obey any such ruling, and may fine or expel any member, for neglecting his duty as such member, or for unnecessary absence from the sessions of the board.

Duties of the common council.

SECTION 3. The common council shall have power, by resolution duly passed at any meeting thereof, to divide any ward of said city into two or more election districts, specifying the bounds of each of said districts, and designating the place or places where polls shall be held, and the persons who shall act as inspectors of election at said poll when not otherwise provided for by general law; and the elections shall be conducted at said additional polls, and returns made and all proceedings had in the same manner as is now required by law to conduct any election in any of the wards of said city. The common council shall have the management and control of the finances, and all property of the city and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, enforce, alter and modify, amend and repeal all such ordinances, rules, and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime and for the benefit of trade, commerce and

health, as they shall deem expedient, declaring and imposing penalties not greater than those prescribed by the laws of the state of Wisconsin for the same or like offenses, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, they be not repugnant to the constitution and the laws of the United States, or of this state, and for these purposes the common council shall have authority by ordinances, resolutions or by-laws:

1. To license, tax, regulate, suppress or prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, roller skating rinks, roller-coasting rinks, and establishments where roller-coasting apparatus is set up and operated, toboggan slides, and all other exhibitions and amusements of every kind and nature, billiard tables, pool tables, pigeon-hole tables, shooting galleries, nine or ten pin alleys, bowling saloons, and ball alleys, and to provide for the abatement of all nuisances under the ordinances or at common law; to grant licenses for the sale of spirituous, vinous or fermented liquors; to regulate groceries, taverns, and victualing houses, and to license all persons vending, dealing in or giving away spirituous, vinous or fermented liquors, and to revoke all licenses for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state; the licenses so granted shall continue and be in force until the first Tuesday in May next after the granting thereof, unless sooner revoked by such council.

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

3. To prevent any riot, noise, disturbance and disorderly assemblage, and restrain disorderly

May issue licenses.

Suppress games, etc.

Riots, disturbances.

- houses and houses of ill-fame, and to authorize the destruction of all instruments used in gaming.
- Management of factories, breweries, etc.** 4. To direct the location and management of, and regulate breweries, distilleries, tanneries, packing-houses, livery and sale stables, soap factories, glue factories, match factories, and rendering establishments, and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city and the territory of La Crosse county lying south thereof, and one mile from the said city in all other directions, distilleries, tanneries, glue, match and soap factories, establishments for steaming, boiling or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on, and for the purpose of this subdivision, all the territory within the limits aforesaid shall be attached to and form a part of the territory and jurisdiction of said city of La Crosse.
- Combustible material.** 5. To establish rates for licensing the venders of gunpowder, giant-powder, nitro-glycerine, gun-cotton, and to regulate the storage, keeping and conveying of the same, and of all other explosive and dangerous materials.
- Fowls, hogs, geese, etc.** 6. To control, regulate, abate or prohibit the keeping within said city of hogs and chickens, geese and other fowls, and make and enforce all regulations in relation thereto, which it may deem necessary in order to secure the health, comfort or convenience of the inhabitants of said city.
- Riding or driving.** 7. To prevent horse-racing and immoderate driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of the city.
- Restrain cattle, etc.** 8. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same, and to provide for the election of one or more pound keepers, and to provide for the payment of such pound keepers, either by salary or by fees, or by both, and to make all needful rules and regulations for the enforcement of the pound ordinances of the city.
- Dogs.** 9. To prevent the running at large of dogs, and to authorize the killing of the same in a summary manner when found at large contrary to the or-

dinances of the council, and to provide for licensing the keeping of dogs in said city at a rate not less than one dollar and not more than two dollars for each dog; and to provide for a badge or a token to be carried by each licensed dog, and for the secure muzzling of licensed dogs, and for the killing and destruction in a summary manner of all dogs not licensed, wherever the same may be found in the city, and to punish persons keeping unlicensed dogs.

10. To prevent persons from bringing, depositing or having within said city any putrid carcass or unwholesome substance, and to require the removal of the same, and to require the removal of any such putrid substance, or of any putrid, offensive or unwholesome beef, pork, meat, fish, hides, skins, vegetables, or of any other putrid, offensive or unwholesome substance, matter, article or liquid whatever, by any person having the same on his premises, or on default, to authorize the removal thereof by an officer, at the expense of such person or persons.

Putrid carcasses.

11. To make and establish public pounds, pumps, cisterns and reservoirs, and to provide for the erection of any water-works for the supply of water to the inhabitants of the city, and to prevent unnecessary waste of water by any person or persons; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; to erect lamps, and provide for the lighting of streets, public grounds and public buildings with gas, or otherwise; to license and tax each and every street railway car used and propelled by animal or by other power within the city, such license or tax to be not less than five nor greater than twenty-five dollars per year for each such car; to provide for the proper numbering and designating licensed cars, and for the punishment of any person or corporation using or operating unlicensed cars; also to license and regulate omnibuses and omnibus charges or fares in the city.

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

12. To establish and regulate a board or boards of health to prescribe their duties, to confer upon the same all powers necessary to preserve the health of said city, and provide for the enforcement of the orders and directors of any such board of health, and for the punishment of persons re-

Boards of health, cemetery grounds.

fusing or neglecting to comply with such order or direction, or obstructing the execution thereof; provide hospitals and cemetery grounds, regulate the burial of the dead, and compel all physicians or other persons cognizant of the death of any person to report the same with the cause thereof; to exempt public burial grounds from taxation, and by an affirmative vote of three-fourths of all the aldermen elect, to license and permit the laying out, establishment and use, at any place whatever, within or near the limits of said city of any cemetery burial grounds, anything in any law of this state to the contrary notwithstanding.

**Bread.** 13. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary to such provision.

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

**Shooting of fire-arms, etc.** 15. To prevent the shooting of fire-arms or crackers, and the exhibition of fire-works in any place which may be considered by the council dangerous to the city or any property or to the person of any citizen, or annoying to any citizen in said city.

**Restrain drunkenness.** 16. To restrain drunkenness, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person guilty of the same.

**Runners, solicitors.** 17. To license, restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

**Governing police.** 18. To make rules and ordinances for the government and regulation of the police of the city.

**Public markets.** 19. To establish public markets and make rules and regulations for the conduct and government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish and restrain all persons from interrupting and interfering with the due observance of such rules and regulations; to license and regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs, milk and other provisions in the city; to restrain and punish the forestalling of poultry, fruit, game, milk, eggs, vegetables and other provisions, and to cause the seizure and destruction

or other disposition of tainted or unwholesome meat, game, butter, vegetables, fruit or provisions offered for sale, and to regulate the sale or traffic in merchandise in the city of La Crosse, as they may see fit, and have power to grant license for the sale or traffic in merchandise on such terms as they may deem proper; to compel the payment of such license as the common council may fix by ordinance or resolution or otherwise, by all transient dealers in goods, wares and merchandise, occupying stores or buildings in the city and engaged in the sale of such goods at auction or otherwise. All merchants or dealers in goods or merchandise, whose stock of goods have not been assessed and taxed within the city for the fiscal year during any part, of which they shall be engaged in such business shall be deemed transient dealers, for the purposes of this subdivision.

20. To regulate the place and manner of weighing and selling hay, grain and pork, and the measuring, weighing and selling of wood, coal and all other gross commodities, and to appoint suitable persons to superintend and conduct the same; also to license, tax or regulate the sale of lime, and to regulate, suppress or prohibit the keeping, sale and handling of the same within such distance of any dwelling or other occupied building as said council may deem best.

Farmers' produce.

21. To compel the owners or occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in default of such owner or occupant to clear such sidewalk, street or alley, or to remove from his lot any such substance; to authorize the removal or destruction of the same by an officer of the city at the expense of such owner or occupant; to prohibit and prevent street car companies placing snow, rubbish or any other obstruction to travel on any part of the street of said city, and from removing snow from their tracks, and placing it on the parts of streets adjoining such tracks, and to compel such companies, at their own cost, to clear any street or part of street of any snow or rubbish placed thereon by any such company, and to provide for

Removal of snow, dirt and rubbish from sidewalks.

Spread of  
diseases.

penalties to be enforced in such cases against the officers or agents or servants of such companies.

23. To regulate, prevent and control the landing of persons from boats, cars or stages, who may be laboring under any contagious or infectious disease or disorder, and to make such disposition of such persons as the council shall deem best for the health and safety of the city.

Auctioneers  
and vendues.

23. To tax, license and regulate auctioneers, (subject, however, to the provisions of general statutes in that behalf), pawn-brokers, and all keepers or proprietors of intelligence offices, junk shops, and places for the sale and purchase of second hand goods, wares and merchandise, and keepers or proprietors of gift book stores, gift concerts, and other gift enterprises, and persons therein engaged, and to fix and regulate the amount of license under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employment without license, and to regulate the manner in which they shall be carried on or used; provided, that no such license shall be granted for a less term than three months nor more than one year.

Numbering of  
houses.

24. To require and regulate the numbering of houses in said city, and to enforce by appropriate penalties any regulations made in relation thereto.

False weights  
and measures.

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

Trees and mon-  
uments.

26. To protect trees and other monuments and landmarks in the city.

Piers and  
wharves, etc.

27. To regulate the construction of piers, docks, wharves, and levees extending into the Mississippi and Black rivers within the limits of the city, and to prescribe and control the prices to be charged for pierage, dockage or wharfage thereon.

Planting trees.

28. To require the owner or owners of any lot or ground in the city to set out ornamental trees along the street or streets passing said lot or ground, and in default thereof to cause such trees to be so planted or set out and to lay a special tax on such lot or ground to pay the expense of the same; to direct and regulate the planting and preservation of ornamental trees in the streets, alleys and public grounds of the city, and to ap-

point an officer whose duty it shall be to inspect all trees offered for sale for the purpose named, or to set along or in any such alleys, streets, or public grounds, to superintend the planting and culture of the same, and to perform such other duties in relation thereto as the common council may prescribe.

29. To lay out, make, open, keep in repair, alter or discontinue any highways, street, lane, alley or sidewalk or bridge, and to keep the same free from encroachments and obstructions, and to protect the same from injury; also to change the name of any street in said city, and to grant ferry licenses within the corporate limits of the city. Repair of highways.

30. To license and regulate bill posters and to prevent the painting or posting of any device upon any building, fence or other structure without the consent of the owner thereof. Bill posting.

31. To remove and prevent obstructions in the rivers of said city, and to prevent and prohibit the hauling, depositing and placing upon the banks thereof, or upon any ground or levees adjacent thereto, any offal, garbage, filth or rubbish of any kind whatever, and to prevent and prohibit the placing of any such substances in any of said rivers or depositing the same on the surface thereof when frozen, and also to prevent and prohibit the emptying or discharging into any such rivers of any offal or refuse, or of any nauseous and unhealthful liquid or matter whatever. Removal of obstructions.

32. To establish and erect one or more pest houses, and to control and regulate the same. Pest houses.

33. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of any lumber, timber, wood or other combustible material within the limits of said city. Lumber yards.

34. To provide for the inspection and regulation of stationary steam engines and boilers, and for the storing of kerosene and all other products of crude oil, petroleum, naphtha or coal oil. Inspection of boilers, etc.

35. To authorize the arrest, fine and imprisonment of vagrants and all persons not having visible means of support and without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute or gambling houses; also Punishment of vagrants.

those who shall be found trespassing in the night time upon private premises, or begging, or placing themselves in the streets or other thoroughfares to beg or receive alms; also those keeping, exhibiting or visiting gaming tables or gambling houses; also all who go about for the purpose of gaming, or shall have in their possession any article or thing used for obtaining money by false tokens or pretenses; also any person who shall disturb any concert, theater or other public entertainment or any place where public or private school is kept either on week day or Sunday, or any place where religious worship is held.

Concealed  
weapons.

35. To regulate or prohibit the carrying or wearing by any person, any pistol, slung shot, knuckles, bowie knife, dirk or any other dangerous weapon, and to provide for the confiscation and sale of such weapons.

Chimneys, etc.

37. To prevent and prohibit the erection or maintenance of any insecure or unsafe building, stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement; to control and regulate the manner of constructing and maintaining buildings in any part of said city, and the mode and manner of placing therein or of attaching thereto chimneys, stacks, furnaces, boilers, flues, pipes and other apparatus for heating, or for supplying water; or for creating power, and to make such building regulations as it may deem necessary for the preservation of health, and to guard against damage from fire, frost or other causes of danger; to provide that no building shall be erected in said city without a permit therefor, and for the issue of such permit only upon and after examination and approval of the plans of any such building in accordance with the building regulations.

Regulation of  
public build-  
ings.

38. To declare that it shall be unlawful for any hall, theater, opera house, church, school-house, or building of any kind whatsoever to be used for the assemblage of people, or for any building exceeding three stories in height to be used as a manufactory, hotel or boarding house, or for any other purpose, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled, in case of alarm and may require and regulate the erection of lad

ders, fire escapes or other appliances for the escape of persons from such buildings, and prescribe penalties for the failure to provide or maintain such means and appliances for the egress and escape of persons from such buildings to be enforced against owner, occupant, lessee or other person or persons having power or control over such building or buildings.

39. To control, regulate or prohibit the use of steam whistles within the limits of the city.

Steam whistles.

40. To compel railroad companies and all other corporations and persons to do all needful and proper grading, draining and filling upon lands owned or occupied by them within the limits of said city; to compel railroad companies to construct and keep in repair suitable street crossings and carriage ways over their several tracks, and place and maintain flagmen at such street crossings in said city, and during such hours of the day as the common council may designate and prescribe, and to maintain lights, and to erect, maintain and operate safety gates and other conveniences at such street crossings of their tracks as such common council may require; to prevent the obstruction of streets, lanes and highways by the engines or cars of such companies, and to require the putting up of signs, to beware of cars at railroad and street crossings. In any ordinance, resolution or by-law passed pursuant to this subdivision, said common council may provide for the punishment by fine and imprisonment, as in other cases, of any officer, agent or servant of any such railroad company found guilty of a violation of such ordinance, resolution or by-law, and to provide for penalties or forfeitures, or both, against any such railroad company neglecting or refusing to comply therewith, such penalties or forfeitures to be sued for and recovered by action, as for debt, either in the court of the justice of the peace for the city at large for said city, or in the circuit court of La Crosse county.

Railroad guarding.

41. To prohibit or regulate the rolling of hoops, the use of velocipedes, sleighs, sleds or toboggans, skating, the flying of kites, playing of ball, the drawing or pushing of barrows, carts or other vehicles, upon streets, alleys or sidewalks, or public grounds of said city, and all other amusements

Rolling of hoops, velocipedes, etc.

or practices having a tendency to annoy persons passing on the streets, alleys or sidewalks, or being upon or passing over any public grounds, or frighten animals, or in any way to endanger person or property.

Stock yards,  
slaughter  
houses, etc.

42. To direct the location, management and construction of, and regulate, license, restrain, abate or prohibit the establishing, maintaining or operating of any stock landings, yards, pens, slaughtering establishments, slaughter-houses or abattoirs, and the bringing into and keeping of animals for dairy or breeding purposes, or for slaughter or sale, at any point or place within said city of La Crosse or at any point or place within one mile of the city limits; also by ordinance to grant to any person or persons or to any corporation organized for such purpose, the exclusive right to build and maintain stock landings, yards, pens, slaughter-houses or abattoirs, in such place or places within the limits aforesaid as said council may deem best for the health and convenience of the inhabitants of said city, and to control and regulate the conduct and management of the same; to provide that no animals shall be slaughtered within the limits aforesaid, except at the slaughter-houses or abattoirs so established; to fix the prices to be paid to such person or persons, corporation or corporations, for the care, feeding and slaughtering of animals; to provide for the inspection of animals so slaughtered and for the appointment of inspectors and their fees; to provide for the disposition of the offal of such slaughtered animals, and to make all such necessary police and health regulations in relation to such slaughtering and importation and keeping of such animals as it may deem proper. For the purposes of this subdivision, all the territory in La Crosse county, within one mile of the city limits, shall be attached to and form a part of the territory and jurisdiction of the city of La Crosse. The common council may divide said city and the territory hereinbefore mentioned into one or more districts, and may grant such exclusive rights in or may require the person or company licensed to such districts to different persons or companies, establish and maintain abattoirs and yards in each such district, and may require each or any such company or person to pay an annual license fee

to the city. In every ordinance granting such exclusive privileges, the time of the duration of such privileges shall be limited to expire at a day certain. Every such ordinance shall impose upon the person or corporation so licensed the duty of providing ample conveniences, with permission to all owners of stock to keep animals at such yards or pens, and to all butchers to slaughter in such slaughter-houses or abattoirs upon compliance with such reasonable regulations and the payment of such fees and charges as may be required by such person or corporation pursuant to ordinance, and every such ordinance shall reserve to the common council the right to amend the same at any time.

SECTION 4. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which creates, or may create a debt or liability against said city, or a charge upon any fund of said city, shall be adopted without a vote in its favor of a majority of all the councilmen entitled to seats in the council, which vote shall be taken by "ayes" and "nays" And when the grade of any street shall have been established by ordinance, and such street shall have been actually made to conform to such established grade, under the direction of the proper authorities of such city, such grade shall not thereafter be changed without a vote of two-thirds of all the members elect of the common council.

Majority vote  
required.

SECTION 5. The powers conferred on the council to provide for the abatement and removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where vinous, spirituous or fermented liquors are sold without license, as required by the ordinances of said city; houses or buildings wherein more than ten pounds of gunpowder are deposited, stored or kept, except as authorized by the ordinances of said city, houses or places where kerosene, naphtha, coal oil, gun-cotton, nitro-glycerine, giant powder or any other inflammable or explosive elements or compound is kept or stored contrary to the ordinances of said city, are hereby declared to be public nuisances.

Shall not bar or  
hinder suits.

Common council shall audit accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, commissioners of public works, board of education, street commissioner, chief of police, superintendent of the poor, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the said officers are elected or appointed shall have expired. The common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for examination, and to make such statements as said council may require; and if such officer or agent shall refuse to comply with the orders of the council in the discharge of his said duties in pursuance of this section, it shall be the duty of said council to declare the office of such person vacant; and the common council shall order suits or other proceedings at law to be brought and prosecuted by the city attorney against all such officers, and also in the name of the city against such officers of such city who may be deemed to be defaulters by the common council.

Work of the appropriate committees.

SECTION 7. All ordinances and all resolutions appropriating money, or creating, or which may create any charge or any debt or liability against said city, shall be referred to appropriate committees, and shall be acted on by the council only at a subsequent meeting not held on the same day, and only on the report of the committee to which the same has been referred; provided, that nothing herein contained shall be construed to prohibit the common council from passing at any meeting, and without reference, resolutions for the payment of quarterly, monthly or weekly installments of salary and compensation of officers and employes of the city, previously fixed and ascertained by ordinance or resolution, as the same may become due, or from passing in like manner any resolution or ordinance which may be reported and presented to the common council by any committee for the payment or settlement of any account, claim or charge upon the city, or for authorizing the making of any contract on behalf of said city, when the subject matter of such account, claim, charge or contract shall have been regularly referred to such committee at a previous meeting of the common council; and provided,

further, that payment may be ordered at any meeting, of money ascertained to be due under any contract previously approved by the common council.

## CHAPTER V.

### BOARD OF PUBLIC WORKS.

SECTION 1. There is hereby established for the city of La Crosse an executive department, to be known as the board of public works, which shall consist of three persons, styled commissioners of public works. The members of said board shall be elected by the people; no two members of said board shall be residents of the same ward. All the members of said board shall be citizens and residents within said city, and freeholders within the city limits. The term of office of the commissioners shall be two years, and shall commence on the first Tuesday of May. As often as vacancy shall occur in said board, whether by death, resignation or otherwise, a person shall be elected in the manner heretofore provided, to succeed the person whose office shall so become vacant, for the remainder of his term. The commissioners shall elect annually from their own number a president, and also from their own number a secretary, who is hereby authorized to administer all oaths required by this act. The city engineer and the commissioners of said board may be removed for incompetency by the mayor, with the approval of two-thirds of all the members elect of the common council.

SECTION 2. The mayor shall, on the first Tuesday of May, 1887, or within one week thereafter, and once in two years thereafter, appoint, subject to the approval of a majority of the members elect of the common council, some competent person as city engineer, who shall keep his office in some convenient place, to be designated by the common council, and it shall be his special duty to superintend and to do or cause to be done all the civil engineering required by the board of public works, in the management and prosecution of all the public improvements committed to their charge, and all such other surveying as may

be directed by said board or by the common council. He shall devote his whole time to the duties of his office as city engineer. Said engineer shall possess the same powers in making surveys and plats within said city that are given by law to county surveyors, and the like validity and effect shall be given to his acts, and to all plats and surveys made by him, as are or may be given to the acts, plats and surveys of county surveyors. He shall keep a record of all his official acts and doings, shall keep on file a copy of all plats of the lots and blocks and sewers embraced in the city limits, of profiles of streets, alleys and sewers, and of the grade thereof, and of all drafts and plans relating to bridges and river improvements, and to any public buildings belonging to the city of La Crosse; and shall keep a record of the location of bench marks and permanent corner stakes from which subsequent surveys shall be started, all of which such records and documents shall be the property of the city, open to the inspection of parties interested, and shall be delivered over by said engineer at the expiration of his term of service, to his successor in office, or to the board of public works. He shall make an annual report of all the acts and doings of the engineer's department to the board of public works, on or before the first day of February in each year. Said engineer shall appoint such assistants and workmen as he may deem necessary in the discharge of his duties, subject, however, to such regulations respecting the number of assistants and workmen to be appointed, and their compensation, as the common council may prescribe by ordinance. The city engineer and the commissioners of public works shall each hold their several offices for the terms provided by this act, and until their successors shall be appointed or elected and qualified.

Powers of  
board of public  
works.

SECTION 3. The said board of public works are authorized to employ, from time to time, such superintendents, clerks, agents, assistants and workmen as they may deem necessary, in the discharge of their duties, and may adopt by-laws for the regulation and conduct of all persons in their employ or under their supervision, subject, however, to such regulations respecting the number of persons regularly or permanently em-

ployed, and their compensation and duties, as the common council may prescribe by ordinance. Any person appointed, elected or employed under the provisions of this or the next preceding section, may at any time be removed or discharged for incompetency by the board of public works or by an affirmative vote of two-thirds of the members elect of the common council. The several members of said board of public works shall severally receive such salaries as may be fixed by the common council, not exceeding one thousand dollars per annum each. Such salaries are not required to be of the same amount for each member of said board; but the council may graduate such salaries with reference to the amount of labor to be performed by each member.

SECTION 4. Each of the members of the board of public works shall, on entering on the duties of his office, take and subscribe an oath of office to support the constitution and laws of the state of Wisconsin, and faithfully to perform the duties of his office, and shall give a bond to said city, with sufficient sureties, to be approved by the common council, in such penal sum as the common council shall prescribe, for the faithful performance of his duties. Said board shall keep their office at some place to be designated by the common council, and shall fix certain days and hours when they, or a majority of them, will be in attendance to hear complaints and transact business. No estimate, contract or other official paper shall be signed or executed by said board except at the office so designated by the common council.

Oath to be taken by board of public works.

SECTION 5. A majority of said board shall be a quorum to do business. They shall keep a record of all their acts and doings, and keep and preserve all contracts, plans, estimates and profiles, which at all times shall be open to the inspection of the common council or any member thereof, or of any committee appointed by said council. They shall report their acts and doings in detail to the common council on or before the first day of March in each year, and oftener, if required by the common council.

Majority of board to be a quorum to do business.

SECTION 6. It shall be the duty of said board to take special charge and superintendence, subject to such ordinances as may be lawfully passed by

Special work of the board.

the common council, of all streets, alleys, highways, sidewalks, crosswalks, bridges, docks, wharves, public grounds, engine houses, school houses, and all other public buildings and grounds belonging to the city, except as otherwise specially provided in this act, also of all works for the deepening, widening or dredging of the rivers of said city; of all sewers and work pertaining thereto, and of all public works pertaining thereto, and of all public works commenced or undertaken by the city, except as otherwise provided in this act. They shall have power to make contracts in the name and behalf of the city, for the purposes, in the manner and under the limitations prescribed by this act. They shall perform all the duties prescribed by this act, and such other duties as the common council may from time to time require.

Repairs of school buildings.

SECTION 7. All repairs and alterations in the school buildings of the city, and in the premises attached thereto, the expense of which will exceed five hundred dollars, shall be made by the board of public works in the same manner as the said board is authorized to do other similar work. And whenever such repairs or alterations are deemed necessary by the school board, it shall be their duty to report the same to the common council of the said city for their order and direction in the premises.

Power of the board to grant permits, etc.

SECTION 8. The said board of public works shall have the exclusive power to grant permits, subject to such regulations and restrictions as may be prescribed by the ordinances of the common council, for the moving of houses along or across streets, alleys or walks, and to regulate the buildings of vaults under streets, alleys or sidewalks, and to issue permits therefor; to control and regulate the placing of building material or other temporary obstructions upon the streets, alleys, walks or other public grounds of said city, and to issue permits therefor, to issue or refuse to issue permits for the erection of buildings, in conformity with the ordinances of the common council. They shall have power, subject to such ordinances as may be lawfully passed by the common council, to regulate and control the manner of using streets, alleys or walks for laying down gas or water pipes, sewers, drains and service

connections therewith, and to determine the location and depth thereof and to issue permits therefor; and to cause the prompt repair in such time and manner as they shall direct, of streets alleys and walks, whenever such pipes or sewers, drains or connections may be put down, taken up, or altered or repaired; and in case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk interfered with or excavated for any of the purposes aforesaid, within the time and in the manner directed by said board, said board shall cause the same to be done, and the expense thereof shall be paid out of the general fund; but the corporation or individual so delinquent shall be liable to the city of La Crosse for the amount of such expense, with costs, to be sued for and recovered in an action of debt in any court having jurisdiction, and in addition thereto shall be subject to such fines and imprisonment, or penalties and forfeitures as may be provided by ordinance of the common council.

SECTION 9. Whenever any public work or improvement shall be ordered by the common council the said board shall advertise for proposals for doing the same, a plan or profile of the work to be done, accompanied with specifications for doing the same, or other appropriate and sufficient description of the work required to be done, and of the kinds and quality of the materials to be furnished, being first placed on file in the office of said board for the information of bidders and others. Such advertisement shall be published at least six days in the official city paper and shall state the work to be done and the time for doing the same, which shall in all cases be such reasonable time as may be necessary to enable a contractor with proper diligence to perform and complete such work. All proposals shall be sealed and directed to said board, and shall be accompanied with a bond to the city of La Crosse in such penal sum, not less than thirty per cent. of the amount of the engineer's estimate of the cost of such work, as the board in such advertisement may direct, which bond shall be signed by the bidder and by two or more responsible sureties who shall each make affidavit that he is the owner of real estate in the county of La Crosse,

Advertising for  
proposals—  
how accom-  
plished.

free from incumbrance and subject to execution, of a cash value equal to the penalty of said bond, that he is worth the penal sum of such bond over and above all his debts and liabilities, in property in said county, subject to execution; such bond and sureties to be approved by the board previous to the opening of the accompanying bids or proposals, and shall be conditioned that such bidder will execute and perform the work for the price mentioned in his proposal and according to the plans and specifications on file, in case the contract shall be awarded to him; and in case of default on his part to execute a contract with satisfactory sureties and to perform the work specified, said bond shall be prosecuted in the name of said city, and judgment recovered thereon for the full amount of the penalty thereof, as liquidated damages in any court having jurisdiction of the action, unless the common council shall, by resolution, direct that no action shall be commenced; provided, that no bond shall be required of any bidder, who, at the time he offers his bid or proposal as aforesaid, shall deposit with the board of public works a sum of money equal to fifty per cent. of the penalty required for such bond, under an agreement that the same shall be returned to such bidder in case the contract for the work bid for is not awarded to such bidder, or in case he makes no default in the execution of a contract with satisfactory sureties, in case it is awarded to such bidder and that in case the contract is so awarded and he shall fail to execute a contract with satisfactory sureties to perform the work specified, for the price named in his bid, within a reasonable time after such contract is prepared and ready for execution, then said sum of money shall become the property of said city, as fixed and liquidated damages for such default, and shall be paid by said board to the city treasurer.

Contracts to be awarded to lowest bidder.

SECTION 10. All contracts shall be awarded to the lowest bidder, who shall have complied with the foregoing requisitions; provided, that no contract shall be entered into by the board of public works, unless the same shall have been executed by two or more sureties for the contractor guaranteeing to the satisfaction of said board the performance of such contract by the contractor

under the superintendence and to the satisfaction of said board, each of which sureties shall make an affidavit, endorsed on or attached to such contract, that he is the owner of real estate in the county of La Crosse, free from incumbrance and subject to execution, of a cash value equal to the penal sum of such bond, and that he is worth the estimated amount of money to be paid on such contract, over and above all his debts and liabilities, in property in said county subject to execution; and provided further, that whenever the lowest bid for any work to be let by said board shall appear to said board to be unreasonably high, the said board is authorized to reject all bids therefor, and to relet the work anew, and whenever any bidder shall be, in the judgment of said board, incompetent, or otherwise unreliable for the performance of the work for which he bids, the said board shall report to the common council of said city a schedule of all the bids for such work with a recommendation to accept the bid of the lowest competent and reliable bidder for such work, with their reasons for such recommendations, and thereupon it shall be lawful for the said common council to direct the said board either to let the work to such lowest competent and reliable bidder, or to relet the same anew; and provided, further, that the said board shall reject the bid of any person who shall previously have wilfully or negligently failed to complete any work or contract entered into by him with the city, or any officer or department thereof, or who shall have wilfully or negligently failed to enter into a contract with satisfactory sureties, for any work or improvement that shall have been previously awarded to him by said board, and the failure to let such contract to the lowest bidder, in compliance with any provision of this section, shall not invalidate such contract, or any special assessment thereunder, or for the work done in virtue thereof.

SECTION 11. Whenever any board or officer of the city shall let any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway or public grounds of said city, there shall be inserted in the contract therefor, substantial covenants, requiring such contractor, during the night time to put and main-

Safe guards to be used by contractors and others.

tain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highways, or other public grounds, for which the city might be liable, and also such other covenants and conditions as experience has proved or may prove necessary to save the city harmless from damages. And it shall also be provided in such contracts, that the party contracting with the city shall be liable for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds, or which may result therefrom or which may result from the carelessness of such contractor, his agents, employes or workmen.

City to be held harmless.

SECTION 12. Whenever any work or improvement shall be let by contract to any person or persons, firm or corporation, covenants shall be inserted in such contract, binding such person or persons, firm or corporation, and the sureties, to save and indemnify and keep harmless the said city against all liabilities, judgments, costs and expenses which may in anywise come against said city in consequence of the granting of such contract, or which may in anywise result from the carelessness or neglect of such person or persons, firm or corporation, or his or its agents, employes or workmen, in any respect whatever; and in every such case where judgment is recovered against the city by reason of the carelessness or negligence of such person or persons, firm or corporation so contracting, or his, their or its agents, employes or workmen, and when due notice has been given of the pendency of such suit, such judgment shall be conclusive against such person, persons, firm or corporation, and his, their or its sureties on such bond, not only as to the amount of damages, but as to their liability to said city.

All contracts to be countersigned by the comptroller.

SECTION 13. All contracts entered into, and all public notices required by law to be given by the board of public works of the city of La Crosse, shall be countersigned by the comptroller of the said city, and shall have no force unless so countersigned. All contracts entered into by the said board, and all bonds taken by them, shall be entered into in the name of, and shall be executed to the city of La Crosse; and all such bonds or

contracts, when executed, shall be examined and approved as to form and execution, by the city attorney.

SECTION 14. The said board of public works shall have no power, by contract or otherwise, to exceed in the doing of any work, in any one year, the sum appropriated for such work by the said common council, or by-law, for such year.

Cannot exceed the appropriation.

SECTION 15. It shall be the duty of the said board of public works to deliver to the comptroller of said city, with each contract to be countersigned by him, as accurate an estimate as can be made of the aggregate contract price of the work to be let by such contract, and it shall be the duty of the comptroller to keep a record of such estimates applicable to each fund, and to refuse to countersign any contract, the amount of which shall exceed the balance of the fund to which such contract may be chargeable.

Accurate estimate to be furnished the comptroller.

SECTION 16. All work, except as otherwise provided in this act, chargeable to the city funds, shall be let by contract to the lowest bidder, in the manner provided by sections 10, 11 and 13, of this chapter; and all supplies of materials, except for school purposes, exceeding in amount one hundred dollars, shall, when practicable, be purchased by said board by contract, which shall be let after due notice, inviting proposals in the manner provided for letting of contracts for the doing of public work; all accounts for such work, or for the furnishing of such materials, shall, before being allowed by the common council, be audited by the comptroller, and all such accounts for work done or materials furnished under the supervision of the board of public works, shall be certified by them before being audited.

Contract to be let to lowest bidder.

SECTION 17. Whenever the board of public works shall deem it for the interest of the city, or whenever, in the prosecution of any public work, said board shall be of the opinion that the proposed work can be better and more cheaply done without the intervention of a formal contract, they shall report the same to the common council with their reasons therefor, and the common council may by resolution, authorize the said board to procure the necessary materials therefor, and to employ workmen to do such work; provided, that such authority shall not be given un-

Work may under certain circumstances be done without a contract.

less approved by the votes of at least three-fourths of all the members elect of the common council; and further provided, that such authority shall not be exercised unless the comptroller shall, as provided in section 18, of this chapter, advise the board that there are sufficient funds available for the proposed work.

Statement to be furnished the comptroller.

SECTION 18. It shall be the duty of the said board of public works, before causing such work to be done, to deliver to the comptroller a statement in writing of the work authorized and proposed to be done as provided in the next preceding section, showing the nature and estimated cost thereof, and the fund to which the same is chargeable; and it shall be the duty of the comptroller to enter such statement in the record mentioned in section 15, of this chapter; and in case the comptroller shall be satisfied that the cost of such proposed work will exceed the amount available for the purpose of the fund out of which the same is to be paid, it shall be his duty to so advise the board of public works, and the resolution of the common council, passed as in the last preceding section, shall be inoperative.

Final determination of performance of contract may be reserved by the board.

SECTION 19. The said board shall reserve in every contract the right to determine finally all performance of such contract, or doing of the work specified therein; and the right, in case of the improper or imperfect performance thereof, to suspend such work at any time; or to order the entire reconstruction of the same if improperly done, or to relet the same to some other competent party; and also the right, in case such work shall not be prosecuted with such diligence, and with such number of men as to insure its completion within the time limited by the contract, to suspend such work and relet the same to some other competent party or employ men and secure material for the completion of the same, and charge the cost to the contractor. And power is hereby given to the said board to adjust and determine all questions as to the amount earned under any contract by the contractor or contractors, according to the true intent and meaning of the contract; and such adjustment and determination by said board shall be reported by the board to the common council, and when approved by said council shall be final between the parties

and binding upon them. If the amount of damages to be paid to the city shall exceed the amount due from the city to such contractor or contractors, according to such determination and adjustment, then the difference or balance in favor of the city, according to such determination and adjustment, shall be recoverable at law in an action in the name of the city against such contractor or contractors and their sureties in any court having jurisdiction. Every contract with the city shall be made expressly subject to the powers given to said board by this section, and shall also contain a covenant or agreement on the part of the contractor and his sureties, that in case such contractor shall fail to fully and completely perform his contract within the time therein limited for the performance thereof, such contractor shall pay to the city of La Crosse, as liquidated damages for such default, a certain and definite sum for each day's delay in completing the contract, after the time therein limited for its completion, which daily sum shall be determined and fixed by the board of public works before the contract for the work shall be let, and shall be stated in the advertisement for proposals for the work; and shall be inserted in the contract, and shall in no case be less than one-half of one per cent. of the aggregate cost of the work embraced in such contract.

SECTION 20. In all cases wherein the contractor or contractors shall proceed properly and with diligence to perform and complete his or their contract, the said board may, in their discretion, from time to time as the work progresses, grant to him or them an estimate of the amount already earned, reserving fifteen per cent. thereon which shall entitle the holder to the amount due thereon when the amount applicable to the payment of such work shall have been collected, and the condition, if any, annexed to such estimate shall have been complied with; provided, that the said board shall have no authority to extend or enlarge the time limited by the terms of the contract for the performance thereof, or to grant any such estimates to any contractor when in default, without the consent of the common council; and that no estimate shall be granted by the said board to any contractor for any material

Estimate may be granted as work progresses.

which has not actually been put in the work embraced in his contract. Any person entering into any contract with city, and who agrees to be paid from special assessments, shall have no claim upon the city in any event, except from the collection of the special assessments made for the work contracted for; and no work proper to be paid for by special assessments, shall be let, except to a contractor who shall so agree.

In case of suspension of work.

SECTION 21. In case the prosecution of any public work shall be suspended by, or in consequence of the default of any contractor, it shall be the duty of the board of public works to report the fact immediately to the common council, with a statement of the the condition of the work and an estimate of the probable cost of completing the same in the manner required by the contract.

May contract with owner of patented article.

SECTION 22. The said board shall have power, under the authority of the common council, to make a contract or contracts with the patentee or his licensees or assigns to use any patent or patented article, process, combination or work, for the said city, at a stipulated sum or royalty for the use thereof. And thereupon the said board shall have power to order any work, whether chargeable to the said city or to lots, parts of lots or parcels of land therein, to be done with the use of such patent or patented article, process, combination or work; and whenever the owner or agent of any lot, part of lot or parcel of land in said city, or other person authorized by law to do such work, shall do the same and use any such patent or patented article, process, combination or work in doing the same, he shall pay to the said city the sum or royalty chargeable therefor by such patentee, his licensees or assigns to the city under such contract and shall be liable to suit by the said city therefor; or the amount of such sum or royalty may be charged as a special assessment upon the respective lots, parts of lots, and parcels of land in front of which such patent was so used, and collected for the use of said city as other special taxes are collected; and whenever any work chargeable by special assessment to any lots, parts of lots, or parcels of land, shall be done with the use of such patent or patented article, process, combination or work the sum or royalty chargeable therefor by such patentee, his

licensees or assigns, under such contract, shall be charged against such lots, parts of lots or parcels of land, for the use of said city, in such special assessment, in addition to the other cost of doing the work, and shall be included in a separate certificate of such special assessment.

SECTION 23. Whenever the said board of public works shall have let, or shall hereafter let any contract or any work chargeable to lots or land in the said city, to be done with the use of any patent or patented article, in pursuance of the preceeding section, and have omitted or shall omit at the time of making the assessment for such work against property chargeable therewith to make any assessment or issue a "separate certificate" against such property for the sum or royalty chargeable for the use of such patent or patented article, in pursuance of the provisions of the section last mentioned, the said board of public works shall have power, and it shall be their duty to make such assessment for the sum of royalty chargeable for the use of such patent or patented article, as soon as may be thereafter, and to include the same in a separate certificate for such a special assessment for the use of the said city; and such assessment and certificate shall be as binding, and have the same effect when so subsequently made, as if the same had been made at the same time as the assessment for the contract price of doing such work.

Board may issue separate certificates against property.

SECTION 24. In every contract made and entered into by or on behalf of the said city of La Crosse for the doing of any public work, the whole or any portion of which under the provisions of this act, or of any amendment thereto, or of any city ordinance passed in pursuance thereof, is chargeable to lots or portions of lots abutting on such public work, there shall be included an express agreement on the part of the contractor that he will accept certificates against the lots or parcels of lots so chargeable, in payment of all claims against the said city for all that portion of the work done under his contract so chargeable as aforesaid. The city of La Crosse shall never in any event be liable either to said contractor or his assignee or assignees or representatives, or to any lot owner, or to any person or corporation whatsoever, for or on account of

Express agreement between city and contractor.

any money paid or to be paid for any work or portion of work made chargeable or attempted to be made chargeable to any lot or portion of lot in pursuance of the charter of said city, or of any act amendatory thereof, or of any ordinance passed in accordance therewith.

## CHAPTER VI.

### TAKING PROPERTY FOR STREETS AND OTHER PUBLIC PURPOSES.

Use of property for streets.

SECTION 1. The common council shall have power to lay out public streets, alleys and roadways, and to extend and enlarge and widen the same, and to condemn and take land for other public municipal purposes, as follows: Any ten or more freeholders residing in any ward may, by petition, represent to the common council that it is necessary to take lands within the ward where such petitioners reside, for public use, for the purpose of laying out, enlarging, extending or widening one or more public streets, alleys or roadways. Said petition shall set forth, by some sufficient description, the whole body or bodies of land proposed to be taken, for the purpose or purposes mentioned therein, without regard to its subdivisions in ownership, and pray that such lands be taken for such purpose or purposes according to law. Every person signing such petition shall write after his signature a brief description of his real estate which makes him such freeholder, or of some part thereof, and of the place of his residence in the city. There shall be presented to the common council at the same time with said petition, and annexed thereto, a bond, executed by the petitioners or other parties, to the city of La Crosse, in the penal sum of five hundred dollars, with sureties to be approved by the common council conditioned for the repayment to said city of all charges which the city may pay or become liable to pay in consequence of such application, in case the jury to be appointed, as hereinafter mentioned, shall by their verdict decide against the necessity of taking the lands mentioned in the petition. Upon presentation of such petition and bond, the same shall be referred to a

committee to inquire and report at a subsequent meeting as to the form and sufficiency of such bond, and as to whether the petitioners are residents and freeholders of the ward in which the lands are situated. If said committee shall report in writing that ten of the petitioners are residents and freeholders in said ward, and the common council shall adopt such report, then said petition shall be valid and effectual, although it may afterwards appear that such petitioners or some of them, were not such residents and freeholders.

SECTION 2. The common council of said city of La Crosse shall have power, with the concurrence of three-fourths of the members elected thereto, to declare by its resolution, that it is necessary for the public interest to open a public street or alley, or to take land for any public purpose or purposes authorized by this act, which purpose or purposes shall be stated in such resolution, and such resolution shall contain such description of the whole body or bodies of land to be taken as is required in the case of a petition. No such resolution shall be passed by the common council at the same meeting at which it may be offered, but shall lie over to a future meeting thereof. The yeas and nays shall be taken on the passage of such resolution and duly entered in the journal of proceedings of the council. Upon the passage of any such resolution, proceedings may be thereupon instituted for the condemnation of the lands therein mentioned, as in the case of a petition.

Opening public streets or alleys.

SECTION 3. Within sixty days after the adoption of the report of the committee upon such petition, and the approval of such bond as is mentioned in section 1, of this chapter, or after the passage of any such resolution as mentioned in section 2, of this chapter, the city clerk shall publish a notice to the owners or occupants of the lands proposed to be taken, which notice shall contain the same description of the whole body or bodies of land as is set forth in the petition or resolution, as the case may be, or in the several petitions or resolutions united in the same proceeding, and the purpose or purposes for which it is proposed to take the same, and shall state that at a certain time and place therein named, which time shall not be less than four weeks after

City clerk to publish notice of determination of board.

the first publication thereof, application will be made to the county judge of La Crosse county, or to a justice of the peace resident in said city, for the appointment of a jury to view the said lands, and to determine whether or not it is necessary to take the same for the purpose or purposes in said notice specified, and to appraise the same and to assess the damages to the owners thereof. Such notice shall be published in the official paper of said city at least once in each week for four weeks. A copy of such notice shall be served by the chief of police or a policeman of said city upon every actual occupant of any part of such lands, and upon every person owning or claiming to own or have any interest or estate of record in or to said lands, or any part thereof, who shall appear from the verified application mentioned in the next section hereof, to be a resident of the city of La Crosse, such service to be made in the manner prescribed by law for the service of a summons in an action in the circuit court; and the sworn return of the officer shall be conclusive evidence of the facts stated therein. As to all owners or occupants of such lands proposed to be taken or any interest therein or any part thereof, as to all guardians or committees of any such owner or owners, as to all corporations having no officer residing in said city of La Crosse upon whom service can be made, and as to all persons, corporations and officers whatever, who shall appear from said verified application or otherwise, to be unknown, or non-residents of the city of La Crosse, or whose place of residence shall appear from said application or otherwise to be unknown, said publication in the official paper of said city shall be a sufficient service of such notice upon them and each of them. Personal service, when required, shall in all cases be made at least three days prior to the date of the application fixed in the notice.

Copy to be filed with the justice—his powers and duties in the case defined.

SECTION 4. On or before the time appointed in said notice, there shall be filed with the judge or justice named therein a copy or copies of the resolution or resolutions or petition or petitions with a copy or copies of the bond or bonds annexed referred to therein, on which the city clerk shall have endorsed or have annexed thereto his certificate that the same is or are a true copy or copies

of the original petition or petitions and bond or bonds, or resolution or resolutions, referred to in the notice, including in said certificate a certified statement from the records of the common council of all the proceedings upon the reception, reference, approval and adoption or passage thereof; and the city attorney shall present therewith an application, signed by him, for the appointment of a jury. Such application shall refer by general description to the lands mentioned in the published notice, and shall also describe by some sufficient description each several tract of land, the whole or any part of which is proposed to be taken and appropriated. It shall contain with the description of each several tract or parcel the name of the party or parties in possession of, or who own or have or claim to own or have any estate or interest of record in or to the same, and the places of residence of each and all such parties, if known; and if any such parties are known to be infants, persons of unsound mind, or under guardianship for any cause, or if any such owners or occupants are unknown, or their residence is unknown, or if they are known to be non-residents of the city of La Crosse, such fact shall be stated. Such application shall be verified by the city attorney or some other person who shall make oath that he has investigated and inquired into the matters therein stated, or the same may be verified by the several affidavits of two or more persons, each verifying as to any facts or class of facts therein stated which may have been investigated and inquired into by him. Such verification or verifications shall be sufficient if made substantially in the manner allowed by statute for the verification of a pleading by a party to an action. There shall be attached to such application a plat or plats of the land to be taken, showing as near as may be the several separate tracts, the whole or parts of which are proposed to be taken and condemned, and having marked thereon, as near as may be, the whole amount of land in each such several tract, and the amount thereof proposed to be taken. At the time and place named in such notice, such judge or justice shall make a list of twenty-four persons, not interested, and having the qualifications of jurors in the circuit court of La Crosse county, and resi-

dents and freeholders of said city. He shall hear and decide any challenges for cause or favor made to any one, and if such challenge be sustained shall replace the name of the person challenged with an unobjectionable juror, until the list shall be perfected. Thereupon, under the direction of such magistrate, each party, the city by its representative on the one side, and the owners of the land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the judge or justice on the other, shall challenge six names, one at a time alternately, the city beginning. To the twelve jurors remaining, such judge or justice shall issue a precept, requiring them at an hour on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named. Such precept shall be served by the chief of police or policemen of said city, at least one day before such appointed time, by reading the same to such juror, or by leaving a copy at his usual place of abode in presence of a member of his family. After striking said jury and before adjournment as aforesaid, the judge or justice shall then and there make a further list of not less than twenty persons, not interested, having the qualifications of jurors in the circuit court of La Crosse county, and residents and freeholders of said city. He shall hear and decide any challenges for cause or favor made to any person on said last mentioned list, and if such challenge be sustained shall replace the name of the person challenged with an unobjectionable juror until said list shall be perfected. If at any time prior to the day named in the precept, the magistrate shall learn from the return of the officer thereto or otherwise, that any juror or jurors named in the precept will be unable or unwilling to attend, or if any should be excused by him, he may, by endorsement on said precept appoint others in their stead, in all cases taking such substitutes from the persons named in said last mentioned list, and the precept shall be served on the person so substituted as above provided at any time before the final organiza-

tion of the jury. If upon the day appointed in in said city clerk's notice it should appear that any person, a resident of the city of La Crosse and not present at such hearing, and entitled to personal service of notice, has not been properly served therewith, whether such person be named in the verified application or not, the judge or justice shall orally adjourn such hearing long enough to allow proper service to be made upon such person. And no further notice of such hearing need be given to any other parties. And if any person so served with notice be a person of unsound mind or an infant having no guardian or committee living in said city, the judge or justice shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall act for such ward; for which purpose also the magistrate may orally adjourn such hearing, and notice may be served upon a guardian so appointed at any time before the actual hearing. Such magistrate, upon application to him therefor, may appoint such guardian at any time previous to the day fixed in the notice. It shall not be necessary to appoint as such guardian an attorney at law, and the person so appointed shall be subject to the same rules as to giving security as provided by statute in case of guardians ad litem appointed in the circuit court, such security, when required, to be approved by the county judge or justice.

SECTION 5. The jurors summoned shall appear at the time and place named. If for any reason a full jury be not present, or any be excused by the magistrate, he shall direct other qualified and disinterested persons to be forthwith summoned as talesmen in their stead, until twelve be obtained, or he may fill the vacancy or vacancies by appointing as jurors any of the persons named in the list of persons possessing the qualifications of jurors made pursuant to the provisions of the preceding section. Persons so summoned as talesmen shall be subject to challenges for cause or favor, which shall be heard and decided by the magistrate, and either of the parties, the city by its representative on the one side, and the owners of land or their agents present, or if none be present or they disagree, a disinterested person appointed by the judge or the justice, on the other,

Jurors to be summoned—  
manner of  
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jury.

shall have the right to challenge peremptorily three of the persons so summoned as talesmen. The magistrate may adjourn the proceedings from time to time, for such length of time as may be necessary to procure the impaneling of a full jury. When such jury shall have been obtained, the magistrate shall administer to them an oath, that they are freeholders of said city, and not interested in the property mentioned in the application, and that they shall well and truly inquire into and determine the necessity of taking the said lands, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law. At any time after said jury are sworn, and before the rendition of the separate unanimous verdict of condemnation, the magistrate may for cause, excuse or discharge any juror for further service thereon, and in case of any vacancy in the panel of said jury arising from such action of the magistrate or from death or other cause the magistrate shall by endorsement on the precept appoint a new jury or new jurors to fill such vacancy or vacancies, taking such new juror or jurors from the list of persons possessing the qualifications of jurors theretofore made pursuant to the provisions of section 4, of this chapter, or by summoning qualified and disinterested persons as talesmen, subject to challenge as hereinbefore in this section provided. When such vacancy or vacancies shall have been filled, the magistrate shall administer to such new member or new members of the jury the oath required in this section; and thereupon the jury shall proceed as if no vacancy had occurred, but if the jury shall have viewed the lands to be taken prior to the occurrence of such vacancy or vacancies, they shall again view said lands in a body and proceed as before.

Jury to view the land and render a verdict—the whole proceeding described.

SECTION 6. Under the direction of such magistrate, and accompanied by him, the jury shall view the lands to be taken, and shall then sit before him at his office or any other more convenient place to which he shall orally adjourn the proceedings, to hear such competent evidence as shall be produced by any party; and for such purpose such magistrate shall possess the same powers as a court in session, with a jury, and if there be necessity, may adjourn the sitting from day

to day. The jury shall render a separate, unanimous verdict in writing, signed by them, in which they shall find whether it be necessary to take such lands, or any part thereof, for such purposes, describing in such unanimous verdict the whole body or bodies of land which they find necessary to be taken. If at any stage of the proceedings, after the rendition of such unanimous verdict, and prior to the rendition of the verdict assessing damages as provided for in said section, any vacancy or vacancies shall occur in said jury, whether by the death of any member or from any other cause, the magistrate who issued the precept shall, by endorsement thereon, appoint a new juror or new jurors to fill such vacancy or vacancies, taking such new juror or new jurors from the list of persons possessing the qualifications of jurors in such cases theretofore made pursuant to the provisions of section 4, of this chapter, or by summoning qualified or disinterested persons as talesmen, subject to challenge, as provided in the preceding section, and such appointment or appointments shall be endorsed upon or annexed to the precept. When such vacancy or vacancies shall have been so filled the magistrate shall administer to such new member or members of such jury the oath provided in section 5, or so much of said oath as shall then be applicable; and thereupon such jury shall proceed and discharge the duties required of them the same as if no vacancy or vacancies had occurred. If any land be found necessary to be taken, the jury shall make a separate verdict or assessment of damages, in which they shall set down the description as near as may be, of each tract or parcel of land the whole or any part of which is condemned, and the whole amount of damage done to the owner or owners thereof, by taking of the whole or any part thereof, without any deduction for benefits of any kind or nature. If any such tract or parcel of land taken in whole or in part be subject to lease, mortgage or other lien, or if there be any estate therein less than a fee, the injury done to the owner or owners thereof respectively, shall be awarded to them by the jury. If there be any building or buildings, standing wholly or in part on the land taken, the jury shall estimate and determine, first, the whole value of

the same to the owner aside from the value of the land, and the injury to him in having such building taken from him, and secondly, the value of such building to the owner to remove, both of which valuations shall be stated. The fact that any such building belongs to a person or persons other than the owner or owners of the land, if known, and the name of the owner or owners of such building, if known, shall be stated, and the award of damages on account of such building shall be made to the owner or owners thereof when the land and building belong to different parties. Such verdict or appraisal of damages shall be valid and sufficient if signed by a majority of the members of said jury. Any technical error in such verdict may be immediately corrected, with the assent of the jury. And they shall be thereupon discharged, and their verdict be filed by the magistrate. In case the jury shall disagree as to the necessity of taking the whole or any part of the lands mentioned in the application, the magistrate shall make a list of twenty-four jurors, from whom to impanel a jury to pass upon the questions left undecided, and shall proceed therewith in all respects as for the empanelling of the first jury, as hereinbefore directed. If at least seven members of the jury cannot agree upon a verdict or assessment of damages, the magistrate shall in like manner proceed to empanel a new jury, for the purpose of passing upon the question of damages, but it shall not be necessary to serve or publish any new or additional notices of the empanelling of a new jury for either of said purposes. From the time of the publication and service of the notice mentioned in section 3, of this chapter, all persons served with such notice, in manner therein prescribed, shall be held to have notice of all subsequent proceedings before such magistrate, in the matters mentioned in said notice to the rendition of a verdict assessing damages, and to be bound thereby. When the jury have agreed upon their verdict or verdicts, the magistrate may orally adjourn the proceedings to such time as may be necessary to reduce the same to form, and to a time when they shall appear before him and sign the same.

Appsal may be  
taken within  
twenty days.

SECTION 7. Within twenty days after such verdict is filed with the city clerk and approved by

the council, any person owning any interest in any land, or the owner of any building, not the owner of land found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, by filing with such magistrate a notice or appeal, specifying whether the appeal is from the whole award to him or a part thereof, and if a part thereof, what part, and shall also state the amount which he claims should be awarded to him in excess of the amount awarded by the jury. He shall present therewith an undertaking in the sum of five hundred dollars, with two sufficient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and shall pay the magistrate two dollars for making his return, and one dollar for state tax. Any party not so appealing shall be forever concluded by such verdict and appraisement. Upon an appeal being taken the magistrate shall transmit to the clerk of the circuit court at least fifteen days prior to the next ensuing term thereof, the notice of appeal and undertaking. He shall, after the time for appealing is expired, file with the city clerk, annexed together, all the original papers including the verdicts, with a certificate by him thereof, and that no appeal has been taken from the assessment of damages therein, except as the facts are, which he shall briefly specify; and the clerk shall preserve the same in his office. The city may in like manner appeal from any award of damages by filing notice of appeal and undertaking in like manner at any time within twenty days after the meeting of the common council held next after the filing of the verdicts and other papers in the office of the city clerk. The appeal of any appellant other than the city shall be ineffectual unless the appellant shall also, within the time herein allowed for appeal, serve a copy of his notice of appeal and undertaking upon the city attorney.

SECTION 8. Upon filing such notice of appeal and undertaking in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the owner of the land or building as plaintiff, the city as defendant, and be subject to a change of place of trial and appeal to the supreme court. The court shall permit any

Appeal to be considered an action when filed in court.

person or persons interested in the damages mentioned in the notice of appeal to become parties to such appeal upon their petition setting forth the nature and extent of such interest. The appeal shall be tried by a jury unless waived, and costs shall be awarded against the appellant, if a more favorable verdict be not obtained; otherwise against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Council may confirm or reject the report.

SECTION 9. After the first meeting of the common council held next after the filing of the magistrate's return in the office of the city clerk, as prescribed in section 7, of this chapter, said council may confirm or reject the whole or any part of the verdict of condemnation and assessment of damages, and all proceedings shall abate as to the whole or any part rejected, and all the costs of the proceedings, or the proportion thereof which the allowance of damage on the part rejected bears to the aggregate allowance of damages, shall be paid out of the general fund of the city, or said common council may refer the same to a committee to examine and report upon the same at a future meeting, and upon receiving the report of such committee the council may confirm or reject the whole or any part of the verdict and award with like effect as hereinbefore in this section stated. In case any appeal shall have been taken by any person interested in lands or buildings condemned, or upon petition of any such person without appeal, the common council, by a vote of two-thirds of all the members elect thereto in favor thereof, shall have power to increase any award of damages made by the jury, conditioned upon the withdrawal of the appeal when appeal has been taken; and any award of damages, as fixed by the vote of said council in any such case, shall be substituted for and have like force and effect as the award of the jury originally made.

Money to be set aside in hands of treasurer by the council.

SECTION 10. After the determination of any petition or settlement and withdrawal of any appeal, and confirmation of the whole or any part of the verdict, and award of damages as provided in the next preceding section, the common council shall by a resolution, appropriate and set apart in the hands of the city treasurer a sum of money equal to the whole amount of damages awarded

by the jury, or so much thereof as is contained in the portion of said verdict and award confirmed by said council, and shall at the same time direct the city clerk to certify to said treasurer forthwith a copy of said award of damages, or of so much thereof as said council may have confirmed. The city clerk shall publish in the official paper of said city, for ten days, a notice entitled, in the matter of the proceeding of the passage of said resolution, and that the awards of damages therein are ready to be paid by the city treasurer of said city at his office. Said city treasurer shall pay said awards upon demand to the person entitled thereto, taking from each a receipt describing the tract of land for the whole or part of which such damages are awarded. At any time after said ten days' notice shall have been given by the city clerk in the official paper, the city may enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city to the same extent as streets, alleys and public grounds heretofore opened or laid out. The claimant of such damages shall in all cases furnish an abstract of title showing himself entitled to the same before they shall be paid to him. If in any case there shall be any doubt as to who is entitled to the damages for land taken the treasurer may require of the claimant a bond to the said treasurer for the use of said city, with good and sufficient sureties, to hold said city harmless from all loss, costs and expenses in case any other person should claim and recover said damages or any part thereof.

SECTION 11. In case there shall be any building or buildings upon any portion of the land condemned, the common council, upon confirmation of the whole or any part of the verdict and assessment, but before making the appropriation mentioned in the next preceding section, shall cause a notice to be signed by the city clerk, to be given to the owner and occupant, is any, of any such building, that the owner is required to file with the city clerk, within a time therein to be named, a written notice of election to accept the award of the jury as to such building, and allow the same to be taken with the land appropriated, or of

Procedure  
when there is  
any building  
standing.

his or their intention to remove such building at the value set thereon by the jury to remove. If the owner be a resident of said city of La Crosse, such notice shall be personally served upon him by the chief of police or a policeman of said city, in the same manner provided by law for the service of a circuit court summons. The affidavit of any police officer of said city that he has attempted to serve said notice personally, and that he has not been able to find any such owner in said city, and that he has been, for any reason, unable to make such service as hereinbefore provided, shall be conclusive evidence of due diligence, and that such owner is a non-resident of said city, and thereupon the city clerk may publish in the official paper of said city, a like notice addressed to the owner of such building, by name, if known, and if not known, then to all parties interested, requiring him or them to file in his office, within a time therein designated, like notice of election and intention, as hereinbefore required. Such notice shall be published in said official paper once a week for three successive weeks, and the time therein designated shall be not less than thirty days from the date of the first publication of said notice. If the owner shall give or cause to be given, within the time prescribed, notice of his intention to remove the building at the value set thereon by the jury to remove, he shall have such time for that purpose as the common council may allow, and the amount of damages to be paid on account of said building shall thereby become fixed at the amount of the difference between the value of said building to the owner and its value to remove as assessed by the jury or amended by the common council before confirmation. If the owner shall give or cause to be given, within the time prescribed, notice of his refusal to take the building at the value set thereon to remove or fail to give within the time aforesaid any notice at all, the amount of the damage to be paid to the owner on account of said building, shall thereby become fixed at the amount of the value of such building to the owner as assessed by the jury or amended by the common council. After the final determination of the amount of the damages to be paid on account of any building or buildings as afore-

said, the common council may proceed by resolution to appropriate and set apart in the hands of the city treasurer, a sufficient amount to pay the whole of the damages as directed in the next preceding section, and proceedings shall be taken for the payment of the same in same manner and with the same effect as in said section prescribed. If after all damages are appropriated and set apart in the hands of the treasurer as aforesaid, any such building which the owner refuses to take at the value set thereon to remove, cannot be sold at private sale for as much or more than the value thereof to the owner as fixed by the jury and confirmed by the council, said common council may direct the chief of police to sell the same at public auction, giving such notice of sale as the common council may direct. A bill of sale of such building upon such sale executed by said chief of police to the purchaser, shall vest in such purchaser the absolute title and right of possession in and to any such building, and shall entitle such purchaser, his agents or servants, to go and remain on the land on which such building may stand, or on any land adjoining the same, whether public or private, so far as may be necessary for the purpose of removing such building. Such time may be allowed the purchaser for the removal of any such building as the common council may deem just, but such time shall be stated in the notice of sale, when the building is sold at auction. The proceeds of any such sale shall be paid into the treasury and belong to the general fund. When any owner of any building or buildings shall have appealed from the award of damages on account of such building or buildings, his election shall be determined as provided in section 12, of this chapter, and the common council may proceed without notice to such appellant.

SECTION 12. Upon final determination of any appeal, if judgment be in favor of the appellant, said judgment shall be paid by the city out of the general fund; costs shall be allowed to the successful party on trial and determination of the appeal, and if in favor of the plaintiff, shall be added to the amount of the verdict, and if in favor of the defendant, shall be deducted therefrom, and judgment shall be rendered according

Procedure  
upon final  
determination.

to the rights of the parties. If the appeal be from the valuation placed by the jury upon any building or buildings to the owner, the appellant shall be held to have elected to allow the city to take such building or buildings, and the city may at any time after having made the appropriation and published the notice mentioned in section 10, of this chapter, sell or cause to be sold any such buildings; and the proceeds shall be paid into the general fund, and the purchaser shall have the same right upon such sale as mentioned in section 11, of this chapter. If the appeal be from the valuation put by the jury on a building to remove, the appellant shall be held to have elected to remove such building, and judgment, if in his favor, shall be for the difference between the whole value of the building to the owner, assessed by the jury in the original verdict, and the value thereof to remove as fixed by the court or jury on trial of the appeal, besides costs, and in all such cases the city, after having made the appropriation and published the notice mentioned in section 10, of this chapter, may require the appellant to remove his building or buildings, or in default thereof, may cause the same, or so much thereof as stands on the land condemned, to be torn down, doing no unnecessary damage to the part left standing, and the expense thereof, when certified to and audited by the common council, to be charged as a special tax on adjoining lands of the owner, or the city may sue for and recover such expense from such owner by action at law. No person shall be allowed to appeal from the valuation placed by the jury upon the building to the owner, and also from the valuation placed thereon to remove, but shall elect which of such two valuations he will appeal from. Not more than one appeal shall be allowed from any award of damages; but any party claiming an interest adverse to any appellant may be made a party to the appeal suit in the circuit court, as hereinbefore in this chapter provided.

Sufficient amount of money shall be appropriated to pay all awards, etc.

SECTION 13. A sufficient amount of money to pay all awards of damages made by the jury and confirmed by the common council shall be appropriated and set apart for that purpose in the hands of the city treasurer, as provided in sections 10, 11 and 12, of this chapter, within one

year from and after confirmation of such award by the common council. In case of appeal and final determination thereof, in the circuit or supreme court, with judgment against the city, such judgment shall be paid within six months from and after the rendering and docketing thereof. At any time pending an appeal, the owners or parties entitled thereto shall be entitled to receive the amount of the award appealed from, as appropriated and set apart in the hands of the treasurer, without prejudice to the appeal taken; but if the city shall have appealed, such money shall only be so withdrawn from the hands of the treasurer upon filing a bond in such sum and with such surety as shall be approved by the court or judge to repay the amount by which such award shall be abated on such appeal with costs.

SECTION 14. At any time after the appropriation of money to pay damages and publication of notice thereof as required in section 10, of this chapter, the common council shall have power to enact an ordinance laying out, changing, widening or extending and opening any street or streets, alley or alleys, lane or lanes, public grounds, squares, parks or places for which the land shall have been condemned, and by suitable penalties in such ordinance provided for and enforce and compel the removal of all fences and buildings or other obstructions therefrom. Upon passage of such ordinance, the city clerk shall transmit to the register of deeds of La Crosse county a certified list of the lands condemned and taken for the purpose mentioned in said ordinance, as required by chapter 319, of the laws of 1881.

Power of common council to enact an ordinance.

SECTION 15. For the purpose of payment of the expenses, including all damages and costs of the proceedings incurred for the taking of private property, as herein provided for, the whole or such part thereof as the common council may determine, shall be levied and assessed as a tax upon such parcels of property as shall be determined to be specially benefited by such improvement, in proportion, as near as may be, to the amount of such special benefit not exceeding actual benefits, to each parcel, which shall be ascertained and assessed as hereinafter in this section provided. The aggregate amount in each case, the whole or part of which may be levied and as-

Mode of collecting the damages and costs on the property.

essed as aforesaid, shall consist of the whole amount of damages assessed by the jury, as fixed and confirmed by the common council, including the amount of all awards appealed from, added to the costs of the proceedings; and the words, "costs of the proceedings" shall be held to mean and include the fees and compensation of the magistrate and jurors, and the cost of their conveyance to and from the lands to be viewed, the fees of printers and officers for publishing and serving notices, abstracts of titles certified by the city attorney to be necessary, and all other reasonable costs and expenses connected therewith, including any reasonable expenses of the board of assessment hereinafter mentioned, which the common council may audit and allow. At the time of appropriating and setting apart in the hands of the city treasurer, the amount of the awards confirmed as in this chapter provided, or within three months thereafter, the common council shall refer the verdict and award of damages to the board of public works and the tax commissioner, who together shall constitute a board of assessment. Said board, having first been sworn, and having subscribed an oath in writing, faithfully and impartially to discharge all the duties imposed on them by this section, and having ascertained approximately the whole amount of damages and costs of proceedings, subject to be levied and assessed as aforesaid, shall, in a body, view the lands taken and condemned, and all other lands in their judgment benefited by the improvement, and shall thereupon report to the common council at any meeting thereof the said approximate amount of damages and costs of proceedings, with their recommendation as to whether the whole or part thereof should be levied and assessed as aforesaid. Upon receiving the report of said board the common council may by resolution, passed by affirmative vote of a majority of the members elect thereto, determine that the whole damages and costs of the improvements and proceedings as aforesaid, or any part thereof, not less than half, shall be levied and assessed upon the property specially benefited thereby, and thereupon the said board shall proceed to levy, apportion and assess the whole amount of damages and costs as aforesaid, or such parts thereof

as the common council may have directed as aforesaid, upon such lots, parcels and subdivisions of real estate as they shall determine to be specially benefited thereby, including lots, parcels and subdivisions, parts of which have been condemned or taken in the proceeding, as nearly as may be, in proportion to the benefits resulting to each parcel from the improvement, making a list thereof, in which shall be described every lot or parcel of land so assessed, and the amount levied and assessed thereon, set opposite. Where any one lot or parcel of land has been divided into two or more tracts or parcels, by any street or other improvement mentioned in the proceeding, said board may assess such parcels separately, and may describe and bound the same by the boundary lines of such street or other improvement. Having made such list, the city clerk shall cause to be published in the official paper of the city of La Crosse, not less than six times, a public notice that such assessment has been made, that the same will be open for review and correction by the board of assessment at the office of the board of public works, for not less than ten days after the first publication of such notice, during certain hours, and not less than two hours of each day, and that all persons interested will be heard by said board in objection to such assessment or any part thereof. It shall be sufficient to state in such notice in brief, what such assessment has been made for and in what locality, without giving the amount assessed or the description of lots or parcels of land. Such notice shall be addressed "to whom it may concern." The meetings of said board may be held in the evening between the hours of 7 and 10 P. M., or some of said meetings may be held in the evening and some during the day time, as said board may determine. It shall not be necessary for more than three members of said board to be in attendance at any one of said meetings: less than three shall have power to adjourn from day to day as may be necessary or convenient. Any vacancy occurring in said board from any cause, may be filled by any disinterested freeholder of the city not an alderman, to be appointed by the mayor, in writing, at any time when such vacancy occurs. The person so appointed shall

take and subscribe an oath in writing, as hereinbefore provided, but it shall not be necessary in such case to give any new notice or to re-commence the assessment proceedings, but the same shall be carried to a conclusion as if no vacancy had occurred. During the time mentioned in such notice, and during ten days thereafter, said board shall have power to review, modify and correct such assessment or any part thereof, in such manner as they shall deem just. Such lists and assessments, certified by the members of said board to have been made by them pursuant to the resolution of the common council and signed by them, shall be delivered to and shall remain on file in the office of the comptroller, and the same or a copy thereof certified by said comptroller, shall be prima facie evidence in all courts and all places of the existence and legality of all the proceedings taken in relation to such assessment down to the date of such filing. The said comptroller shall, at the time of making his annual report to the common council of the lots or parcels of lands subject to special tax or assessment, include therein the said lots or parcels of lands mentioned in said certified list and assessment, with the amount chargeable thereto, for benefits, and such amounts shall be liens and shall be levied on the lots or parcels of land respectively to which they are so chargeable, in like manner as other special taxes are levied in said city, and when collected the same shall be credited to the general fund. Any person owning any lot or parcel of land or interest therein against which such special tax or assessment shall be levied or charged may appeal from the same to the circuit court within the time, in the manner and with like effect as provided in section 7, of chapter 6, of this act.

Fees of the  
justice.

SECTION 16. The fees of the justice of the peace shall be as near as may be the same as are allowed to justices by law for services of the same general character, but he shall be entitled to three dollars for attending with a jury to view the premises, in addition to other fees. The compensation of the county judge shall be estimated and paid at the rates prescribed by statute for his services in business other than probate. The compensation of the jurors, which shall in all cases

be certified by the magistrate to the common council, shall be the same as the compensation of jurors in the circuit court, except that there shall be no allowance for travel. All such fees and compensation, except the magistrate's fees for making return upon appeal to the circuit court as hereinbefore prescribed, shall be audited and paid by the common council, and shall be subject to be collected in whole or in part by assessment upon property benefited.

SECTION 17. From the time of the first publication of the notice by the city clerk, as required in section 3, of this chapter, all persons whatsoever shall be held and deemed to have notice of the same and of all subsequent proceedings in the matter until the conclusion thereof, and the heirs, personal representatives or assigns of any person owning or claiming any property affected by said notice shall be held to have knowledge of the same and of all subsequent proceedings, and shall be bound thereby. A written or printed copy of said notice may be filed by the clerk in the office of the register of deeds of La Crosse county upon the payment of the same fees, and when so filed shall have the same force and effect as, and shall be deemed to be, a notice of the pendency of action within the requirements of the statutes in that behalf.

Printed notice deemed sufficient.

SECTION 18. In all cases where any street has heretofore been laid out or extended, or shall hereafter be laid out or extended to the line of any railroad right-of-way in said city of La Crosse, and on both sides thereof, it shall be the duty of the railroad company owning or operating such railroad to remove its fences from the line of such street, on either side of such right-of-way, and to plank its track at such crossing, and make and keep the same accessible and passable for teams at all times.

Removal of fences by railroad companies.

SECTION 19. It shall be lawful to unite in one application to the justice or county judge as hereinbefore provided, one or more petitions, or a petition and a resolution of the common council, or one or more such petitions or resolutions of said council, as mentioned in sections 1 and 2, of this chapter, and in the same proceeding, to appoint one jury to pass upon the necessity of taking the lands proposed for any number of streets, alleys

One or more petitions may be united.

or other purposes mentioned in all such resolutions and petitions, and to dispose of the whole in one proceeding, including the assessment of damages and benefits. Whenever a jury so impaneled to consider the question of taking lands for different improvements, in different localities, shall decide against condemning lands for one or more improvements, and in favor of the rest, said jury shall determine and state in their verdict what proportion of the costs of the proceedings theretofore incurred shall be chargeable to the persons petitioning for any improvement, against which the verdict is given. In case of disagreement of the jury, as to any such improvement, the new jury impaneled to decide thereon shall in a like manner, in case of an adverse verdict, decide the proportion of the costs to be charged to the petitioners, and such decision shall be conclusive, as well upon the city as upon the petitioners and their sureties.

Obligation to  
cease with  
contract.

SECTION 20. When the whole of any lot or tract of land or other premises under lease, or other contract, shall be taken by virtue of this act, all the covenants, contracts or agreements between landlord and tenant, or any other contracting parties, touching the same or any part thereof shall, upon the confirmation of such report respectively cease and be absolutely discharged. When only 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 touching the same upon confirmation of such report shall be absolutely discharged as to the part thereof so taken, but such remain valid as to the residue thereof and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same shall be proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

Accurate sur-  
vey to be  
made.

SECTION 21. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the board of public works shall cause an accurate survey and profile thereof to be made and filled in the office of the city engineer.

SECTION 22. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality in any of the proceedings under the provisions of this chapter of this act not affecting substantial justice, shall not in any way affect the validity of the proceedings. In all cases of proceedings which may hereafter be instituted under this chapter of this act, the common council shall have power by resolution to correct any substantial error of description of land or amount of assessment contained in any final report of any board of assessment filed with the comptroller as provided in section 15, of this chapter, at any time before the city tax roll in which the same shall be entered, is delivered to the city treasurer, and after the delivery of the tax roll to the treasurer, as aforesaid, the common council upon being satisfied that any such substantial error exists therein in any special assessment made pursuant to this chapter may authorize and require the treasurer to withhold from sale any land charged with such erroneous assessment, and when in like manner satisfied that substantial error has intervened it may order the cancellation of any tax sale certificate based upon or embracing such erroneous assessment, by appropriating to the holder the face thereof, with seven per cent. interest to date of cancellation. When land shall be withheld from sale as aforesaid by reason of mistake in transferring the description of land or amount of assessment, or both, from the final report of the board of assessment to the tax roll, the corrected description and amount shall be entered in the next city tax roll to be made out, and the assessment shall be collected as provided in section 15, thereof. When any lands shall be so withheld from sale from any other cause than error in copying from the final report of the board of assessment or the comptroller's report into the tax roll, whether so withheld by direction of the common council as aforesaid, or by virtue of any judgment or decree of the circuit or supreme court, or where any such assessment shall have been adjudged illegal in a suit for the foreclosure of a tax certificate, or in any proceeding involving the validity of a tax deed or tax certificate, or where the common council shall have

Regarding  
error in assess-  
ments.

cancelled any tax certificate as herein provided, the common council shall have power to constitute a board of assessment as provided in section 15, of this chapter, who shall be sworn, and shall proceed as in said section provided to re-assess, re-levy and re-apportion the amounts of the assessments upon the lands so withheld, so set aside, adjudged illegal, or cancelled, or such portion thereof as they may deem just and equitable upon the proper descriptions of land chargeable therewith. No change made by subdivision in ownership or by platting such lands between the dates of commencement of the proceedings for condemnation and of re-assessment shall operate to exempt any portion of lands from such re-assessment, and in all such cases re-assessment shall be made in equitable proportions upon all the parcels and subdivisions. A list of such re-assessments having been made, reviewed, corrected, completed, certified and placed on file in the office of the comptroller in the manner and subject to the conditions mentioned in section 15, of this chapter, shall have the same effect as the list therein provided for, and the re-assessments therein contained shall be liens from the time of such filing, and shall be reported by the comptroller and entered in the next city tax roll and collected; and their collection enforced in the same manner as provided in said section in the case of special assessments thereunder. Hereafter no proceeding at law or suit in equity to set aside any assessment or enjoin any tax sale for any assessment under this chapter shall be maintained against the said city or any of its officers or against said city to set aside any tax certificates held or owned by the city of La Crosse, unless a petition stating the error or cause of complaint upon which such proceedings or suit is brought, shall have been filed with the city clerk to be laid before the common council at its next regular meeting after such filing, nor until the expiration of seventy days after such petition shall have been laid before said council. Nothing in this section contained shall be construed to effect any suits now pending or which have heretofore been commenced.

Condemnation  
of land for pub-  
lic purposes.

SECTION 23. The common council shall have power to cause to be condemned and taken as in

this chapter is provided, lands required for the sites of public school buildings, engine-houses, public markets and other public city buildings, and for the premises attached to such buildings, and for enlarging the sites of such buildings; and to lay out, extend and enlarge public squares and public parks or artificial lakes, adjoining and designed to be used with and form part of any park or parks hereafter to be laid out and established, or which may have been heretofore acquired by said city, and to condemn and take lands for such purposes; but no land shall be taken for the purpose of an artificial lake except low lying lands subject to overflow by rise of water in the La Crosse, Black or Mississippi rivers; also to take and acquire the use of any lands for the purpose of extending any water pipe or sewer below the surface or upon, along or through any lands in said city. Proceedings to condemn and acquire lands or the use thereof, for any of the purposes mentioned in this section, and for all other public purposes except the laying out, opening, widening, extending of streets, alleys or public thoroughfares, shall only be commenced by the adoption of a resolution as provided in section 2, of this chapter, and shall be thereafter conducted in all respects as provided for the condemnation of lands for streets, except that the jury shall deduct from the damages awarded to any owner of land taken, any special benefit, if any, to be enjoyed by such owner from the improvement, and the excess of the damage over the amount of such special benefit shall alone be awarded to the owner. No part of such damages or excess of damages or of the costs of the expenses of the proceedings shall in such cases be assessed as benefits, but the same shall be paid by the city and out of the general fund.

SECTION 24. The common council shall have power, and are hereby authorized to vacate, in whole or in part, such highways, streets, alleys and public walks within the corporate limits of the city, as in their opinion the public interest may require to be vacated, or such as in the opinion of the council are of no public utility; provided, however, the necessity of vacating any such street, alley or public walk, or any part thereof, shall first be established by the verdict or

Vacating  
streets, high-  
ways, etc.

report of the jury, in a like manner as is provided for laying out public squares, grounds and streets in this chapter; and, provided further, that the common council shall have power by ordinance to vacate any portion of any street, alley or public walk, so far as the same is, or may be bounded on each side by lands used or acquired by said city for cemetery or park purposes, or by said city or any other corporation or society for cemetery purposes, without having the necessity thereof determined by the report of a jury.

Platting of  
blocks and lots  
to be uniform.

SECTION 25. In all cases where lands in the city shall hereafter be subdivided into lots and blocks, with public streets, alleys and grounds, or where streets and alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with streets and alleys through the lots and blocks in said city, adjacent to the lots and blocks so platted, and with streets which when so extended will cross the lands so platted or subdivided, excepting, however, that whenever there shall be streets already laid out upon or at some distance from both of two opposite sides of lands so platted, which streets when extended shall not meet each other and form one line, then the said owner or owners shall submit such maps or plats thereof to the common council for their approval, and if such plat or map shall be approved by the common council, it shall be lawful for the party or parties making such plat to record the same, and the evidence of such approval in the manner prescribed in the revised statutes of the state, concerning town plats, but except such plat shall be approved by said council by resolution, and a copy of such resolution duly certified by the city clerk shall be annexed to said plat, it shall not be lawful for the register of deeds of La Crosse county to receive such plat or map for record or to record the same and the same shall have no validity. And the person or persons neglecting or refusing to comply with the requirements of this section shall forfeit and pay a sum not less than one hundred or more than five hundred dollars. And the register of deeds who shall record such plat without such approval of the common council, certified

and annexed thereto as hereinbefore provided, shall forfeit and pay a sum not less than fifty dollars nor more than two hundred dollars. All forfeitures and liabilities which may accrue and arise under and by virtue of this section shall be prosecuted for and recovered in the name of the city of La Crosse, and paid into the treasury for the use of the city.

SECTION 26. In all cases where proceedings have been commenced under the charter of said city for condemnation of lands for streets or other purposes and the assessment of benefits therefor, and such proceedings shall not have been completed at the time of the taking effect of this act, such portion of such proceedings, whether for condemnation or assessment of benefits, or both, as shall remain unfinished at the taking effect hereof, shall be carried forward to completion in accordance with the provisions of this act in like manner and with the same effect as if the same had been commenced and carried forward entirely in accordance herewith, subject, however, to the right of either party to appeal as provided in this act.

Completions of proceedings authorized.

## CHAPTER VII.

### CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. The board of public works of said city shall, with the concurrence of a majority of the aldermen of the several wards, by the first of January of each year, or as soon as practicable thereafter, determine upon a general system of improvements for the year ensuing, 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 common council the said system shall be carried out, and not materially deviated from, except in case of necessity.

City improvements.

SECTION 2. The grading, covering with dirt, graveling and planking, macadamizing or paving to the center of any street or alley, and the grading, graveling, macadamizing, planking or paving of any sidewalk, the paving of any gutter, and the construction of crosswalks where there in no

Improvement and grading of streets—mode of procedure.

intersection of streets, shall be chargeable to and payable by the lots fronting or abutting upon such street, alley, sidewalk or gutter. The expense of such improvements or works across streets at their intersections with streets and alleys and across public grounds, and to the middle of streets and alleys adjacent to public grounds, shall be paid out of the general fund of said city. The expense of maintaining, renewing, keeping in repair and cleaning all streets or roadways between gutters, and the pavement or other surface thereof in all cases where such streets shall have been once constructed to the grade established by the common council, and graveled, planked, macadamized or paved, as required by the council, at the expense of the lots fronting or abutting on said streets, or of the general city fund, as provided in this section, shall be paid out of the general fund of said city. The expense of maintaining, renewing, keeping in repair and cleaning all sidewalks, gutters and alleys shall be chargeable to and payable by the lots fronting or abutting thereon; provided, that when a street which has been graveled or covered with dirt or sawdust, 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 on said street, as herein provided for the first improvement of a street; and provided, further, that when a change in the grade of any street shall be ordered, the expense of cutting and filling incurred by such change of grade shall be chargeable to and paid out of the general fund of the city; and provided further, that no special assessment or assessments shall be levied upon any piece of real estate in any one year for any purpose or purposes whatsoever which shall in the aggregate exceed fifteen per cent. of the assessed valuation of the said real estate.

Estimate of  
public improve-  
ment to be  
made.

SECTION 3. Whenever the board of public works shall deem it necessary to grade or otherwise improve any street, alley, sidewalk or public ground (except the repairing or cleaning of streets, alleys, sidewalks or gutters), or when directed to do so by the common council, it shall cause an estimate of the whole expense thereof and of the amount and proportion of work to be done in front of or oppo-

site to each lot or known subdivision thereof, and of the estimated expense of doing the same opposite each such lot and known subdivision thereof, and in case of grading streets, alleys, or sidewalks, of the number of cubic yards to be filled in or excavated in front of adjoining each lot or part of lot, showing in all cases the amount of the estimated expense of the improvement to be charged to each lot and subdivision, and shall annex thereto specifications showing the manner in which such work is to be done, and the kind and quality of the material to be used therein; and, provided, that said estimate upon any of the said single lots or subdivisions together with any other special tax which may have been assessed thereon during the same fiscal year, shall not exceed fifteen per cent. of the assessed valuation of the said lot or subdivision, then such estimate and specifications shall be placed on file in the office of the board, and shall be open to the inspection of any party interested. Thereupon the said board of public works shall make to the common council such recommendation in relation to the proposed work as it may deem proper; and the council may approve, or amend and approve, or reject the same. Upon the approval of the same or any part thereof by the council, the board of public works shall give notice by advertisement for six days in the official paper of the city of La Crosse to the owners and occupants of the lots and subdivisions of lots included and mentioned in such estimate, that such estimate and specifications have been made and are on file in the office of the board, and will be open for examination and inspection at said office during a period of not less than ten days from and after the first publication of such notice, and during all the business hours of said office on such days, specifying such hours in the notice. It shall be sufficient to address such notice to the owners and occupants of the lands generally without warning (naming) them or any of them, to state in brief the nature of the work called for in the estimate and specifications; and to state on what street or streets and alleys, and on what side or sides thereof, and between what points thereon such work is to be done, without particular description of the several lots or subdivisions. At its first regular meeting

held after the expiration of the period mentioned in said notice as aforesaid, such estimate and specifications shall be laid before the common council, together with such recommendations as said board shall deem proper to make in relation thereto. At such meeting of the common council any person may present, either orally or in writing, his objections to said estimate and specifications, or any part thereof. Said council may proceed at once to consider said matter or may refer the same and the objections thereto, if any, to a committee, to report thereon at a subsequent meeting. The council shall have power to approve or reject the estimate and specifications as presented, or may amend the estimate by striking therefrom a portion of the lots or lands therein mentioned, and amend the specifications as to the manner of doing the work and the material to be used therein, and may approve the same as amended. The city clerk shall endorse upon or attach thereto his certified statement of the final action of the council thereon, and shall return the same to the board of public works.

Notice of proposed improvement—how given to owners.

SECTION 4. When such estimate and specification shall have been approved, or amended and approved, as mentioned in the preceding section, and the same shall have been returned to the board of public works, said board shall give notice for six days in the official paper of the city to the owners or occupants of the lots and parcels of land fronting upon the proposed improvement, that they are required to do the work mentioned in such notice within a reasonable time, to be therein specified. It shall be sufficient to address such notice to the owners or occupants of the land generally, without naming them or any of them, to state in brief the nature of the work called for in the estimate and specifications, and on what street, or streets and alleys, and on what side or sides thereof, and between what points thereon such work is to be done, without particular description of the several lots or subdivisions. Said board may by said notice require the entire work mentioned in said estimate and specifications to be completed to the satisfaction of the board within the time named, or it may prescribe one period for the completion of one portion or section thereof, and another period or other periods

for the completion of another portion or section, or other portions or sections thereof. The board shall have power to make such other regulations in such case as it may deem expedient in relation to the time and manner of doing the work by the property owners, and may, in their discretion, include a statement of such regulations in said published notice. In fixing the time or times within which such work is by such notice required to be done, the board shall take into consideration the amount of work to be done and the convenience and facilities of the parties for doing the same. If such work or any part thereof shall not be completed within the time or times limited in said notice, to the satisfaction of the board, the board shall enter into contracts for doing the whole thereof or any part not so completed. The amount of work chargeable to the city and done under the contract shall be certified by the board of public works to the common council, and upon being audited and adjusted shall be paid out of the general fund. In case any public improvements shall be deemed necessary, the cost of which shall exceed the provisions therefor hereinbefore specified, the common council may, by a vote of three-fourths of all the aldermen elect order the said work and cause the excess over the limit hereinbefore prescribed to be paid out of the general fund.

SECTION 5. After the completion and performance of any contract entered into by the board of public works for work chargeable to the lots or lands fronting thereon, they shall give to the contractor or contractors, a certificate signed by the president thereof, and countersigned by the comptroller, stating the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable. It shall be the duty of the comptroller to keep a register of all certificates issued by the board of public works against lots, and countersigned by him, which said certificates may be paid by the owner or owners of such lots at any time before the sale of such lots for the non-payment of taxes, to the city treasurer, who shall receive the amounts paid on such certificates and hold the same for the benefit of the owners of such certificates, and such owners shall be en-

Certificate to be given to the contractor after completion of contract.

titled thereto on producing and surrendering such certificates to be canceled. And if the amount thereof shall not be paid before the time of making out the annual tax list, the same shall be assessed upon said lots or parcels of land respectively and collected for the use and benefit of the holders of such certificates as other taxes on real estate are collected as provided by law; and, if the notice to lot owners to do the work shall have been published as required in section 4, of this chapter, no informalities or error in the proceedings shall vitiate such assessment. All certificates issued under and in pursuance of any of the provisions of this chapter, shall be liens upon the lots or parcels of land against which the same shall respectively be chargeable, from and after the time when such certificates shall be countersigned and registered by the city comptroller. Such certificates shall draw interest at the rate of 25 per cent. per annum upon the amounts named in the same, for the time when such lots or land shall be sold by the city treasurer, as required by law, for and on account of such certificate liens; and may be transferred by the person or persons to whom the same may be issued, by the endorsement of his or their names thereon; and such transfer shall in no way affect or impair the lien given by this act, but shall transfer to the assignee all the rights of the assignor.

Removal of snow from sidewalks.

SECTION 6. Whenever snow shall fall upon any of the sidewalks of the said city so that the same shall be encumbered thereby, and such snow shall not be removed therefrom within twenty-four hours after the snow shall have ceased falling, the said board shall have power forthwith, without notice or letting, to employ persons or to make contract or contracts to remove such snow from any sidewalk or part of sidewalk in said city, where they shall by resolution declare it to be necessary, and to assess the cost thereof against all lots, parts of lots and parcels of land abutting on such sidewalk or part of sidewalk in the manner hereinafter directed.

Manner of keeping sidewalks, gutters, etc., in proper repair.

SECTION 7. It is hereby made the duty of the board of public works, unless otherwise provided by ordinance of the common council, to cause the streets, alleys, gutters and sidewalks in the city to be kept in proper repair, and in a cleanly and

wholesome condition at all times, and for this purpose they are empowered to employ the necessary labor, or to contract pursuant to law, for such cleaning and repairing as they may deem necessary for the safety and health of the people; the expense of such cleaning and repairing, except of sidewalks, alleys and gutters, shall be chargeable to and payable out of the general fund; and said board is also hereby empowered to cause sidewalks to be repaired, or to be taken up and relaid, with new materials or with part new and part old materials, and to be restored to grade, and to assess the expense thereof against the lot or piece of land in front of which said work may be done, in the manner hereinafter provided. Provided, however, that before causing such work of repairing or relaying sidewalks as aforesaid, including the restoration of them to grade, said board shall make an order particularly describing the work to be done, and shall give public notice for at least six days in the official papers to all persons interested, that such repairs or relaying are necessary and that specifications of the same are on file in their office, where they can be examined, and that such person so interested can make such repairs or relay such sidewalks at any time within twenty days from the first publication of such notice, after which time all such repairs or relaying remaining undone will be done under the direction of the board of public works, and the expense thereof assessed against the lots or parts of lots or parcels of land respectively in front of which such repairs and relaying shall be so done by said board; and said board is hereby empowered to cause such unfinished work to be done by contract or by men in their employ; and no further notice for doing such work shall be necessary; provided, that in all cases in which notice is required under this section, if the lots, parts of lots, or parcels of land affected, have any building or buildings thereon, actually occupied, the board of public works shall cause written or printed notice, stating the repairs necessary, and requiring such repairs to be made within ten days after the service thereof, to be given to the occupants of such buildings by leaving the same at each of such occupied buildings; and only in case such repairs shall not be made

within the said time, shall the said board of public works have power in such cases, to procure the same to be made as provided in this section, and no other or further notice or publication shall be required in such cases.

When sidewalk is in dangerous condition.

SECTION 8. Whenever any sidewalk or part of any sidewalk shall in the judgment of said board, declare by resolution to that effect, be in a dangerous condition to persons passing over it, for want of being repaired or remade, or on account of being above or below the grade established by the common council, the said board shall have power to order the same to be forthwith repaired or remade, and thereupon forthwith to employ fit persons to repair or remake the same for a fair price, and charge the expense thereof to the lots, parts of lots or parcels of land, abutting thereon, by a special assessment; and such assessment shall be a valid charge and lien upon such lots, parts of lots or parcels of land, without any estimate, notice, letting or other proceeding preliminary to the doing of such work, except the resolution of said board so declaring such sidewalks to be dangerous.

Removal of nuisances.

SECTION 9. Whenever any nuisance, source of filth, or cause of sickness shall be found on private property, or in the alley in front or rear of such property, the board of health may order the owner or occupant thereof, at his own expense, to remove or abate the same within twenty-four hours from the date of the order, or within such time as may be named in such order; and if the owner or occupant shall refuse or neglect so to do within the time named in said order, then the board of public works shall forthwith cause said nuisance, source of filth, or cause of sickness to be abated or removed at the expense of the lot or tract of land in the front or rear of which, or upon which such nuisance, source of filth or cause of sickness may be found.

Assessment of expense upon the lots.

SECTION 10. In all cases mentioned in sections 6, 7, 8 and 9, of this chapter, or in either of said sections, wherein the board of public works are authorized to do any work or cause the same to be done, and to charge or assess the expense thereof, upon the lots, parts of lots or parcels of land upon or in front or in rear of which such work may be done, the expense of such work shall, in the first

place, be defrayed out of the general fund. It shall be the duty of said board to keep a strict account of the labor expended upon such work in front or rear of each such lot, part of lot or parcel of land, and of the cost thereof, and to make a report to the comptroller monthly, on the first of each month, stating and certifying the description of the lots, parts of lots or parcels of land, in front or rear of, or upon which work chargeable thereto under either of said sections, shall have been done by said board, under authority thereof, during the preceding month, the nature of the work so chargeable to each lot or parcel, and the amount actually expended therefor; and the comptroller shall, at the time of making his annual report to the common council of the lots or parcels of land subject to special tax or assessment, required by section 11, of chapter 3, of this act, include therein the said lots or parcels of land so reported to him by said board of public works, with the aggregate amount chargeable thereto, according to such reports, for work done during the preceding year, under said sections 6, 7, 8 and 9, of this chapter; and such amounts shall be levied on the lots or parcels of land respectively, to which they are so chargeable, in like manner as other special taxes are levied in said city; and when collected the same shall be credited to the account of the general fund.

SECTION 11. The common council shall have power, by resolution passed by an affirmative vote of a majority of all the aldermen elected, to order the sprinkling of any street or part of street in the city of La Crosse; provided, that every such resolution shall lie over until the regular meeting next held after its introduction, and if within that time a remonstrance against the passage of such resolution shall be presented to the common council, signed by a majority of the owners of lots or parcels of land fronting or abutting on the street or part of street proposed to be sprinkled, actually occupying such lot or lots, parcel or parcels of land, then such resolution should be indefinitely postponed. Upon the passage of any such resolution, the board of public works shall advertise for sealed proposals for sprinkling such street or part of street. Such advertisement shall be published for at least six days in the offi-

Sprinkling of streets—how may be ordered.

cial paper, and shall state the street or part of street to be sprinkled, and for what length of time.

Cost of street sprinkling.

SECTION 12. The cost of sprinkling such street or part of street at its intersection with streets and alleys, and across, public grounds, and to the middle of such street adjacent to public grounds, shall be paid out of the general fund of the city. The cost per lineal foot for the whole width of the street or part of street sprinkled under the contract shall be ascertained and the amount to be paid out of the general fund shall be at the rate of such cost per lineal foot for all street and alley crossings, and one half of such cost per lineal foot for all space sprinkled between any public grounds and the center of the street. The remainder of the sum earned under the contract shall be assessed upon the several parcels of real estate opposite to which such sprinkling has been done in the proportion which the assessed valuation of each such parcel of real estate bears to the whole real estate valuation of the property subject to such taxation under this act, fronting on the street or part of the street sprinkled, as shown by the equalized assessment roll of the year in which the sprinkling is done.

Paying for street sprinkling.

SECTION 13. After the completion and performance of any contract for sprinkling entered into by the board of public works, for work chargeable to lots or lands fronting on streets or alleys upon which such work has been done, the cost of such work shall in the first place be paid out of the general fund. It shall be the duty of the said board to make and certify a statement showing the description of the lots, parts of lots or parcels of land in front of which work chargeable thereto under such contract has been done and the amount chargeable to each such piece of property, and transmit the same to the comptroller, and the said comptroller shall, at the time of making his annual report to the common council of the lots or parcels of land subject to the special tax or assessment, include therein the said lots or parcels of land so reported to him by said board of public works with the amount chargeable thereto for sprinkling, done under such contracts during the preceeding year; and such amounts shall be levied on the lots or parcels of land respectively,

to which they are so chargeable, in like manner as other special taxes are levied in said city, and when collected the same shall be credited to the general fund.

SECTION 14. The common council may, in its discretion, order to be sprinkled, at the cost of the general fund, the causeway road between the La Crosse river bridge and the north line of lot one in block fifty-one of southern addition to North La Crosse.

Causeway may be sprinkled.

SECTION 15. The common council of the city of La Crosse shall have power by ordinance or resolution to require all telegraph, telephone or electric light companies, and all persons or corporations using telegraph or telephone wires and poles to remove all posts, frame work or other supports for wire from the streets and alleys of said city, and to conduct their wires under ground, or make and enforce regulations in regard to the manner of setting, height and location of such posts, frame work or other supports, and compel the removal of all such posts or constructions, whether heretofore or hereafter erected, not in conformity with such regulations. Said common council shall also have power before ordering any street to be paved or macadamized to require any gas company to lay down its mains with such number of service connections extending to the sidewalk line on each or either side thereof as the council may direct, before such macadamizing or paving shall be done, under pain of being thereafter prohibited from laying down such mains and connections in such street. In any ordinance passed pursuant to this section the common council may provide for the punishment by fine or imprisonment or both, of any officer, agent or servant, or any incorporated company found guilty of violating the same, and may also provide for penalties or forfeitures or both, against any such company neglecting or refusing to comply therewith, such penalties and forfeitures to be sued for and recovered by action as for debt in the court of the justice of the peace for the city at large for said city or in the circuit court of La Crosse county. The board of public works may be charged with the execution of any of the powers in this section granted.

Telegraph and telephone wires may be ordered under ground.

## CHAPTER VIII.

## SEWERS.

Sewerage dis-  
tricts.

SECTION 1. The common council of the city of La Crosse is hereby empowered by ordinances passed from time to time to divide said city in as many sewerage districts as may be deemed expedient; or said council may in its discretion from time to time by resolution, designate any portion of the territory of said city, and require sewers to be built therein as hereinafter provided.

Diagrams of  
sewerage dis-  
tricts.

SECTION 2. The board of public works of said city shall cause to be made from time to time, as fast as the preliminary surveys can be completed, diagrams for each such district established or portion of territory designated by the common council as mentioned in the preceding section, in addition to and extension of those already made and adopted under and pursuant to the provisions of chapter 314, of the laws of 1878, which diagrams shall conform to the system of sewerage in the district or portion of territory designated, or to any general plan of sewerage for the whole city adopted by the common council, and show the plan thereof, and contain as nearly as practicable the lots, blocks and tracts of lands, the main sewers to be constructed, the branch and minor sewers, the manholes, the catch basins and their connections through overflow pipes with the sewers already constructed, and any other data deemed by them necessary for information; provided, that the plans for sewerage heretofore made and adopted pursuant to said chapter 314, shall remain in full force and be deviated from only by authority of the common council, and that all sewers already constructed under said chapter 314, shall be considered as part of the plan to be in no respect altered or changed, unless the same be done under authority of the common council, in which case all expenses thereof and of all necessary change of service connections therewith shall be paid out of the general fund of the city. All other sewers previously constructed may be included in the diagrams to be prepared, so far as the same can be used in the proposed system of sewerage.

**SECTION 3.** On the completion of any such diagram, said board shall give notice in the official papers of the city, for at least six days, that a plan of sewerage is open at their office for inspection. Any person owning real estate in such district may file with said board written objections to the said plan, stating therein the nature and reason of his objections, and may also suggest improvements to said plan.

Notice to be given in the official papers on completion of diagram.

**SECTION 4.** The said board may reconsider and modify said plan, and after the expiration of ten days after the time of such notice shall have been given to said resident freeholders of the district, shall present such plan to the common council for its approval.

Plan may be modified.

**SECTION 5.** The common council shall take such plan into consideration, and within forty days after receiving the same shall return it to the board approved, or if objected to, with a statement in writing of such objections, or of any alterations or improvements thereof which they may deem desirable.

Acceptance or rejection of plan.

**SECTION 6.** The said board may on return of such plans by the common council, modify or charge the same in accordance with the suggestions of the common council, or may prepare a different plan which shall be again submitted to the common council, and may generally modify and change their action in the premises until a plan shall be mutually agreed upon by the board and common council; provided, that no plan shall take effect until approved by the common council and no plan thus approved shall be deviated from, except by consent of the council; and provided further, that sewers may be ordered and constructed in any district without the plans of such district being completed in their whole extent and all their details.

May modify or change.

**SECTION 7.** On or before the first day of March in each year the board of public works shall report to the common council the sewers necessary in their judgment to be built in each district or designated portion of territory, during the current year, in accordance with the plan adopted for such district or portion of territory, stating the precise location and extent of the same, and the kind of material of which they should be composed. The common council shall take such re-

Sewers necessary to be reported.

port into consideration and may approve the same, and make such additions to it or alterations in it in any respect as to them may seem best, and return the same to the board; and it shall be the duty of the board to carry out the work as directed in the report thus returned from the common council. The board may also from time to time, during the year, as may be necessary, recommend to the common council the construction of other sewers than those contained in the general report, which recommendation the common council shall take into consideration and return to the board approved, negatived or altered, as may to them seem best, and the board shall carry on the work, as prescribed in the action of the common council; provided, that such board of public works shall, at least five days before the presentation of such recommendation to the common council, give notice by publication in the official paper or papers of the city, stating the day when such recommendation will be presented to the common council, and giving a general description of the proposed improvement and extension. Upon the presentation of such recommendation to the said common council with proper proof of publication of the notice above described, the same shall be referred to the appropriate committee and considered and disposed of in the same manner and under the same rules as are provided in the case of ordinances or resolutions creating a charge or liability against any city fund; and, provided, further, that no sewer shall be built or contracted for by the board until the same has been authorized or ordered by the common council.

Work on sewers to be advertised.

SECTION 8. After the common council shall, by resolution or otherwise, have ordered the construction of any sewer, the board shall advertise for and receive bids to do the work so ordered, having first procured to be carefully prepared and put on file in their office for the examination and guidance of bidders, plans and specifications describing the particular work to be done, and the kinds and qualities of materials to be used, as directed by the common council, and shall let the contract to the lowest responsible and reliable bidder, subject, however, to the provisions of chapter 5, of this act. Such contract shall require the contractor to receive as payment for so much

of the work as may be assessed against the lots opposite to the front of which any such sewer shall extend, certificates against such lots respectively, and the residue of such contract shall be paid out of the general fund.

SECTION 9. After any contract for work under this act, to be paid for in whole or in part by special assessment, shall have been entered into, the board of public works shall make or cause to be made an assessment against all lots, parts of lots and parcels of land fronting or abutting on the work so contracted to be done on each side of the same for its whole length, and which have not before been so assessed for sewerage purposes, at the rate of eighty cents per lineal foot of the whole frontage of each lot, part of lot or lots, or parcel of land fronting or abutting on either side of such sewer, except corner lots, which shall be assessed therefor as follows: corner lots not subdivided in ownership, and subdivisions of corner lots, constituting the actual corner of corner lots subdivided in ownership, shall be entitled to a deduction in making such assessment, of one-third from the aggregate of the street lines of such corner lots or corner subdivisions thereof on all the streets in front thereof, such deduction to be made in the assessment of the longest street line of such corner lots or corner subdivision thereof, or in case of equal street lines thereof, in the assessment for the second sewer to which they are liable; provided, however, that when the actual cost of any sewer shall be less than one dollar and sixty cents per lineal foot, then, and in that case, the assessment shall be for the actual cost of such sewer per lineal foot, one-half thereof to be chargeable against the property fronting or abutting thereon on each side thereof. Whenever any lot which, as originally platted, fronts or abuts on any sewer, is subdivided, and the subdivisions thereof are owned by different persons, no subdivision of such lot, not fronting or abutting on such sewer, and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

Assessment  
against lots for  
work on  
sewers.

SECTION 10. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessment of benefits accruing to it by

In case lots are  
subdivided,  
assessment to  
be apportioned.

a system of sewerage shall have been made, and before such system shall have been fully carried out and extended to such lot and the assessment on such work paid, any party interested may give notice to the board of such subdivision, and in such case, or when the said board shall in any other way become cognizant of the fact of such subdivision, they may make an equitable apportionment of the said assessment against any said lot between the different parcels of it, but if, by neglect of the owners of the lot so subdivided, no such apportionment shall be made, then the entire lot shall be liable for the entire tax.

What shall be paid out of the general fund.

SECTION 11. The cost of all sewers in street and alley crossings, and of all sewers in excess of one dollar and sixty cents per lineal foot chargeable to lots and lands as provided in section 9, of this chapter, of all catch basins for receiving the water from the gutters, and of the overflow pipes connecting them with the sewers, of all temporary catch basins, and of the repairing and cleaning of sewers, and all expenditures for temporary work necessary to carry out the system of sewerage herein provided, and all costs for constructing sewers not provided for by special assessment shall be paid out of the general fund, and all cleaning and repairing of sewers and catch basins, and all temporary work necessary to be done as above stated shall be done by the authority of the board of public works as may be necessary.

Sewer contractors to receive certificate.

SECTION 12. Any person to whom a contract is awarded for the construction of a sewer shall receive in payment certificates against the lots or parts of lots or parcels of land so as heretofore directed to be assessed, so far as the same will go in liquidation of the amount of such contract, and shall be entitled to receive city orders for the balance due, payable out of the general fund; and it shall be the duty of the board of public works, after the completion of any contract and acceptance of the work, to issue such certificates on the request of the person entitled to receive them; and where any sum is found to be due a contractor over and above the amount of certificates so to be issued and received in part payment, to certify the same to the common council which may direct an order to be drawn on the general fund for the payment of the same. All certificates of spec-

ial assessments for building sewers shall be made by the board of public works and signed by the board or by the president thereof, and countersigned by the comptroller of the said city, and delivered by said board of public works to the persons entitled to receive the same, in the same manner as certificates of assessments for other work in said city.

SECTION 13. All contracts entered into by the board of public works, under this chapter, shall be approved as to form and execution by the city attorney and before taking effect, shall be signed by a majority of the board of public works, or by the president of said board, and countersigned by the comptroller, and all bonds taken by them shall be entered into in the name of and shall be executed to the city of La Crosse, and shall be approved by the board. All contracts entered into under this chapter shall be expressly subject to the powers given to said board by chapter 5, of this act. And in case any work shall be suspended in consequence of the default of any contractor or in case the bids shall be deemed excessive, or the parties making proposals for any work shall not be deemed responsible or proper parties to be entrusted with its performance, or shall have failed to complete any contract within the meaning of said chapter 5, the said board shall proceed as provided in said chapter.

Contracts to be approved as to form by city attorney.

SECTION 14. The grades of sewers to be constructed shall be fixed by the board of public works, with the approval of the common council; and the said board shall make, or cause to be made, a profile of such grades upon the plans of the sewer to be constructed, giving a sufficient number of bench marks and their elevation, and such other data as may be necessary to make future surveys. And in all cases the work shall be subject to the superintendence and direction of the said board; and no contractor shall be entitled to recover compensation for any work executed by him, in any form of action unless such work shall have been approved by the said board; provided, that the said board may from time to time, as the work progresses, at their discretion, grant to any contractor for a sewer and estimate of the amount and proportionate value of the work already done chargeable to the general fund,

Grades to be fixed by board of public works.

withholding in all cases twenty-five per cent. of said estimate, which shall entitle the holder, when the same shall have been audited and allowed by the common council, to receive the amount thereof, less such twenty-five per cent. from the general fund.

Regarding the laying of gas service and water-pipes.

SECTION 15. Whenever the common council shall order the paving or repairing of any street in the city of La Crosse, in which water and gas mains and sewers, or either of them, shall have been previously laid and constructed, they may also, by resolution, require the board of public works to cause water and gas service pipes and house drains to be first laid in such street at the cost of the property fronting on such street, from the main sewer and water and gas mains in such street, to the curb line on each side of the street, at intervals of not less than twenty feet, along the whole length of such paved street, except at street and alley crossings; and the board of public works shall thereupon give notice to the owners or occupants of the property adjoining such paved street, by publication thereof for six days in the official papers, requiring them to do such work opposite their respective lots, according to a plan and specification to be before prepared and on file in the office of said board, showing the location and size and the kind and quality of materials of such lateral sewers or drains, and the water and gas service pipe; and if such owners or occupants shall refuse or neglect to do the same before the paving or repairing of said street so ordered, and within ten days after the publication of such notice, the said board may procure the same to be done, and charge and assess the expense thereof to the lots or parts of lots fronting upon such work in the manner provided in and by section 10, of chapter 7, of this act; and the same shall be levied and collected as other special assessments are levied and collected in said city.

Sewers and drains from every lot.

SECTION 16. It shall be the duty of the said board to see that proper drains or sewers are constructed from every lot in said city, which in their judgment requires it; and that such private drains or sewers are made to communicate with the public sewers in a proper manner; and they shall have power to require such number of private drains

and sewers to be constructed as they may deem expedient.

SECTION 17. The said board shall prescribe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into the public sewers, and shall determine the manner and plan of connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board, and shall be executed strictly in compliance with their orders, but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewers shall be constructed.

Board to prescribe materials for every sewer.

SECTION 18. The said board shall have at their office, ready for the examination of the parties interested, the specifications of any private drains or sewers so ordered to be constructed, and they shall give to the lot owners six days' notice in the official papers to construct the same, designating therein a reasonable time within which the work shall be completed; and in case any lot owner neglects to do the work required of him to be done, within the time specified in said notice, they shall advertise for proposals and let the same by contract; and at the completion of the contract, shall give to the contractor a certificate or certificates against such lot or lots, which shall be proceeded with and shall have the like effect as other certificates given for work chargeable to lots.

Private drains and sewers.

SECTION 19. Any person who has taken such contract from said board to construct a private drain or sewer from any lot, shall be authorized to enter upon such lot and construct thereon such drain or sewer, and shall have free ingress and egress upon the same with men and teams for that purpose, and to deposit all the necessary building materials, and generally to do and perform all things necessary to complete execution of the work.

Shall have free ingress and egress.

SECTION 20. No private drain shall be connected with any public sewer without the said board first issuing their order or permit for such connection; and there shall be paid for such order or permit, into the general fund, by the owner of

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

any lot from which a private drain is led into a public sewer, an amount to be fixed by said board, proportioned to the size of said private drain, but not less than two and a half nor more than five dollars for every drain from any lot or parcel of a lot; and in case such amount is not paid, it shall be a lien upon such lot, and shall be collected as other taxes on real estate are collected; provided, that no charge shall be made for the order or permit 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 connected.

Making connection with public sewer—how done.

SECTION 21. No person shall break open or make connections with any public sewer, except by the consent 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 in said city, or wilfully injure any of the materials employed or used in said city for the purpose of sewerage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars, or imprisoned in the county jail not to exceed three months.

SECTION 22. Any contractor or other person acting under the direction of the board of public works may lay sewers in and through any alleys and streets, public grounds and levees in said city, and also in any highways of La Crosse county, whether within the limits of said city or not; provided, that it shall be the duty of such contractor to repair such streets, alleys, highways, public grounds and levees, and to restore the same to their former condition, upon the completion of such sewers.

## CHAPTER IX.

### WATER—WORKS.

Water commissioner.

SECTION 1. On and after the appointment and organization of the board of public works under this act and on such day thereafter as may be designated by the common council, the office and functions of the water commissioner, and of all persons employed in and about the management

of water-works of said city shall cease and determine, and the board of public works, subject to the direction of the common council, shall assume and have the exclusive charge and superintendence of the water-works of said city and of all property, and of all records, contracts, transactions, reports, accounts, surveys, maps, plats, estimates, profiles, plans and documents of whatsoever nature pertaining thereto, and it shall thereafter be the duty of the said board of public works to examine and consider all matters relative to supplying the city of La Crosse with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

SECTION 2. The said board shall have power to construct jets and fire hydrants for public use, and fountains at such places in the said city as the said board, with the approval of the common council shall determine, and also to lay water pipes in and through all the alleys, streets and public grounds in the said city, and generally do all such work as may be found necessary or convenient from time to time, for the purposes of this chapter.

Jets and fire hydrants for public use.

SECTION 3. The said board shall have power, by themselves, their officers, agents and servants, to enter upon any land or water in the said city for the purpose of making examinations or surveys in the performance of their duties under this chapter without liability therefor, and said board shall have power with the approval of the common council to purchase and acquire for the said city, all real and personal property which may be necessary for the construction of the works hereby provided for.

Right to make surveys granted to board.

SECTION 4. Whenever any real estate or any easement therein or use thereof, shall, in the judgment of said board, be necessary for the construction of the said works, and for any cause an agreement for the purchase thereof cannot be made with the owner thereof, they shall report the same to the common council; and thereupon the said common council shall proceed to take such real estate, easement or use, as provided in chapter 5, of this act, in the case of taking lands for public squares, grounds, streets and alleys, except that no petition or bond shall be necessary; but all the other provisions of said chapter 6, shall apply to

City may purchase real estate for water-works.

the taking of such real estate, easement or use, for the construction of such works, so far as the same may be applicable.

To be city property.

SECTION 5. All property, real, personal and mixed, acquired for the construction of said water-works and all plans, specifications, diagrams, papers, books and records connected therewith and the said water-works and all buildings, machinery and fixtures appertaining thereto, shall be the property of the said city of La Crosse.

Board of public works to report to council.

SECTION 6. It shall be the duty of the said board of public works to report to the common council at such regular intervals as said council may prescribe, and at all other times when so directed, all their doings under this chapter, and the general condition of said water-works, which reports shall be filed as directed by said council.

Water-works to be under control of board.

SECTION 7. The said water-works, and all the grounds, building fixtures, machinery and other things appertaining thereto, shall be under the control of the said board, who shall have the power to regulate and control and have a general supervision over the same, subject to the authority of the said common council.

Make and enforce by-laws, etc.

SECTION 8. The said board shall have power, from time to time, to make and enforce by-laws, rules and regulations in relation to said water-works, and before the actual introduction of water, they shall make by-laws, rules and regulations, fixing uniform water rates to be paid for use of water furnished by the said water-works, and fixing the manner of distributing and supplying water for use or consumption, and for withholding or shutting off the same for cause, and they shall have power, from time to time, to alter, modify or repeal such by-laws, rules and regulations now in force; provided, however, that no such by-law, rule or regulation, and no alteration, modification or repeal thereof, shall have any force until submitted to and approved by the said common council.

Make and enforce all needful regulations.

SECTION 9. The common council shall have power by ordinance to make and enforce all needful regulations for ascertaining the amounts to be paid as water rates by persons or corporations using the water, keeping accounts thereof, and giving the notices required by this act and by ordinances. It may provide for the payment of such

water rates directly to the city treasurer, or for their collection by some subordinate of the board of public works, or a collector of water rates, to be appointed by said board of public works, and may require such subordinate or officer to give bond in such sum and with such sureties as it may prescribe.

SECTION 10. Regular water rates shall be due and payable on the first days of January and July in each year, semi-annually in advance. To all regular water rates remaining unpaid on the twenty-first day of the month in which they become due, there shall be added a penalty of five per cent. of the amount of such rates, and if such rates shall remain unpaid for ten days thereafter, the water shall be shut off from the premises subject to the payment of such delinquent rates, and in all cases where the supply of water shall be shut off as above prescribed, it shall not be again turned on to said premises until all delinquent rates and penalties, and the sum of five dollars as expenses for turning off and on the water, and such other sums for penalties, fines and expenses as may be established by ordinances or regulations, shall have been paid. Whenever two or more dwellings or tenements or buildings are connected with a street main by one pipe only, the owner or owners of such premises shall provide a separate cut-off for each of said dwellings, tenements or buildings in such locality as the board of public works shall deem most efficient and expedient, and all such cut-offs shall be conveniently accessible to and shall be controlled exclusively by the proper officer of the water department. Before each day when such rates become due and payable as aforesaid, the person or officer charged with such duty by ordinance or regulation adopted pursuant to this act, shall cause a written or printed notice to be mailed or personally delivered to the owner or occupant of all premises subject to the payment of regular water rates, directed to the place where such water is consumed, stating the amount due on the next rate day, the time when and the place where such rates can be paid, and the penalty for neglect of payment. All water rates for water furnished to any building or premises shall be a lien on the lot, part of lot or parcel of land on which such building or premises shall be situated.

Payment of  
water rates,  
when due.

If any water rates or fractional parts thereof remain unpaid on the first day of November in any year, the same shall be forthwith certified to the city comptroller with a statement of the lots and premises to which the same are chargeable, and said comptroller, at the time of making his annual schedule of lots and parcels of land subject to special taxes and assessments, shall include in such schedule and report all the water rates so delinquent, adding thereto a penalty of ten per cent. with a description of the lots and parcels of land to which they may be chargeable, and the same shall be levied, entered on the annual tax roll, and collected at the same time and in the same manner with other special taxes and assessments.

Penalty for  
polluting  
water.

SECTION 11. Any person who shall wilfully pollute or otherwise injure any water supplied by the said water-works, in any tunnel, aqueduct, reservoir, pipe or other thing, or shall wilfully injure the said water-works or any building, machinery or fixtures appertaining thereto, or shall wilfully, and without authority of the said board, impede or derange the flow of water in any tunnel, aqueduct, pipe or other thing belonging to the said water-works, or shall wilfully, and without authority of the said board, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the said water-works for holding, conveying or distributing water, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

Ordinances to  
protect water-  
works.

SECTION 12. It shall be the duty of the said common council, and they are hereby empowered, from time to time, to pass such ordinances as may be deemed necessary or expedient to protect said water-works and the use thereof, and to enforce the by-laws, rules and regulations of the said board of public works, also to license, control and regulate plumbers in said city and to prescribe the time and manner in which, and the conditions under which, all openings into and connections with water pipes, sewers and drains, may be made

to enforce all such rules and regulations by appropriate penalties.

## CHAPTER X.

### FINANCE AND TAXATION.

SECTION 1. All funds in the city treasury, except school funds and the funds created and set apart for the payment of interest and principal of the funded debt of said city, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by the vote of the common council, and countersigned by the city comptroller, except in the case in this section mentioned, to-wit: Funds to be under control of common council. The common council may provide by ordinance for the payment of such persons as may be employed by the board of public works, or by the common council in the service of the city, upon monthly pay rolls, and shall prescribe the form of such pay rolls and the manner in which the same shall be certified, audited and approved; provided, that such pay rolls shall in all cases be certified by the board of public works, approved by the common council and countersigned by the comptroller. All orders drawn upon the treasury shall specify the purpose for which they were drawn, and shall be drawn payable generally out of any funds in the treasury belonging to the city and not otherwise appropriated, and all such orders shall be received in payment of any tax or assessment levied by the authority of the city; provided that the amounts or proceeds of all orders which shall be received in payment of taxes, shall be credited to the several and respective funds on account of which such orders were issued. All orders shall be payable to the order of the person in whose favor they may be drawn and shall be transferable by endorsement. Certificates issued in payment for work done or improvements made, chargeable specially to lots, parts of lots or parcels of land, shall be receivable for the special taxes levied therefor upon such lots, parts of lots and parcels of land respectively.

SECTION 2. All property, real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to an-

All property subject to annual taxation, except exempt by laws of state.

annual taxation for the support of the city government and the payment of its debts and liabilities; and the same shall be assessed in the manner prescribed by the general laws of this state, except as hereinafter provided; provided, that all real estate exempt from taxation by the laws of this state shall be subject to the special taxes as other real estate under this act, except cemeteries. The tax commissioner elected under this act shall take and subscribe an oath of office, and shall enter into a bond in the penal sum of five thousand dollars, with at least two sureties, to be approved by the mayor, for the faithful performance of his official duties, and shall receive such annual salary as the common council may prescribe. Said tax commissioner shall have an office, which shall be kept open during the usual business hours of each business day during the term of his office; and shall, in suitable books provided for the purpose, keep a record of all lots, blocks, fractional lots or parcels of land contained in said city, with the assessed value of each in separate columns, together with the assessed value of the improvements thereon, and the name of the owner of each, and the street and number of his residence, as far as possible, during each and every year of the term of his office, and shall also keep a record of the names of all persons liable to assessment for personal property during each year of the term of his office, with the amount assessed to each person; and as far as possible shall cause to be entered upon said record in a suitable column, opposite the name of such person so assessed, an accurate description of the class of such personal property, whether bonds, stocks, mortgages or money, notes, accounts, choses in action of any kind, or merchandise, manufacturer's stock, capital invested in business, household goods, vessels pianos, horses and carriages, sewing machines, watches, etc., and any and all other personal property taxable under the laws of Wisconsin. He shall also keep a record of all the vessels registered in the books of the custom house at the port of La Crosse, with the names of the owners residing in La Crosse, and the amount of the interest held by each of said owners, together with all other information in relation thereto which may be serviceable in making an assessment of

the vessel property owned in whole or in part by any resident of the city of La Crosse.

SECTION 3. Said tax commissiener shall also procure and keep on file in his office all recorded plats of all lots, blocks, additions, divisions and subdivisions of lots or lands which have been duly authorized by the common council, and all other matters or information which may be available in making an assessment of the real and personal property in the said city of La Crosse. He shall also cause to be copied in a book provided for that purpose, all complaints made in writing at any time in said office of the said tax commissioner, of excessive or erroneous assessments, either of real or personal estate, which said complaint shall be considered and disposed of by the board of assessors at their first meeting thereafter, in the order of their entry, unless otherwise ordered by said board and shall perform such other duties as the common council may by ordinance prescribe.

Duties of tax commissioners.

SECTION 4. At the first meeting for organization of the new council or as soon thereafter as may be, and biennially thereafter the common council shall elect two assessors for the said city for the term of two years, who shall be residents and freeholders of the city when elected and during their term of office. Said assessors shall each take the oath of office provided by law to be taken and subscribed by town assessors, and said assessors, with said tax commissioners, shall constitute the board of assessors of which board said tax commissioner shall be ex-officio the president. The common council of the said city shall have power to remove from office any assessor in the said city who shall in their opinion be incompetent, or neglect to perform the duties of his office. The common council shall have power to fill the vacancy or vacancies caused by such removal or occurring in any manner, and the election to fill such vacancies shall be made in all respects in the same manner as herein provided for original elections to said office and the assessors so elected to fill vacancies shall hold their office for the unexpired term. Said assessors shall, as soon after their election as practicable, under the direction of said tax commissioner, proceed to examine and determine the valu-

Election of two assessors.

ation of all taxable, real and personal estate within the city; and schedules or rolls of all taxable real estate in said city, and also a list of the names of all persons assessed for personal property in said city, shall be furnished by said tax commissioners to said assessors to aid them in the performance of their duties, and upon which they shall enter their valuations, and said assessment rolls shall be fully completed and filed in the office of said tax commissioner within the time provided by law for the completion of the same. The said assessors in listing assessment and valuation of real and personal property liable to taxation in the city, and in the review, equalization and correction of their assessments shall proceed in the manner prescribed by the general laws of this state, except as otherwise provided for in this act. Where there are any buildings upon any lot or parcel of land, the value of the same shall be set forth in a separate column. The assessors may, if they deem it advisable, assess any lot or tract of land in such parcels or subdivisions as they may deem proper. The name of the owner of each parcel or subdivision of land assessed, as nearly as the same can be ascertained, shall be entered in the roll opposite each such parcel or subdivision; but no omission of any such name, nor any error or mistake in respect to the name of the owner shall in any manner affect the validity of the roll or assessment.

Tax commissioner to give notice.

SECTION 5. On receipt of the rolls of the several assessors, with their valuations and assessments of real and personal property, the tax commissioner shall give notice by publication in the official paper of said city for ten days, that on a certain day therein named, the assessment roll will be open for examination by the taxable inhabitants thereof, and the tax commissioners and assessors shall make all necessary additions to such roll, and correct the same by changes in valuation or description, so as to make the roll as perfect as possible. Any act done by a majority of the board of assessors, shall have the same force and effect as if done by the tax commissioner and all assessors appointed under this act. After the corrections are made, the tax commissioner shall submit the corrected assessment rolls to the board of review.

SECTION 6. The mayor, city clerk, city attorney, tax commissioner and assessors shall constitute the board of review for said city. Said board shall meet annually at the time fixed by the laws of the state, and proceed, as such board, to review, examine and correct such assessment rolls, and in so doing shall have and exercise all the powers and perform all the duties of a board of review, as the same are or may be prescribed by the general laws of this state, except as may be otherwise provided in this act. Notice of the time and place of the meeting of such board of review, signed by the city clerk, shall be published for ten successive days in the official paper of the city, prior to the day of such meeting. The concurrence of a majority of the board shall be sufficient to decide any question to be passed upon by the board of review.

Board of review—how constituted.

SECTION 7. When the assessment roll shall have been so revised, corrected and equalized, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council. On the first Monday of November in each year, or within twenty days thereafter, the common council shall determine the amount of taxes to be levied for the ensuing year, which amount, (exclusive of all special assessments), for city, state, school and county, and all other general taxes shall not exceed a sum equal to two per cent. of the assessed valuation of all property subject to taxation, as shown by said assessment roll; and such levy of taxes shall not be adopted except by affirmative vote of two-thirds of the aldermen elect, which shall appear in the proceedings of the common council; provided, however, that an additional amount of one-quarter of one per cent. may be levied at such meeting for general purposes, by the affirmative vote of three-fourths of all the aldermen elect.

Assessment shall be filed with the clerk.

SECTION 8. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real property shall affect such lien; the treasurer of said city shall in no instance be authorized to

Lien upon the lands.

levy upon and sell personal property belonging to any person taxed for taxes on real estate, unless the common council of said city shall, at a regular meeting thereof, for the purpose of assessing taxes, pass a vote that such levy and sale of personal property for taxes on real estate may be made, in which case it is hereby made the duty of the treasurer so to do.

Transmission of copy of assessment roll to clerk of board of supervisors.

SECTION 9. Before the annual meeting of the board of supervisors for the county of La Crosse, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the clerk of the board of supervisors of said county.

City to be considered as a town for equalizing purposes.

SECTION 10. The board of supervisors shall have the right to regard the city of La Crosse a town in equalizing the assessment rolls of the several towns in said county as provided by law; but in such equalization, shall consider the assessment rolls of said city as an entire roll, and shall not change the relative valuation of the different wards.

Board of supervisors may levy a tax.

SECTION 11. The said board of supervisors may levy a tax or taxes, as now is or may be hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county said city shall be regarded as a town except as herein otherwise provided.

Clerk to make a tax roll.

SECTION 12. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the taxes levied for state, county, city and other general purposes, and all delinquent taxes, if any, of previous years; he shall also enter and carry out thereupon, unless otherwise directed by the common council, all special assessments upon property for street opening benefit, and special assessments for street improvements, sewers, drains, removal of snow, cleaning or repairing alleys, gutters and sidewalks, sprinkling, unpaid water rates, and all

other special taxes and assessments reported by the comptroller or otherwise assessed and filed in his office, pursuant to his act or any act amendatory thereof, or any ordinance or resolution passed pursuant thereto, since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land, or person named therein, which statement shall be called "the tax list" of the city of La Crosse, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

SECTION 13. The tax list made out and preserved as aforesaid shall be prima facie evidence in every court of record in this state, that every act or thing, required by law to be done, relating to assessing or levying taxes, from the election of the officers to the completion of the tax list, inclusive, has been done regularly, correctly and as required by law.

Tax list to be prima facie evidence.

SECTION 14. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, which shall be compared by the clerk with the assessment roll as confirmed, to which he shall append his certificate that the same has been compared by him and that the said assessment roll, and the whole thereof, has been copied into such duplicate tax list; and to which shall be appended a warrant, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner required by law; and said clerk shall on or before the twenty-fifth day of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Duplicate copy of tax list to be made.

SECTION 15. In all cases where by the provisions of this act any charge of assessment is made a lien upon land, the amount of such charge or assessment shall be carried out on the tax list in a separate column or columns, opposite the lot or tract upon which the same may be a lien, and the treasurer may collect and sell, and do all other

Regarding change of assessments

acts in regard thereto, in the same manner as if the amount for such lien was a general tax.

City treasurer to collect taxes.

SECTION 16. The city treasurer, upon receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act, and said city treasurer, shall, within the time fixed by statutes, settle with and pay over to the county treasurer of La Crosse county, all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. On receipt of such duplicate copy of the tax list, he shall give one week's notice thereof in the official paper of the city. Such notice shall specify that the taxes on personal property must be paid within twenty days from the first publication or said notice, and the taxes and assessments on real estate, before the first day of January next ensuing. The publication of such notice shall be deemed a demand, and neglect to pay the taxes and assessments within the time specified shall be deemed a refusal to pay the same.

When city treasurer may enforce collection.

SECTION 17. On the expiration of the twenty days mentioned in the next preceding section, the city treasurer shall proceed to enforce the collection of the personal taxes in the manner provided by law for the enforcement of the collection of taxes by town treasurers after posting notices, demand and neglect or refusal to pay the same; and if any such personal taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from said treasurer and his sureties. Upon any collection made by distress and sale of goods, said treasurer shall collect therefrom the same fees allowed by law to the town treasurers in like cases. In case any taxes on personal property shall remain uncollected, or shall not be in process of collection by distress and sale, on the last Monday in January succeeding the publication of the notice mentioned in the preceding section, the city treasurer and his successor or successors in office shall have the same rights, powers and duties, in reference to the collection thereof as are conferred by the

general laws of this state on the county treasurers, in reference to the collection of delinquent personal taxes returned by the town treasurers; and he shall make out and issue therefor as many general or special schedules and warrants as may be convenient; and any such schedule and warrant may be directed and delivered to the chief of police of the city of La Crosse, and shall be executed by him in the same manner and with the same effect as if directed and delivered to the sheriff of La Crosse county. Any sheriff of any county, receiving such schedule and warrant from the city treasurer, shall execute the same in the manner as required by law in the case of a like warrant delivered to him by the county treasurer.

SECTION 18. In all cases of non-payment of taxes upon any lot or lots, or real estate in said city, it shall be the duty of the treasurer of said city to proceed to advertise and sell such lots and real estate, and give to the purchaser, his heirs or assigns, a certificate in the same manner as is now or may hereafter be prescribed by the general laws of the state for the sale of lands for the non-payment of taxes in the several counties of this state by county treasurers; and all sales so made, and the certificates so issued by the treasurer of said city, shall have the same validity and effect as is now or may hereafter be given to sales made and certificates issued by the county treasurers in like cases; and the treasurer of said city shall immediately after the close of the sale of any lands for taxes, deposit in the office of the clerk of said city, all affidavits, notices and papers in relation to such tax sale, to be filed and preserved therein; also a statement containing a particular description of each tract and parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known, and the said treasurer and clerk shall each record such statements in a book to be kept by each of them for that purpose in their respective offices.

SECTION 19. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or lot, or any goods or chattels, the same shall be struck off to said city, and thereupon the city shall receive, in its

Advertising  
and sale of  
lots.

In case there is  
no bid.

corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this chapter, the treasurer shall have power to sell the same at public sale, and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is hereby authorized to sell the certificate issued therefor, for the amount and interest, and to endorse and transfer said certificate to the purchaser, unless restricted therefrom by resolution of the common council.

In case purchaser shall refuse or neglect to pay.

SECTION 20. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold at such time as the treasurer shall designate, he shall, on the day following, offer said lot or tract again for sale, and any person bidding off at such sale any lot or tract or part of same, and neglecting or refusing to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars for each lot or part of lot so purchased and not paid for, which may be sued for and collected in the same manner as other penalties under this act.

Respecting redemption of lands.

SECTION 21. Any lot or tract of land so sold, or which may have been heretofore sold under the provisions of this act or acts, of which this act is amendatory, or any portion of such lot or tract may be redeemed by payment to the clerk of said city of the amount for which the same was sold, with the same rate of interest, and charges, in the same manner, by the same persons, within the same time, as is, or may hereafter be prescribed by law, for the redemption of lands sold for taxes in the several counties of this state.

Conveyance of land to purchaser.

SECTION 22. Any tract or lot of land sold in pursuance of the provisions of this act or any part thereof, or which may have been heretofore sold under the provisions of this act or acts of which this act is amendatory, and which shall not be redeemed within the time which now is or may hereafter be prescribed by the general laws of this state for the redemption of lands or lots sold for taxes, shall be conveyed by the clerk of said city to the purchaser, his or her representatives and assigns in the same manner now required by law for deeds to be given to the purchaser of

lands sold for taxes in this state, and the city of La Crosse may take such deeds in its corporate name, in like manner as individuals and the same shall be signed and acknowledged by the clerk of said city and stamped with the corporate seal of said city.

SECTION 23. And every such deed shall have the same validity and effect as is or may hereafter be given by the general laws of the state to deeds of real estate made by the clerks of the boards of supervisors in the several counties in this state for the non-payment of taxes therein, and the grantee named in such deed, his heirs and his assigns, except as otherwise herein provided shall have the same rights, and may perfect his title in the same manner, and the former owner or owners of said land, and all persons claiming under him or them, shall make only the same defenses to such deed as when a deed is issued by the clerk of the board of supervisors for non-payment of taxes, and can bring actions to annul such deed only under the same limitations and conditions as is or may hereafter be provided by the general laws of this state, in the case of grantees, their heirs and assigns, and former owners, and all persons claiming under them.

Validity of deed.

SECTION 24. The treasurer of said city shall receive for his services the same fees and compensation as is now or shall hereafter be allowed and paid to the county treasurer, for the same or similar services, and it is hereby declared to be the meaning and intent of this act to confer all the powers and duties of the treasurer of the county of La Crosse, so far as relates to the collection of taxes on lots and lands within the city of La Crosse, upon the treasurer of said city.

Fees of treasurer.

SECTION 25. The clerk of said city shall receive for his services the same fees and compensation as is or shall hereafter be allowed and paid to the clerk of the board of supervisors for similar services, and it is hereby declared to be the meaning and intent of this law to confer all the powers and duties of the clerk of the board of supervisors of the county of La Crosse, so far as relates to taxes on lots and lands within the city of La Crosse, upon the clerk of said city.

Fees of clerk.

SECTION 26. In all cases where the city treasurer may have omitted to advertise and sell

Omissions.

lands for taxes, as required by law, he is hereby authorized to sell the same at any future regular sale of lands, after giving due notice according to law.

Notice of tax sale.

SECTION 27. The notice of sale for delinquent taxes in the city of La Crosse, shall hereafter be substantially in the following or other equivalent form:

NOTICE OF TAX SALE.

City Treasurer's Office,  
City of La Crosse, Wisconsin.

Notice is hereby given to all whom it may concern, that I shall on the — day of —, 18—, at my office in said city, offer for sale and sell at public auction, so much of each of the several tracts or parcels of land in the city of La Crosse, Wisconsin, described as follows, upon which the taxes remain unpaid, as shall be necessary to pay the taxes, charges and interest due thereon, for the year 18—. Said sale to commence at — o'clock and to be continued from day to day until completed. Said lands are described as follows:

.....  
La Crosse, —, 18—.

— —, City Treasurer.

Omitted lots—relating thereto.

SECTION 28. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation they shall, in addition to the assessment for that year, assess the lot or tract so omitted, for such years in which it shall have been so omitted, at the just value thereof, noting the years when, such omission occurred, and such assessment shall have the same force and effect as it would have had if made in the years when the same was omitted. And the common council shall, in addition to the taxes for the current year levy such taxes upon such lot or tract as the same would have been chargeable with had not the same been omitted, and such taxes shall be collected as other taxes or assessments are for the current year. All lands shall be subject to taxes that may have been omitted in whatsoever hands they may have come. Should the tax or assessment of any parcel of land be set aside or declared void by reason of defect or informality in the assessing

levying, selling or conveying the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be re-levied in such a manner as they shall by resolution direct; provided, that if the defect was in the assessment, the same shall again be assessed at such time as the common council may direct, and the said tax or assessment so re-assessed or re-levied, shall be and continue a lien on said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

SECTION 29. All directions hereby given in the assessing of lands and the levying and collection of taxes and assessments 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 any way affect the validity of the tax or assessment.

Directions only  
directory.

SECTION 30. Whenever any person shall bid off any lot or parcel of land offered for sale for taxes, which lot or parcel of land shall have been bid off in the name of the city for the taxes of any previous year, and the certificate thereof shall at the time of such subsequent sale, remain the property of the city, such person shall, before being entitled to his certificate of such sale, purchase of the city thereon and receive from the treasurer an assignment thereof.

Relating to tax  
sale.

SECTION 31. When the tax list shall have been placed in the hands of the treasurer for collection, it shall not be lawful for the common council to remit, annul or cancel any tax upon real or personal property, except in the following cases to-wit: First. That a clerical error has been made in the description or transfer of the property from the original assessment roll to the tax list, or in the extension of the tax. Second. That improvements by the erection of buildings have been assessed on lots or lands where none had been made or existed at the time of making of the assessment. Third. That the taxes are illegal and void by reason of the property so taxed being by law exempt from taxation. Fourth. When personal taxes are levied and assessed against persons who were not residents of the city of La Crosse at the time such assessment was

In the matter  
of clerical  
errors.

made, and who were not liable by the laws of this state to have a personal tax assessed against them. Fifth. When the buildings upon any real estate in said city shall have been destroyed by fire, and then only pro rata.

Unredeemed lands sold for taxes—clerk to publish a list.

SECTION 32. The clerk of the city of La Crosse is hereby required to publish a list of all unredeemed lands sold in said city for taxes, interest and charges by the treasurer of said city, in the official paper of said city, once a week for six successive weeks before the expiration of the time limited for redeeming lands sold as aforesaid, specifying each tract, piece, parcel or lot of land and the name of the person to whom assessed, if to any, and the amount of taxes, charges and interest, calculated to the last day of redemption, due on each parcel, together with a notice that unless such lands are redeemed on or before the day limited therefor, specifying the day they will be conveyed to the purchaser. And such clerk shall, at least three weeks previous to the time limited for the redemption of any lands sold for taxes as aforesaid, cause to be posted up copies of the list and notice specified in this section, in at least four public places in said city, one of which copies shall be posted in some conspicuous place in his office, and such publication of the list, a notice hereinbefore specified shall have the same force and effect, and have the same validity in all respects as if the publication and posting of said list had been made pursuant to the provisions of the general statutes of this state.

No action or proceeding at law shall be maintained unless statement is filed with clerk.

SECTION 33. Hereafter no action or proceeding at law or in equity for any claim or cause of action whatever, except upon city orders, bonds, coupons, or written promises to pay any sum of money, and except in cases arising under section 1339 of the revised statutes, shall be maintained against the said city of La Crosse or against said city and any officer thereof, unless a statement or bill of such claim or a petition stating the error or cause of complaint upon which such proceeding or suit is brought, shall have been filed with the city clerk, to be laid before the common council at the next regular meeting after such filing, nor until the expiration of seventy days after such statement, bill or petition shall have been so laid before the said council.

## CHAPTER XI.

## POLICE DEPARTMENT.

SECTION 1. The police department of the city of La Crosse shall consist of one chief of police, detectives not to exceed three in number, and patrolmen in such number as the common council may from time determine, not exceeding, however, one for every 2,000 inhabitants. It shall be lawful for the chief of police with the consent of the mayor to appoint any number of special policemen who shall be employed and paid by private individuals or business corporations, with powers not to exceed the powers of patrolmen, and with the privilege of wearing badges and uniforms; but such special policemen shall in no case be paid out of the city treasury.

Police department—how constituted.

SECTION 2. The chief of police shall be appointed by the mayor, by and with the advise and consent of the common council, at the regular meeting of the council held in October of each year, and shall hold his office for the term of one year from the day of his appointment, and until his successor shall be in the same manner appointed. Detectives and patrolmen shall be appointed by the chief of police, and shall hold their offices during his pleasure; provided, that no detective shall be appointed without the advice and consent of the mayor. The present chief of police of said city shall hold his office until his successor shall be appointed, unless removed for cause.

SECTION 3. It shall be the duty of the chief of police to preserve order in said city, to enforce the ordinances of the common council, and the orders of the board of health, to serve all process issued by the justice of the peace for the city at large, ex-officio police justice, or any justice of the peace of said city. He shall perform all such duties as shall be prescribed by the common council for the preservation of the public peace and the collection of license moneys and fines. It shall be his duty to execute and return all process to him directed, and when necessary in criminal cases for the violation of any ordinance of said city or law of this state, he may serve the same

Duty of chief of police.

in any part of the state of Wisconsin. And in serving criminal process and in arresting or apprehending criminals, he shall have all the powers of the sheriff of La Crosse county or the constables of towns in this state, and shall be subject to the same liabilities. He shall receive the same fees as the sheriff of La Crosse county and such other compensation as the common council shall direct. It shall further be his duty to collect all delinquent taxes on personal property, levied and assessed in said city, whenever furnished with a schedule and warrant therefor by the city treasurer. He shall ascertain and report to the city clerk the names, residences and business places, and occupations of all persons, and firms and corporations required to pay licenses in said city. He shall be ex-officio sealer and inspector of weights and measures in and for said city, and shall superintend the weighing and measuring of hay, wood and all other articles offered for sale on the streets and open markets of said city. He may perform any of his duties by his subordinates, and shall be responsible for their official acts done in the course of their duty. It shall be the duty of each of the subordinates of the chief of police to do whatever he is appointed and directed to do by the said chief of police, and to obey his lawful commands. Every member of the police department, except the detectives, shall be required to wear, while on duty, such uniform as the common council shall from time to time prescribe.

Fees, commissions to be paid over to city treasurer.

SECTION 4. All fees, commissions or percentages collected by the chief of police or by any of his subordinates, shall be paid over to the city treasurer and shall go into the general fund of the city. And it shall be the duty of the chief of police to make and furnish at least once in each calendar month, a statement in writing, verified by his oath, or by the oath of his subordinates, of the amount and items of such fees, commissions and percentages, and for what the same were received or collected. Any member of the police department who shall wilfully appropriate to his own use, any money collected by himself or by any other member of the police department, by this section required to be paid into the city treasury, shall be deemed guilty of embezzlement, and upon conviction thereof, shall be

punished by imprisonment in the state prison not less than one year nor more than five years.

SECTION 5. Whenever the office of chief of police shall become vacant, by reason of the death, resignation, removal from office or removal from the city of said chief of police, or from any other cause, the mayor shall, by and with the advice and consent of the common council, appoint some suitable person to fill such vacancy for the residue of the then current term of said office, but no longer.

In case of vacancy in office of chief of police.

SECTION 6. The common council may from time to time make such regulations, by ordinance or otherwise, as they may deem best, for the disposition of stolen and unreclaimed goods or any other articles that may come into the hands of the police department.

Fire department.

## CHAPTER XII.

### FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of any other materials, which shall not be fire-proof, shall not be erected or repaired; and to direct that all and any buildings within the limits prescribed shall be made of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire-limits when the same shall have been damaged to the extent of fifty per cent, of the value thereof, and to prescribe the manner of ascertaining the per centum of such damage.

Fire limits.

SECTION 2. The common council shall have 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 manufac-

Construction of chimneys.

tories dangerous in causing or promoting fires; to regulate and prevent the use of fire-works or fire-arms; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen and other officers of the city to keep away from the vicinity of any 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, and for the safety and protection of persons from injury thereby, as the common council may deem expedient.

Purchase of  
fire-engines.

SECTION 3. The common council shall have power to purchase fire-engines, steam fire-engines, hooks and ladders and trucks for the same, horses and hose and other usual and approved fire apparatus; to employ and pay all necessary engineers, firemen, drivers and other employes; also to organize a fire department composed of a chief engineer, three assistant engineers, and such other officers and men as shall be required and employed in the management and conduct of such fire-engines and apparatus, and to establish rules and regulations for such department. It may also by ordinance provide for the organization of volunteer fire, hook and ladder and sack companies, control and regulate the same, and require them to disband and deliver up their apparatus, and generally to make any regulations in relation thereto, and enforce the same by appropriate penalties not inconsistent with general law.

Chief engineer  
and assistants.

SECTION 4. The common council of the city of La Crosse, at their first meeting after the first Tuesday in April of each year, shall appoint one chief engineer and three assistant engineers of the fire department of said city; and the engineers so appointed shall perform such duties and receive such salaries as the common council may prescribe.

Fire-marshal.

SECTION 5. At the first meeting of the common council each year, or as soon thereafter as may be, the council shall elect one fire marshal, who shall hold his office for one year and perform such duties as the common council may prescribe. He may at any time enter into an open house, store

or other building or enclosure for the purpose of inspecting the same, and with a view to guard against fire; provided, that the council may, in its discretion, omit the election of such officer and require such duties to be performed by a subordinate of the board of public works, who shall be subject to the control of such board, and shall have and exercise all the powers herein mentioned.

SECTION 6. Whenever any person shall refuse to obey any lawful order of any engineer, fire marshal, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or direct the chief of police, or any constable, watchman, or other citizen to arrest such person, and confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officer, or any or either of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly. Any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Penalty for refusal to obey lawful order of fire officers.

SECTION 7. There shall be paid to the treasurer of the city of La Crosse, on or before the first day of February in each year, by every person who shall act in said city as agent for or in behalf of any individual or association, or association of individuals, whether incorporated by the laws of this state or by the laws of any other state, territory or country to effect insurance against losses or injury by fire, the sum of two dollars upon each hundred dollars and at that rate upon the amount of all premiums, which, during the year or part of a year ending on the next preceding first day of January, shall have been received by such agent or person or company, or by any other person or persons for him or it, or which shall have been agreed to be paid for any insurance effected or agreed to be effected or promised by him as such agent or otherwise, or by such company, against loss or injury by fire in said city.

Taxation of insurance companies.

SECTION 8. No person or firm shall, in said city of La Crosse, as the agent or otherwise for any individuals, individuals, association or corporation

Regarding insurance companies—what they are required to do.

agree to effect, or effect any insurance upon which the duty mentioned in the next preceding section is required to be paid, or as an agent or otherwise procure such insurance to be effected, unless he shall have first executed to said city of La Crosse and delivered to the comptroller of said city a bond, to be approved by such comptroller in the penal sum of five thousand dollars, with sureties to be approved by said comptroller, conditioned that he will render to said comptroller, or before the first day of February of each succeeding year, a just and true account, verified by his oath, that the same is just and true, of all premiums which, during the year ending on the first day of January preceding such report, shall have been received by him, or by any other person for him, or agreed to be paid, for any insurance against loss or injury by fire in said city which shall have been effected or promised by him, or agreed or promised by him to be effected, from any individual, individuals, association or corporation, and that he will, on such first day of February in each year, pay to the treasurer of said city, for the use of said city, two dollars upon every hundred dollars, and at that rate upon the amount of such premiums.

Penalty for refusing to obey the requirements of charter.

SECTION 9. Every person who shall in said city effect agree to effect, promise or procure any insurance contrary to the provisions of the preceding section of this chapter, shall forfeit and pay to the city of La Crosse, for each offense and for each insurance so effected or agreed or promised to be effected, the sum of one hundred and fifty dollars; such sums may be recovered by said city in a civil action, and said city may maintain an action on such bond, or against such agent to recover all moneys required by section 7, of this chapter, to be paid into the city treasury.

## CHAPTER XIII.

### PUBLIC SCHOOLS.

School commissioners—terms of office.

SECTION 1. At the first regular meeting of the common council held in December, 1887, said council shall elect three persons, residents of said city, as school commissioners, to serve in place of

the three commissioners whose terms of office expire on the first Monday of January, 1888, and at its first regular meeting held in December, 1888, said council shall elect four persons, residents of said city, as school commissioners, to serve in place of the four commissioners whose terms of office expire on the first Monday of January, 1889. The school commissioners elected under the provisions of this act may be chosen without regard to the place or ward of their residence in said city, and shall hold their offices for two years and until their successors are elected and qualified, unless removed for misconduct or other sufficient cause, by vote of the common council, as provided in this act; provided, that no two residents of any one ward shall hold office as school commissioners at the same time.

SECTION 2. The terms of the commissioners who shall be elected under section 1, of this chapter, shall commence on the first Monday of January next after their election; and such commissioners elected as herein provided, shall form a board of education by the name and style of the board of education of the city of La Crosse, and a majority of said board shall constitute a quorum for the transaction of business; and it shall be the duty of the common council to supply by election any vacancy which may occur from time to time in said board, by resignation removal or otherwise.

When terms of commissioners to begin.

SECTION 3. The present school board of the city of La Crosse shall continue to act as the school board of said city, and shall perform all the duties of a school board of such city under this act; each member of such board shall hold his office under this act until the expiration of the time for which he was last elected to such board, unless sooner removed as herein provided.

School board.

SECTION 4. The board of education shall, at its regular meeting, held on the first Monday of July, 1887, or within fifteen days thereafter, elect some suitable person having the necessary qualifications, as city superintendent of schools, who shall hold his office until the first Monday in July, 1888, and until his successor shall be elected and qualified; and thereafter the board of education shall annually at its regular meeting, on the first Monday of July of each year, or within fifteen

City superintendent—his duties.

days thereafter, elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and said superintendent shall continue in office one year, and until his successor is elected and qualified, unless removed by a two-thirds vote of the common council for misconduct or other sufficient cause. And it shall be the duty of the school board to supply by election any vacancy which may occur from time to time in said office of school superintendent, by resignation, death, or otherwise. The term of office of the present school superintendent shall continue under this act until the first Monday of July, 1887.

President of  
board of edu-  
cation.

SECTION 5. The board of education shall, at its regular meeting in January, A. D., 1888, and annually thereafter, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum therein, and decide all questions of order subject to an appeal of the board. He shall countersign all orders drawn by the clerk on the school fund and shall declare all votes taken on questions coming before the board; provided, that on all questions requiring the appropriation of money, or the adoption of new text books the vote shall be taken by ayes and noes; and on any other question before such board the vote shall be taken by ayes and noes when any member so demands. In the absence of, or inability of the president to so to act, the board shall elect a president pro tempore, who shall perform all the duties of the president for the time being, and until the president shall be able to resume the duties of the office.

Meeting of  
board of edu-  
cation.

SECTION 6. The board of education shall have at least four regular meetings in each year, which shall be held on the first Monday of January, April, July and October, and they may hold special meetings at such other times as they may deem necessary. Such special meetings shall be called by the president on the request of any two members of such board.

Duties of board  
of education  
defined.

SECTION 7. The duties of the board of education shall be as follows: First. To elect at its regular meetings in July, or within fifteen days thereafter, a city superintendent of schools; if such election shall not take place at or within the

time aforesaid, the said superintendent shall be elected by the common council at some regular meeting thereafter. Second. To decide on the number of teachers to be employed, the grade of schools to be kept by each, and the salary to be paid to each, and to arrange and determine the terms and vacations in the public schools of the city; to establish uniformity in the school system, and to require and secure uniformity of text-books and to adopt and change text-books; provided, that when a text-book or series of text-books have been adopted, the same shall not be changed for a period of three years from the date of their adoption. Third. To establish rules and regulations for the schools, not in conflict with the constitution and laws of this state, and from time to time to alter, modify or repeal the same as it may deem expedient. Fourth. In the name of the city of La Crosse to employ and contract with all teachers, and all such contracts shall be made in duplicate and shall be signed by the teacher and by the board of education in behalf of the city, or by some member of said board designated for that purpose by resolution of said board, and one copy shall be filed with the clerk and the other copy delivered to the teacher signing the same. Fifth. To audit each and every indebtedness of said city created for school purposes. Sixth. To superintend and manage the schools in said city, and to have the custody and supervision of all property of the city used for school purposes, and to establish and change the boundaries of school districts.

SECTION 8. The said board of education shall have power to contract, in the name and in behalf of the city of La Crosse, for all fuel, furniture and stationery, school apparatus and libraries required for the use of the schools, and all incidentals required for carrying on the schools, and for the leasing and hiring of school buildings, and such contracts, when executed, shall be binding on such city, and all sums becoming due thereon shall be paid out of the school fund of said city; provided, however, that whenever repairs to a larger amount than five hundred dollars shall, in the opinion of the board, be required for any one school house, the board shall cause a statement to be made showing the repairs required and an estimate of the cost thereof to be

Powers of  
board of educa-  
tion.

laid before the common council, and whenever, in the opinion of the board, another school-house or houses may be required, the board shall cause estimates of the cost for a site or sites for such house or houses, and a plan of the proposed building or buildings, together with estimates of the cost of the same to be made, and shall submit the same to the common council for their consideration and approval. In either of which cases the common council shall, if it deem best, take measures to have such repairs made or such building or buildings constructed by and under the direction of the board of public works as in other cases, and such building site or sites purchased by the school board in the name of the city, and shall have power to levy and collect a tax to defray the expenses for such repairs, building or building sites; provided, that no tax shall be levied or collected for any or either of such purposes except by an affirmative vote of a majority of all the aldermen elected to such council. In advance of the collection of any such tax the common council may provide for the immediate purchase of such site, or the construction or repair of such buildings, or both, by appropriation from the general fund to the school fund. No such purchase shall be made and no such building or repairs shall be commenced or contracted for until such appropriation shall have been made or such tax actually levied. When such appropriation shall be so made the taxes levied for such purposes shall, when collected, be placed to the credit of the general fund. The school board shall not in any one year contract any debt or incur any expense greater than the amount of the school fund subject to their orders, without previous ordinance or resolution of the common council authorizing them so to do.

Statement to be submitted annually by board of education.

SECTION 9. The board of education shall annually, on or before the first day of November of each year, submit a statement in writing to the common council, showing the condition of the several public schools of the city, and the average number of pupils in attendance, the names and rates of compensation of the several teachers, the cost of supporting each, and all of the said schools, since their previous report, and the estimated cost thereof to the time of their next sub-

sequent report, as in this section required to be made, specifying the items of such costs and expenses, together with such other matters as they shall deem proper or as the common council may require; and it shall be the duty of the common council, on levying the taxes of said city for the ensuing year, to levy the amounts so required for city school purposes by itself; and the amount so raised, when paid into the city treasury, together with the moneys derived by said city from the state and county school funds, and such fines, penalties, forfeitures and tuition moneys as may properly belong to the city school fund shall together constitute the school fund of said city, and shall be paid out only for the purposes of the public schools of said city, and for no other purpose whatever. Nothing in this section contained shall prevent the common council from taking into consideration the amount to be received by said city from the state and county school funds during the ensuing year, and raising a tax only for the balance required to make up the amount estimated.

SECTION 10. All moneys received by or raised in the city of La Crosse for school purposes, shall be paid over to the city treasurer to be disbursed by him on the orders of the president and secretary of the school board, countersigned by the city comptroller. Such orders shall be made payable to the order of the person in whose favor they have been issued, and shall be the only vouchers of the city treasurer for payments from the school fund; and the school board shall provide for the purchase and delivery of necessary fuel, apparatus and supplies for the schools of the city in like manner as such purchases are made for other city uses; provided, that the amount expended by the school board shall not exceed the funds provided for these purposes respectively; and the comptroller shall not countersign any orders of the president and secretary of said school board, unless there is a balance in the treasury of the city to the credit of the fund, subject to the disposition and control of said board.

School moneys to be paid to city treasurer.

SECTION 11. No member of said board of education shall have any interest, direct or indirect, in any contract made by said board, and any contract made by such board in which any member

Board shall have no interest in any contract.

thereof shall have any interest, shall be absolutely void. No compensation or salary shall be paid out of the city treasury to any member of such board for his services.

Passage of school ordinances.

SECTION 12. The common council of said city shall have power to pass such ordinances and regulations as the board of education shall report as necessary or proper for the protection, preservation, care, or safekeeping of the school-houses, lots, furniture, books, apparatus and school-house appurtenances belonging to the said city, and to impose penalties for the violation of such ordinances and regulations. All such penalties shall be collected in the same manner as other penalties for the violation of the city ordinances.

Title to become vested in city.

SECTION 13. The title of all real and personal property heretofore owned by the city of La Crosse for school purposes shall become vested in and remain in said city for the same purposes from and after the passage of this act. The said city shall have power to dispose of any such real and personal estate, and to take hold and dispose of any real or personal estate which may hereafter be transferred to said city by gift, grant, bequest or devise, for the use of schools of said city whether the same shall be transferred in terms to said city by its proper style, or by any other designation or to any other person or persons or corporation for the use of said schools; provided, that all moneys derived from sales, rents, or incomes or any such real or personal estate shall be paid into the city treasury, and shall be placed to the school fund of said city.

City treasurer to receive all school moneys.

SECTION 14. The treasurer of the city of La Crosse, is hereby authorized, empowered and directed to apply for and receive from the county treasurer of the county of La Crosse, all moneys appropriated for the use of schools in said city, and all other moneys in the possession of said county treasurer at any time, raised, appropriated or intended for the use and benefit of the schools of said city.

Duties of city superintendent defined.

SECTION 15. The duties of the city superintendent of schools shall be as follows:

1. To examine all applicants for teacher's licenses in the branches taught in the public schools of said city, (and if such applicant be approved by him to give them certificates to teach

in said city), not exceeding one year from the date thereof. Provided, that said superintendent shall have authority in his discretion, when not otherwise directed by the board of education, to issue such certificates to any applicant or applicants who may have been already once examined and licensed by him, as aforesaid, in any previous year, without re-examination of such applicant or applicants.

2. To annual teacher's certificate whenever he may think proper; provided, that such teacher shall have the right to appeal to the board of education.

3. To visit each school department in said city at least four times each term.

4. To report for the consideration of the board of education, such text books as he may think advisable and proper for the use of the city schools, and to report such alterations therein, from time to time, as he may advisable or best for the interest of the city schools.

5. To report to the board of education at each regular meeting the condition of the schools under his supervision, and particularly as to the average attendance on each school since the last meeting of such board; to make such recommendations as will, in his judgment promote the welfare of said schools, and to perform such other duties as may be required of him by the board.

6. He shall between the tenth and fifteenth days of July in each year, make a statement of the number of children, male and female designated separately, over the age of four and under the age of twenty years, residing in said city on the last day of June previous to the date of such report, and shall, on or before the fifteenth day of August of each year, make and transmit to the state superintendent of schools a report containing the facts required, a copy of which said report he shall present to the board of education at their first meeting after the same is made out as hereinbefore provided.

7. He shall attend all the meetings of the board of education, and act as clerk thereof, and may there make any suggestions he may think advisable relative to the government of the schools of the city.

8. He shall, within ten days after the annual

appointment of teachers and other salaried employes, report to and file with the city comptroller a duly certified list of the teachers and employes so appointed, with the salary allowed to each, and a statement of the time or times fixed for the payment thereof. He shall in like manner certify and report to the comptroller any new appointments or changes in salaries of appointees immediately after such action is had, and shall furnish to the comptroller for his information a list of all accounts allowed by the school board immediately after the meeting at which such allowance was made.

Annual salary of city superintendent.

SECTION 16. The city superintendent of schools shall receive an annual salary, which shall be determined from year to year by the board of education, and which shall be paid monthly out of the school fund of said city.

Power of board of education.

SECTION 17. The board of education shall have power, and it shall be its duty to make all necessary rules and regulations for securing the health of teachers and scholars in the schools of said city, and to prevent the spread of contagious diseases among or by the same; and for this purpose the board shall have power by resolution to require pupils to be vaccinated, or in default thereof, to be excluded from the schools, and the common council shall have power, upon the recommendation of said board, to appropriate from the general fund of the city such amounts as may be necessary to pay the expenses of properly vaccinating such pupils or such number of pupils as said board may designate, or said board may appropriate and use any surplus in the school fund for the same purpose.

Borrowing money.

SECTION 18. The common council shall have power from time to time to borrow such sum or sums of money, not exceeding twenty thousand dollars in any one year, as said common council may deem necessary, to be used under the direction of said council in the purchase of lands for school-house sites, and in the erection and enlargement of school buildings, and to issue bonds of the city therefor, payable not more than thirty years after date, and bearing not more than seven per cent. interest per annum, such bonds to be signed by the mayor and countersigned by the clerk, with the seal of the city attached; provided,

the power herein given shall be exercised, subject to the limitation of municipal indebtedness prescribed by the constitution.

CHAPTER XIV.

CODE OF PROCEDURE.

SECTION 1. The city of La Crosse, 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 or police or health regulations, made in pursuance thereof, or now in force, or not inconsistent with this act, and such action shall be commenced by complaint, substantially in the following form: Code of procedure.

FORM OF COMPLAINT.

STATE OF WISCONSIN, }  
 City and County of La Crosse. } ss.

— — —, being duly sworn, complains on oath to the justice of the peace for the city at large, that he, this complainant, knows (or that he, this complainant, has good reason to believe, as the case may be), that — — — did, on the — — day of — —, 18—, within the limits of the city of La Crosse and county aforesaid, violate the section of an ordinance (or by-law, or resolution, as the case may be), entitled as follows, to-wit: which said ordinance (or by-law or resolution as the case may be), has been duly passed, signed and published, in and for the city of La Crosse, and which section was then in force as the complainant verily believes; and prays that the said — — —, may be arrested and held to answer to the said city of La Crosse, therefor.

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

\_\_\_\_\_.

It shall be sufficient to give the number of the section or sections, and the title of the ordinances, by-laws or resolutions 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

the justice of the peace for the city at large, he shall issue warrant thereon, substantially as follows, to wit:

STATE OF WISCONSIN, }  
 City and county of La Crosse. } ss.

To the sheriff, or any constable of said county, or to the chief of police of the city of La Crosse:

WHEREAS — — — has, on the — day of — — — 18 —, complained to me in writing, on oath that (setting forth the substance of the complaint), therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said — — —, and him forthwith bring before me, justice of the peace for the city at large, to answer to the said city of La Crosse on the complaint aforesaid.

Given under my hand at the city of La Crosse, this — day of — — —, 18 —.

Justice of the peace for the city at large.

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 to do so, shall recognize with sufficient surety 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 La Crosse 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 the subject matter of complaint.

Printed copy,  
 to be prima  
 facie evidence.

SECTION 2. A printed copy of an ordinance, by-law or resolution passed by the common council, and published in a newspaper or in pamphlet or book form, shall be prima facie evidence of its due passage, signature and publication, and may be received in evidence. In all the aforesaid cases the defendants shall be entitled to a trial by jury, according to the provisions of the revised statutes of this state relating to jury trials in courts of justices of the peace; provided, however, that if no jury be demanded by the defendant after issue joined and before trial, it shall be deemed a waiver of a jury trial; and provided further, that

if the defendant shall not demand a jury the city may demand a jury.

SECTION 3. Witnesses and jurors shall attend before the justice court in all the aforesaid cases without the payment of fees in advance or a tender thereof, upon the process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time shall disagree, they shall be discharged without the payment of fees, and thereupon the court may adjourn the case to a day certain, and issue a new venire.

Payment of fees in advance not required.

SECTION 4. In all the aforesaid cases, the finding of the court or jury shall be either guilty or not guilty; if guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture contained in the ordinance, by-law or resolution for the violation of which the person or persons shall have been found guilty, and for the costs of suit; upon conviction and non-payment of such judgment, the court shall forthwith issue execution, unless the same be stayed or appealed according to the laws of this state, and shall determine and enter upon the docket the length of time the defendant shall be imprisoned, which in no case shall exceed three months, in the discretion of the justice or judge rendering judgment, and also insert such time in the commitment or execution; and every person so convicted and committed, shall be kept at labor in the common jail of the county of La Crosse, or in such place as the city of La Crosse may provide, for the benefit of the city of La Crosse, under the watch, guard and supervision of the chief of police of said city, for the period of time for which such person or persons shall have been so committed, unless the judgment shall be sooner paid; provided, all persons so committed and kept at labor, shall be allowed one dollar for each day's labor rendered, exclusive of board, and the amount so earned shall be applied in liquidation of the judgment until such judgment shall be fully paid by such labor, at such time the judgment shall be satisfied, and the defendant discharged from custody. Said execution may be in the following form:

Findings of court.

## FORM OF EXECUTION.

STATE OF WISCONSIN, }  
 City and County of La Crosse. } ss.

To the sheriff, or any constable of the county of La Crosse, the chief of police of said city, and the keeper of the common jail of said county:

Whereas, the city of La Crosse, on the — day of —, 18—; recovered a judgment before the justice of the peace for the city at large against —, for the sum of — dollars, together with — dollars costs of suit for the violation of (here insert the number of the section and the title of the ordinance set forth in the complaint), these are therefore in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of the said —, excepting so much as the law exempts) and make sale thereof, according to laws in such cases made and provided to the amount of said sums, together with your fees and twenty-five cents for this writ, and the same return to me within thirty days, and for want of such goods and chattels whereon to levy, to take the body of the said —, and him convey and deliver to the keeper of the common jail of La Crosse county, and the said keeper is hereby commanded, in the name of the state of Wisconsin, to receive and keep in custody in said jail the said — for term of —, at labor for the benefit of the city of La Crosse, unless said judgment, together with all the costs and jail fees, are sooner paid, or be discharged by due course of law.

Given under my hand at the city of La Crosse this — day of —, 18—.

Employment  
 of prisoners.

Justice of the peace for the city at large.

SECTION 5. If the mayor of the city shall at any time deem it for the interest of the city, he may employ the prisoners so committed outside of the jail or yard at labor upon the public streets and wharves of said city, and in all such cases the mayor shall detail sufficient police force to watch and guard the prisoners so employed.

## FORM OF COMMITMENT.

The form of commitment may be substantially the same as that of the execution, leaving out all that relates to levy and sale and return of writs.

SECTION 6. The defendant may appeal in the same manner as provided in cases of an appeal from judgments in courts of justice of the peace in criminal proceedings of this state.

Defendant may appeal.

SECTION 7. The justice's fees, the fees of officers, witnesses and jurors, and costs of board and confinement of prisoners in all cases arising under this act may be audited and allowed by the common council when the same cannot be collected of the defendant before his discharge; provided, that no such fees accruing during any term of the office of justice of the peace for the city at large in which the incumbent thereof shall be entitled to receive an annual salary from the city, shall be allowed or paid to such justice of the peace for the city at large, or to any other justice assigned or appointed to discharge the duties of that office; and said common council may, by resolution direct the justice of the peace for the city at large to discharge from the jail any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment unless said common council shall so direct in their resolution. Upon filing a certified copy of such resolution attested by the clerk of the city, the justice of the peace for the city at large shall order said defendant discharged from custody, and make an entry of such discharge upon his docket; an execution may issue or be renewed by endorsement from time to time, and after the return day thereof and before or after the commitment of the defendants, until judgment is satisfied or released; but after the defendant shall have been committed no execution shall be issued against the body of the defendant, nor if previously issued shall authorize the taking of the defendant thereon.

Auditing of officers, and witnesses' fees, etc.

## CHAPTER XV.

### DISQUALIFICATION AND IMPEACHMENT.

SECTION 1. No member of the common council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested, except questions affecting improvements of streets.

Shall not disqualify.

SECTION 2. No alderman or city officer shall

Shall not be a party to any job or contract.

be a party to or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void, and in case any money shall have been paid on any such contract, the city of La Crosse may sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same. Any violation of the provisions of this section shall be a misdemeanor, punishable by a fine of not less than fifty dollars or more than two hundred dollars, or imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment in the discretion of the court.

Penalty for misdemeanor by member of common council.

SECTION 3. If any member of the common council or other officer or agent of the city government shall directly or indirectly accept or agree to accept or receive any money, goods or chattels or any bank note, 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 contract in force, or any other property or reward whatever, in consideration that such member of the common council or the 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 any other matter or proceeding pending before the common council, or on which such officer may be called upon to decide or act, in any particular matter, such member of the common council, officer or agent may be removed from office and his office declared vacant by the affirmative vote of two-thirds of the members of the common council, as hereinafter mentioned, and both he and the person or persons paying such consideration, directly or indirectly, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars.

May declare seat vacant.

SECTION 4. The common council shall have power by the affirmative vote of two-thirds of its members for due cause to expel any alderman and declare his seat vacant, and to remove from

office any officer or agent of the city whether elected by the people or the council or appointed by the mayor, or by the mayor and council, for any violation of duty, or violation of any of the provisions of the charter of said city, or of any ordinance, rule, regulation, or by-law either of commission or omission, or for any scandalous, disgraceful or improper conduct, calculated to bring the government of said city into contempt.

SECTION 5. Whenever any charges of official misconduct shall be preferred against any alderman or officer or agent of the city government as mentioned in the preceding sections, if such charges are deemed by the council sufficient in form and substance, or are made so sufficient, a time and place shall be appointed for the hearing of testimony and the determination of the council thereon; and the city clerk shall, at least three days before the time so appointed, cause to be served upon the accused person, if in the city, or to be left at his last and usual place of abode, if not to be found in the city, a notice of the time and place of such hearing, together with a certified copy of the charges. But the common council may, in its discretion appoint a committee of its own members to investigate and report its conclusions upon the charges made, and in such case the accused shall be entitled also to notice served as hereinbefore provided of the time and place of meeting of the committee for that purpose, and to a certified copy of the charges. The report of such committee recommending the removal from office of any person, shall only be adopted by an affirmative vote of two-thirds of all the aldermen entitled to seats in the council.

Charges of  
official miscon-  
duct.

Subpoenas for  
attendance of  
witnesses.

SECTION 6. Subpoenas may be issued for the purpose of procuring the attendance of witnesses before the common council, or before any committee thereof, to give testimony upon any hearing or investigation appointed pursuant to the preceding section. Each subpoena 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 the production of books, records, documents and papers therein to be designated. All such subpoenas 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 subpoenas issued out of the circuit court. Any witness or person who shall, wilfully and corruptly, swear falsely in giving testimony before such committee or any member thereof, or making deposition to any material fact relating to the matter under investigation before the common council, or before such committee, shall be deemed guilty of perjury, and shall be punished therefor 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 the common council, or before such committee, and either the common council or such committee may exercise the power of arrest, fine and imprisonment for contempt vested in the court in such cases. Writs of attachment and commitment for contempt shall be signed by the chairman of such committee, in cases under investigation by a committee, and by the mayor in cases under investigation by the common council itself.

## CHAPTER XVI.

### MISCELLANEOUS.

Regarding  
injuries to the  
public.

**SECTION 1.** Whenever any injury shall happen to passengers or property in the said city of La Crosse, by reason of any defect or incumbrance of any street, sidewalk, alley, or public ground, or from any other cause for which the said city would be liable, and such defect, incumbrance or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence shall be primarily liable for all damage for such injury; and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

**SECTION 2.** Whenever any injury shall happen to any person or property in said city, caused by

or resulting from the condition of any street, sidewalk, alley or public grounds, in cases where work of any kind or nature is being done in or upon such street, alley, sidewalk or public ground by any contractor or contractors under contract with said city, or any department or officer thereof, and such condition of such street, alley, sidewalk or public ground causing or resulting in such injury, arises from the doing of such work, or in consequence of the failure of such contractor or contractors to keep up sufficient lights, fences or protection guards to prevent damage or injury to persons or property, or in consequence of any other wrong, default or negligence in doing such work, such contractor or contractors so guilty of causing or permitting such condition of such street, alley, sidewalk or public ground, or of such wrong, default or negligence, shall be primarily liable for all damages for such injury, and the said city shall not be liable therefor, until after all legal remedies shall have been exhausted to collect such damages from such contractor or contractors. Every person or corporation entering into any contract to do any work for said city shall be held and deemed to be an independent contractor, notwithstanding any reservations in the contract of a right of supervision by any city officer, board or committee.

Injuries by condition of street or sidewalk.

SECTION 3. Any peace officer may arrest without process any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous, disorderly conduct in the streets or public places, and take such person or persons forthwith before the justice of the peace for the city at large, or keep him or them in confinement until such time as said justice can reasonably hear and dispose of such offender.

Arrest of person intoxicated.

SECTION 4. No penalty or judgment recovered in favor of the city shall be remitted or discharged without payment, and no resolution for a stay of prosecution for a violation of the city ordinance shall be passed except by an affirmative vote in either case, of two-thirds of all the members elect of the common council.

Remission of penalty.

SECTION 5. No person shall be an incompetent judge, justice, witness or juror by reason of his

Shall not work incompetency.

being an inhabitant and freeholder of the city of La Crosse, in any proceeding or action in which the city shall be a party in interest.

In case election is not held at proper time.

SECTION 6. If any election by the people or common council shall not for any cause be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the mayor, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer at the time specified, are not done and performed, the common council may appoint another time at which said acts may be done or performed.

City may purchase and hold real estate.

SECTION 7. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same shall be free from taxation.

Judgments against city—how recovered.

SECTION 8. When a judgment shall be recovered against the city of La Crosse, or against any city officer on any action prosecuted by or against such officer, in his name or office, when the same should be paid by the city, no execution shall be awarded or issued upon such judgment except as herein provided, but the same shall be levied and collected as other city charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor, but if payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes, next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution, on special application therefor, nor shall any real or personal property of any inhabitant of said city, or any individual or corporation, be levied upon or sold by virtue of an execution issued to satisfy or collect any debt, obligation or contract of said city.

Service of process against city.

SECTION 9. When any suit or action shall be commenced against said city, the service of process therein may be made by leaving a copy of the process by the proper officer with the mayor or with the city clerk, and it shall be the duty of

the mayor or clerk, as the case may be, forthwith to deliver the same to the city attorney, and to inform the common council thereof at the first meeting held after such service. When in any suit the city shall take an appeal from the order or judgment of any court in the state, to a higher court, it shall not be required to furnish an appeal bond.

SECTION 10. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Accumulated actions, etc., to be vested in city.

SECTION 11. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of said city for his services as such, and they are hereby prohibited from being in any manner interested in any contract made by the authority of said city.

No compensation to mayor or aldermen.

SECTION 12. Every license issued under the authority of this or any other act, and ordinances passed pursuant thereto, shall be signed by the mayor and city clerk, and sealed with the corporate seal of the city; but no such license shall be issued to take effect until all the conditions precedent thereto, required by law or ordinance, shall have been complied with. Licenses and license bonds shall contain all provisions or conditions required by any general law of the state in force, and such other provisions or conditions not inconsistent with such general law as the common council may by ordinance establish.

Signing of licenses.

SECTION 13. The use of the jail in La Crosse county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible, as in other cases, but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expense shall be paid by the city.

Use of city jail.

SECTION 14. The common council shall be overseer of the poor, and shall have the same power and perform the same duties in respect thereto as overseers of the poor in towns, but the said

Overseers of the poor.

common council may, in its discretion, at any time elect a superintendent of the poor for said city at large, fix his salary, prescribe his duties, authorize him to settle or compound bastardy cases, require from him a bond for the proper discharge of his duties, and may remove him from office at pleasure.

No general law shall repeal.

SECTION 15. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose shall be expressly set forth in such law.

Deeds and leases.

SECTION 16. The common council of said city may by an order to be entered in their records of proceedings, authorize the mayor and clerk of the city to sell and convey by deed duly executed and delivered by such mayor and clerk under their hands and the corporate seal of said city, any lands or lots for which a deed has been or may hereafter be executed to the city of La Crosse for unredeemed taxes as provided in section 22, of chapter 7, of this act, or as now is or may hereafter be provided by the general laws of this state, and each deed or deeds so executed and delivered by said mayor and clerk shall vest in the purchaser or purchasers, all the right, title and estate in which the city of La Crosse, had in the real estate in such deed or deeds described at the delivery thereof, by virtue of tax deed or deeds as aforesaid, and all like deeds theretofore executed and delivered as aforesaid by said clerk to any purchaser or purchasers from the city of La Crosse, shall have the same force and effect, and the same are hereby declared valid for the purpose for which they were executed and delivered.

Charter to be printed in book form.

SECTION 17. The common council of the city of La Crosse are hereby authorized to cause this act, together with any other acts or parts of acts of the legislature of Wisconsin, relating to or affecting said city, and also any ordinance, by-laws, resolutions, rules and regulations of said city, or any of its departments, and any other acts, resolutions, contracts or other documents, relating to or affecting said city, to be printed and published in book form, and the same shall be admitted and may be read as evidence in all courts and legal proceedings from such printed book so published by order of the said common council, and such

book shall be deemed prima facie evidence of their contents and passage, and shall be a sufficient publication of all such acts, ordinances, by-laws, rules, resolutions and regulations.

SECTION 18. This act shall not invalidate any legal act done by the common council of the city of La Crosse, or by its officers, nor divest their successors, under this act, of any rights of property or otherwise, or of any liability which may have accrued to or been created by said corporation prior to the passage of this act.

Shall not invalidate.

SECTION 19. In case of a deficiency of funds for the payment of salaries to city employes, or for the payment of interest on bonds of the city, the common council may borrow such amounts of money as may be necessary for the above mentioned purposes; provided, that the amount to cover such deficiency shall have been included in the tax levy for the ensuing year, and shall not exceed the amount of twenty-five thousand dollars in any one year, and any sums of money so borrowed shall be repaid not later than the first day of February following the date of the loan.

In case of deficiency of funds in the treasury.

SECTION 20. In all cases where, under this act, the mayor is required to appoint any officer by and with the advice and consent of the common council, he shall make his nomination or nominations at the several times appointed herein, and in case of any rejection of any such nomination, said council shall, if requested by the mayor, adjourn to a date not more than one week nor less than four days from the date of the meeting at which such rejection shall have taken place, to enable the mayor to consider and present other nominations to be made in place of these rejected.

Regarding nominations by the mayor.

SECTION 21. The common council of the city of La Crosse shall have power from time to time to require any officer elected or appointed pursuant to this act or any act amendatory thereof, to furnish reports, information or estimates and to perform other and further duties than are prescribed in this act or amendments thereto, if the council shall deem that the interest of said city so require, and may require any and all such officers to keep such records and accounts of the transactions of their several offices as it may deem expedient, and provide for the inspection and disposition of such records and accounts, and for

Officers may be required to furnish reports.

their preservation in the several offices to which they belong. All bonds given by such officer or officers shall be held to include and cover the performance of all duties required by ordinance or resolution passed pursuant hereto; and said common council shall also have power, with the affirmative vote of two-thirds of the members elect thereto, to authorize the employment by any such officer of any necessary clerical or other assistance, and pay for the same out of the general fund, or the said council may at any time elect an assistant or assistants to any such officer or officers and fix the salary of such assistants, to be paid out of the general fund; but no such payment shall be made for such assistant in any case forbidden by this act.

Regarding the  
city indebted-  
ness.

SECTION 22. Whenever any indebtedness of the said city of La Crosse, heretofore or hereinafter lawfully incurred, of whatever kind or nature, and whether the same be evidenced by bond or by certificates of indebtedness, issued to the commissioners of public lands, shall become due and payable, or in anticipation thereof, the common council may borrow, upon the credit of said city, such sum or sums of money as may from time to time be necessary or sufficient to pay and cancel the amount of such indebtedness, bonds or certificates, or any part or installment thereof, due or about to become due, and to issue bonds therefor. Such bonds shall be of such denominations as the common council may direct, shall be signed by the mayor and countersigned by the clerk, with the seal of the corporation attached; they shall be payable, principal and interest, at the city treasurer's office in the said city of La Crosse; the interest shall be payable semi-annually upon coupons in the usual form, and the principal shall be payable in such time as the common council may direct, not exceeding thirty years. No such bond shall bear interest at a higher rate than seven per cent. per annum, or disposed of for less than par; nor shall the amount of the issue of any such bonds at any one time ever exceed the amount of the principal of the indebtedness or installment or indebtedness due or becoming due, and to pay which the same are issued.

SECTION 23. The common council of said city shall have power to appropriate and pay out of the general fund of said city such sum or sums of money, not exceeding in the whole the sum of two thousand five hundred dollars, in any one year, to any ferry or ferries terminating in said city, in consideration of reduction of rates of ferriage.

Money for  
ferries.

SECTION 24. The common council of said city shall have power to prescribe rates of toll, to be paid by or for foot passengers, vehicles or animals passing over any bridge whatever, built or owned by said city, appoint all needed officers and agents for the collection of the same and to enforce the collection thereof, and for the purpose of enforcing such collection and of protecting bridges, and punishing and preventing offenses thereon the jurisdiction of said city shall extend, and all laws of this state and ordinances, resolutions and by-laws of said city shall be in force on all parts of any bridge having a terminus in said city, between the banks of the stream or river crossed thereby, and all parts of the Mississippi river and on both sides of the channel thereof, opposite the said city of La Crosse.

Prescribe rates  
of toll.

SECTION 25. The common council of the city of La Crosse shall have power from time to time to borrow such sum or sums of money, not exceeding the sum of twenty-five thousand dollars in any one year, as said common council may deem necessary, to be used by or under the direction of said common council in putting in sewers or water-works in said city and for the purchase of grounds for public parks, and to issue bonds of the city therefor, payable not more than thirty years after date, and bearing not more than seven per cent. interest per annum, such bonds to be signed by the mayor and countersigned by the clerk, with the seal of the city attached; provided, the power herein given shall be exercised subject to the limitation of municipal indebtedness prescribed by the constitution.

Borrowing  
moneys.

SECTION 26. The city of La Crosse is authorized and empowered to transfer and convey any lands which it has acquired or may acquire to the state of Wisconsin or to the United States, without compensation, if in the opinion of the common council the interest of the city will be pro-

Conveyance of  
land.

moted thereby; provided, that such land shall be used for the purpose of erecting thereon public buildings or for any other public use.

Macadamizing  
roads.

SECTION 27. The common council of said city of La Crosse shall have power, anything in this act to the contrary notwithstanding, to cause any street or regularly established roadway in that part of the Fifth ward outside of the settled portion thereof, and that part of the city south of the La Crosse river and east of Twelfth street or West avenue, to be graded, graveled or macadamized, to such width as said council may see fit, at the cost of the general fund of said city; provided, the amount to be expended pursuant to this section shall not exceed the sum of five thousand dollars in any one year. After any such street or roadway shall have been improved as herein authorized, all the materials used or placed therein shall remain the property of said city and subject to be removed or otherwise disposed of as the common council may, by resolution direct; and at any time after the making of any such improvements as herein authorized, and in all cases where such improvements have heretofore been made at the cost of the general fund, the common council shall have power to proceed to order any such street or roadway to be improved in the manner provided by sub-chapter 7, of this act, and the expense thereof shall be chargeable to and payable by the lots or other parcels of land fronting or abutting on the same as is provided in said sub-chapter for the first improvement of a street.

Work to be let  
by contract.

SECTION 28. The doing of all work and the furnishing of all materials chargeable to the said city of La Crosse, or any fund thereof, in all cases where contracts are not required by law or ordinance, to be let by the board of public works, shall be let by contract to the lowest responsible bidder, and such notice shall in all such cases be given of the time and place of letting such contracts, as is required in section 9, of chapter 5, of this act, in case of contracts let by the board of public works.

Copies of  
papers to be  
received in  
evidence.

SECTION 29. Copies of all papers filed in the office of the board of public works, and transcripts from all the records required to be made and kept in said office, when certified to be such copies or transcripts by the secretary of said

board; and copies of all papers filed in the office of the comptroller, and transcripts from all records required to be made and kept in said office, when certified by said comptroller to be such copies or transcripts shall be evidence in all courts to the same extent as the original would be if produced.

SECTION 30. The common council shall have power to appropriate and pay out of the general fund, to and for the support of the La Crosse public library, such sums of money not exceeding one thousand dollars in any one year, as it may deem expedient.

May make appropriation for public library.

SECTION 31. Chapter 135, of the laws of 1876, entitled, "an act to revise, consolidate and amend the charter of the city of La Crosse, approved February 19, A. D., 1869, and the several acts amendatory thereof," and the several acts amendatory of the charter of the said city, namely: chapter 6, of the laws of 1877; chapter 71, and chapter 314 of the laws of 1878; chapter 8, of the laws of 1879; chapter 183, of the laws of 1881; chapter 173, of the laws of 1882; chapter 217; chapter 339, of the laws of 1883 and chapter 1, and chapter 386 of the laws of 1885, are hereby repealed; provided, that such repeals shall not be construed to revive and continue in force any act repealed in and by the acts above recited. The repeal of said acts shall not in any manner affect, injure or invalidate any contracts, acts, suits, proceedings, claims or demands that may have been entered into, performed or commenced, or that may exist under or by virtue or in pursuance of said acts or any of them, but the same shall remain in full force and effect, and be enforced and carried out as fully and effectually as if this act had not been passed, but in conformity with the provisions of this act, so far as the same may be applicable, and all ordinances now in force in said city shall be and remain in force until repealed or modified by the common council.

Repealing section.

SECTION 32. If all cases under the provisions of this act where the vote is required to be taken by the ayes and noes, or when an affirmative vote of a majority or any greater number of the members elect to the common council is required for the passage of any ordinance, resolution or order, the names of the aldermen voting in the affirma-

Vote must be recorded.

tive and in the negative, shall be recorded at length in the journal of proceedings of the common council, and a failure to make such record within a reasonable time, shall render such vote and proceedings void and of no effect.

**Street railway.** SECTION 33. Any street railway company heretofore organized within any of the territory which by this act is attached to and made part of the city of La Crosse, shall have and enjoy all the rights and privileges to which it was entitled before the passage of this act, and no ordinance, resolution or contract heretofore made by the common council of said city with any street railway company within the city limits as they existed at the time of the adoption or making of ordinance, resolution or contract, shall effect or apply to any street railway company within the boundaries of new territory attached or added to the city of La Crosse by the provisions of this act.

Shall not issue orders in excess of appropriation.

SECTION 34. Neither the mayor, clerk or comptroller shall sign or issue any city orders or other evidences of debt in excess of the amount which the city is authorized to appropriate under the provisions of this act, of which this act is amendatory. Nor shall the common council or any officer or agent of said city make any appropriation or contract, or create or incur any indebtedness against the city of La Crosse in excess of the amount authorized by the city charter, and every mayor, clerk, alderman or other officer of the city violating any of the provisions of this section shall forfeit not less than twenty-five dollars nor more than one hundred dollars for each offense, provided, that the penalty herein shall not apply to any indebtedness existing at the time of the passage of this act, nor to appropriations or temporary loans for the necessary expenses of the maintaining the police and fire departments of the city.

Repealed.

SECTION 35. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 36. This act shall take effect and be in force from and after its passage and publication in the official paper of the city of La Crosse.

Approved March 29, 1887.