

of chapter 321, of the laws of 1874, and section 1, of chapter 150, of the laws of 1877, is hereby amended so as to read as follows: Section 10. The common council shall at its first meeting each year, or as soon thereafter as may be, fix the salary of the mayor, aldermen and treasurer for the ensuing year; provided, that the salary of the mayor shall not exceed fifty dollars, the salary of aldermen shall not exceed one dollar and fifty cents each, for each session of the council, and the salary of the city treasurer shall not exceed two hundred dollars.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1889.

[No. 710, A.]

[Published March 20, 1889.]

CHAPTER 107.

AN ACT to incorporate the city of Shullsburg.

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

CHAPTER I.

BOUNDARIES.

SECTION 1. All the district of country in the county of La Fayette contained within the limits and boundaries hereinafter described shall be a city by the name Shullsburg, and the people now inhabiting, and those who shall hereafter inhabit the district of country so described, shall be a municipal corporation by the name of "The city of Shullsburg," and shall have the general powers possessed by municipal corporations at common law; and in addition thereto, shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in all courts of

An act to incorporate the
city of Shulls-
burg.

Corporate
name.

Corporate
limits.

law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SECTION 2. The west half of section eleven (11) and the east half of section ten (10), in township one (1) north, of range number two (2) east of the fourth principal meridian, in the county of La Fayette and state of Wisconsin, shall be included in and constitute the limits of the city of Shullsburg.

Ward
boundaries.

SECTION 3. The said city shall be divided into two wards, the boundaries of which shall be as follows, All that territory within the boundaries of the said city of Shullsburg lying east of the center of Judgment street, extending to the southern and northern limits of said city of Shullsburg, being the section line between sections ten and eleven, shall constitute the First ward, and all the territory within the boundaries of the city of Shullsburg lying west of the center of said Judgment street shall constitute the Second ward. But the common council shall have the right and power, at any time after said city shall have been organized under this act, by ordinance, to change the boundaries of the said wards, and to make and establish new wards therein, but not to exceed, however, two additional new wards. Each of said wards to have the same representation in the city council and on the county board as is by this act granted to the two wards herein established.

Corporate
powers.

SECTION 4. The government of said corporation, the exercise of its corporate powers, the management of its fiscal, prudential and municipal concerns, shall be vested in one municipal officer styled the mayor, in one board of aldermen, consisting of two members from each ward, who with the mayor shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER II.

OF ELECTIONS.

Elections.

SECTION 1. The annual election for ward and city officers shall be held on the last Tuesday in March in each year at such places in each ward as the common council shall designate, and the polls

shall be kept open from one o'clock in the afternoon until five o'clock in the afternoon; and ten days' previous notice shall be given by the common council of the time and place of the holding of such elections, and of the city and ward officers to be elected in the same manner as is provided for giving notice of general elections in this state.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, two justices of the peace and two constables, elected by and for the city at large, and two aldermen for each ward, and one supervisor from each ward to represent his ward in the board of supervisors of La Fayette county.

SECTION 3. The mayor and treasurer shall be freeholders in said city, and all the city and ward officers aforesaid shall be qualified voters and residents of the city, and in the wards for which they were elected. The city clerk, marshal and street commissioner, and all other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers shall, unless otherwise provided, hold their respective offices for one year and until their successors are elected and qualified; provided, however, the common council shall have power for due cause to expel any of their own number and to remove from office any officer or agent appointed by them under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman appointed by the council, until the council shall take up his case and dispose of it.

SECTION 4. All elections by the people shall be by ballot and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, who shall reside in the ward where they offer to vote, shall be deemed qualified electors of said city and ward.

Who shall be qualified electors.

First election.

SECTION 6. The first election of said city shall be held on the 26th day of March, A. D. 1889. The qualified electors of said city shall elect one mayor, one treasurer, two justices of the peace and two constables at large, two aldermen for each ward, and one supervisor for each ward; and said supervisor elected in each ward shall represent his ward in the board of supervisors of La Fayette county. The first election of said city shall be held for the First ward at brick building on the northeast corner of Judgment and Water streets in said city; and for the Second ward at the office of the village clerk in the village of Shullsburg. The voters present shall have power to proceed, by nomination and *viva voce*, to elect three inspectors and one clerk, whose duty it shall be, after being duly sworn, to see that the election shall be conducted according to the laws of the state of Wisconsin; provided, further, that the returns of the first election shall be made to the village clerk of the village of Shullsburg, who, with the president of said village, shall certify and notify the officers elected. Notice of the first election under this act shall be given by the clerk of the village of Shullsburg, as required by this act, giving five days' notice.

Ward elections.

SECTION 7. The election in said city shall be held and conducted by the alderman of each ward, who shall be the inspectors of election for their respective wards, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks and one additional inspector for each ward of such elections, and to administer the necessary oaths; and in case of the absence of any or all the aldermen of the ward at the time of opening the polls, the voters present shall select some person or persons to act in their places as inspectors of election; said elections shall be held and conducted in the same manner, and under the same penalties, and all guards against illegal voting observed, and inspectors and clerks appointed, and vacancies in the board of inspectors filled as required by the laws of this state regarding elections.

Election returns.

SECTION 8. When an election shall be closed, and the number of votes for candidates or persons voted for shall be counted and ascertained,

the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver, or cause to be delivered, such return to the city clerk within two days after any election. The common council shall on the fourth day after such election, meet and canvass said returns and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

SECTION 9. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

In case of vacancy.

SECTION 10. Should there be a failure by the people to hold any annual election on the day designated as herein provided, the common council may order an election to be held; ten days' notice of the time and holding the election shall be given.

In case of failing to hold election as provided.

SECTION 11. Whenever a vacancy shall occur in any elective office, such vacancy shall be filled by the common council within ten days after such vacancy. Any vacancy happening in any other office shall be filled by the common council, and the person appointed to fill any vacancy shall hold his office and discharge the duty thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill.

Vacancy, how filled.

CHAPTER III.

OFFICERS—POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the clerk of the city, and the treasurer, clerk, marshal and such other officers as the common council may direct shall severally, before they enter upon the

Officers to subscribe to oath.

duties of their respective offices, execute to the city of Shullsburg a bond, with at least two sureties, who shall swear that they are worth in the aggregate, the penalty specified in said bond over and above all debts, exemptions and liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time, require new additional bonds and remove from office any officer, refusing or neglecting to give the same.

Duties of
mayor.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not within one week after the receipt of such objections or such filing with the clerk, re-enact such ordinance, or pass such resolution by the votes of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

President of
the council.

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot one of their number president, and, in the absence of the mayor, the said president shall

preside over the meetings of the common council and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president, or temporary officer, while presiding over the board or performing the duties of mayor, shall be styled "acting mayor," and acts performed by them or any of them shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds or any other warrant, order or proceeding whatever, which the mayor has refused to sign, and communicated such refusal to the council.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and consign all orders on the 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 the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns; and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations. He shall keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection.

SECTION 5. Every justice of the peace chosen under this act, shall within ten days after his elec-

Duties of city
clerk.

Relating to
justice of the
peace.

tion, qualify in the same manner as justices of the peace under the general laws of this state. He shall have concurrent jurisdiction and powers throughout the county with other justices of the peace, and concurrent and exclusive original jurisdiction, as such justice, of all criminal and civil actions and cases for the violation of any provisions of this act, or of any ordinance, by-law, rule or resolution of said city; but the city shall not be liable for his fees, except such as accrue in prosecutions or actions brought in the name of the corporation for the violation of the provisions of this act, or for the violation of the ordinances of said city; such fees shall be governed by the general laws concerning fees of justices of the peace. Such justices, together with the mayor, the common council and the marshal, shall be conservators of the peace. Change of venue will be from one justice to the other, as provided by the general laws of this state.

Duties of city
treasurer.

SECTION 6. The treasurer of the city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said city and by law. All money raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid to and received by him, and shall not be drawn therefrom, except by a written order signed by the mayor and countersigned by the clerk, by order of the council. Such order shall specify the amount of money to be drawn and its objects. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the council for that purpose, which shall remain the property of the city, wherein he shall note the time when the person from whom, the amount of the several sums received and the source from whence the said sums arose, which said book, at all reasonable times, shall be open to the inspection of the electors of the city. He shall, as often as the council requires, render a minute account of his receipts and payments, and at the expiration of his term of office he shall pay over and deliver to his successor all moneys, books and vouchers in his possession belonging to said city.

SECTION 7. The marshal shall possess all the power and enjoy all the rights of a constable of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and process to him directed by any proper judicial officer, and when necessary in criminal cases or for violation of any of the provisions of this act, or of any ordinance of said city, or by-laws, rule, regulation or resolution thereof, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin; to apprehend any person in the act of committing any offense against the provisions of this act or the laws of this state, or the ordinances, by-laws, rules, regulations or resolutions of the city, with or without process, and forthwith to bring such person before the proper and competent authority for examination, and for such and other services he shall receive like fees as are allowed to constables for like services. And any peace officer may, and it shall be the duty of the marshal to arrest without process any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, indecent exposure of the person, or noisy, boisterous or disorderly conduct in the streets or public places, and take such person or persons forthwith before a police justice, or keep them until they become sober, in confinement, or until such time as said justice can reasonably hear and dispose of such offender. It shall be the duty of the marshal to see that all hawkers, peddlers and common showmen, and all other exhibitors pay their licenses according to law, and this act and the ordinances of the city, and in default of payment to prosecute for the same in the corporate name of the city, and pay over the same to the treasurer when received by him. It shall be his duty to act and perform the duties of street commissioner when so ordered or required by the common council.

SECTION 8. The street commissioner shall see that all ordinances of the city relating to the obstructions and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers

Duties of street commissioner.

and waters of the rivers in said city, are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, unless the common council shall otherwise direct. He shall receive such compensation as the council may determine.

Council may require further duties.

SECTION 9. The common council shall have the power from time to time to require other and further duties, to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Penalty for not turning over to successor.

SECTION 10. If any person having been an officer in said city, shall not within ten days after notification and request deliver to his successor in office, all property, books, papers and effects belonging to said city, or pertaining to the office he may have held he shall forfeit and pay to the use of the said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

No alderman shall be interested in job with city.

SECTION 11. No alderman shall 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 common council may sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same.

Justices shall report.

SECTION 12. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay

over to the city treasurer all fines and penalties collected by him and belonging to said city.

CHAPTER IV.

OF EXCISE.

SECTION 1. The council shall have the exclusive authority within the corporate limits of said city to grant or refuse, according to law or ordinance, or both, licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks; regulate and license groceries, taverns, hotels, victualing houses and saloons, where such liquors are sold, and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same; and no person shall sell, vend, deal in, or for the purpose of evading the provisions of law or of this act, or the ordinances of said city, give away any such wine, beer, cider, or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors liquids or drinks within such corporate limits, without having first obtained license therefor, as provided by this act and the laws of this state, and the ordinances of the said city; and any person who shall in any manner violate any of the provisions of this section, or the ordinances or the laws herein referred to shall, on conviction thereof, be punished as provided by the laws of this state, or the ordinances of said city on this subject; and all such offenses shall be prosecuted as provided by such laws or ordinances. All money received for such licenses shall be paid to the treasurer of said city for its use; 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, or the ordinances of the said city, and that no licenses shall be granted for a longer period than the residue of the term of office of the council granting the same; and provided further, that no person thus licensed, or without being so licensed, shall sell or give away any such wine, beer, cider or spirituous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks, on any election day or on Sunday.

Authority of
common coun-
cil relating to
excise.

In all prosecutions for any violation of this section, or of the laws or ordinances herein referred to, it shall be sufficient to allege in general terms, the selling, vending, dealing in or giving away without such license, of any such inhibited liquors, liquids or drinks, and the proof on the trial of such selling, vending, dealing in or giving away to any person of any one of such inhibited liquids, liquors or drinks, shall be sufficient to warrant and sustain a conviction; on proof that the person charged kept a bar, sideboard or other thing, or fixture, with bar furniture, usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, shall be *prima facie* evidence sufficient to warrant and sustain a conviction, or proof that any person permits the drinking of any inhibited liquors, liquids or drinks, before mentioned, which have been purchased or procured by clubs or other combinations of people, on his premises; or the treating, sampling or giving away of any such inhibited liquors, liquids or drinks in any place of business or public resort in said city, such as groceries, bazaars, stores, taverns, hotels, victualling houses, saloons, shops, warehouses or other places, the owner or occupant thereof not having first obtained license according to law or the ordinances of said city, shall be deemed a selling of the same.

CHAPTER V.

COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

The common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, and the style of all ordinances shall be: "The mayor and common council of the city [of] Shullsburg do ordain," etc. The common council shall meet at such time and place as they, by resolution, shall direct. A majority of the aldermen shall constitute a quorum.

Meetings.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint; and the

mayor may call special meetings by notice to each of the members, to be served personally, or left at their places of abode. The common council shall determine the rules of their own proceedings, and be the judge of the election and qualification of their own members, and have the power to compel the attendance of absent members.

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

1st. To license, regulate, suppress or prohibit <sup>License
showmen</sup> the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state or at common law, and may grant licenses for and regulate groceries, saloons, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; and all such licenses granted shall run from the first day of May in each year until the first day of May following; provided, however, that when any such license may be applied for after that date, the same may be granted to expire on the first day of May of each year, on applicant paying a full year's license therefor; but no license shall be granted for a longer term or period than one year.

- Gambling and fraudulent devices. 2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices and all playing of cards, dice or other games of chance with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers.
- Riots. 3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.
- Unwholesome and nauseous places. 4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.
- Slaughter houses and markets. 5th. To direct the location and management of slaughter houses and markets, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.
- Encumbering streets. 6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with carriages, carts, wagons, sleighs, boxes, lumber, pine, wood or other materials or substances whatever, and to prevent the digging or sinking of mineral or other shafts or holes in the streets, alleys or other public grounds of said city.
- Immoderate driving. 7th. To prevent the public exhibition of stallions, horse racing, immoderate driving or riding in the streets or over the bridges, and to regulate the places of bathing in the waters within the limits of said city.
- Running at large of cattle. 8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of proceedings.
- Dogs. 9th. To prevent the running at large of dogs in said city, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

10th. To provide for the secure muzzling of ^{Muzzling dogs.} dogs and for the killing and destruction, in a summary manner, all dogs not muzzled, found within the said city, running at large.

11th. To prevent any person from bringing, ^{Putrid carcasses.} depositing, or having within said city any putrid carcasses or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

12th. To make and establish pounds and ap-^{Pounds.} point pound masters and fence viewers, and prescribe their powers and duties; also to protect shade or ornamental trees on the public squares or in the streets of the corporation, and the monuments of said city; also to fence the public squares and grounds of said corporation, and to protect the same.

13th. To establish and regulate boards of ^{Boards of health.} health, provide hospitals for those infected with small pox or other contagious diseases, and order and regulate the removal of such persons from the city, when its health and safety so require, and to provide grounds for the burial of the dead.

14th. To prevent all persons riding or driving any ox, mule, cattle, or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks. ^{Driving on sidewalks.}

15th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fire works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof. ^{Shooting of firearms.}

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

17. To organize hook and ladder companies, ^{Hook and ladder com-panies.} to regulate their government and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate and exempt from seizure, distress or sale

in any manner, and if the owner shall neglect or refuse to procure suitable ladders and fire buckets, after reasonable notice, the council may proceed and deliver the same to him, and in default of payment therefor, may recover of such owner the value of such ladder and fire buckets or both, with costs of suit; to direct the safe construction of places for the deposit of ashes; to appoint one or more fire wardens; to enter into, at reasonable times, and examine all dwelling-houses, lots, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such of them as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove pipes, to prevent fires and the use of fireworks and firearms within the limits of said city, or such part thereof as they may think proper; to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the council or a majority of them who may be present at the fire, for the purpose of preventing its communication with other buildings; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention and extinguishment of fires as they shall deem proper.

Removal of
snow from
sidewalks.

18th. To compel the owners and occupants of buildings and grounds to remove snow, dirt, or rubbish from the sidewalks, streets or alleys 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 his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Selling hay.

19th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

Contagious
diseases.

20th. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

21st. To regulate the time, place and manner ^{Public} ~~auctions~~ of holding of public auctions or vendues.

22d. To appoint watchmen and prescribe their ^{watchman} duties.

23d. To provide by ordinance for a standard ^{Weights and} ~~measures~~ of weights and measures, and for the punishment of the use of false weights and measures.

24th. To lay out, make, open, keep in repair, ^{Highways,} ~~streets~~ alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury, in said city.

25th. To alter or change the name of any street ^{Alter streets.} in the city.

26th. To buy, purchase and hold real estate ^{City parks.} for a city park, and to provide and furnish the means of maintaining the same; also to buy and hold real estate, and erect thereon a city hall to be used for all city purposes, and to lease the same or a part thereof; to use such portion of the license money as they may deem necessary for the purchase of any of said real estate and for the erection of said hall, which real estate and property so bought and held by said city shall be exempt from taxation.

27th. To tax every male resident of said city, ^{Poll tax.} not by general law exempt from poll tax, one day's labor, or in lieu thereof one dollar and fifty cents, to be appropriated to improving the roads and streets of said city, under the direction of such person as they may appoint, and in addition to said poll tax, the common council may levy upon all the taxable property in said city, a tax not to exceed five mills on the dollar of the assessed valuation as shown by the roll of the last assessment of the city property, to be known as a street tax.

28th. Upon the application of a majority of the ^{Sidewalk tax.} resident owners of the lots on any street or part of a street, or on one side of any block to levy and collect a special tax on the owners of the lots on such street, or part of street, according to their respective parts for the purpose of making a sidewalk along the same, or grading, paving or improving the street along the same.

29th. To erect lamps and regulate the lighting ^{Street lighting} thereof on the streets of said city.

30th. To regulate, suppress or license hawkers,

Hawkers and peddlers.

peddlers, and auctioneers, who travel from place to place to sell goods, wares and merchandise within said city, and to license transient dealers, traders and auctioneers to sell the same, and the license so imposed by said council shall be not less than fifteen dollars per day, in the discretion of said council.

Meetings of voters.

31st. To call regular and special meetings of the voters of said city, and to prescribe the compensation of all officers of the corporation, and shall examine, audit and adjust the accounts of all persons and of all officers of the corporation.

Special election.

32d. To call a special election for the purpose of raising a tax, when in their opinion the amount which they are authorized to raise by the provisions of this act, is insufficient to meet the requirements.

Ordinances.

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

Powers of common council.

SECTION 5. The powers conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceeding in the courts according to

law. Depots, houses, or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling-houses, houses of ill fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers and agents of the city, at such time as they may deem proper, and also, at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books, funds, moneys and vouchers, to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlement.

SECTION 7. The council shall at such time as it deem proper, establish the grade of all streets, alleys and sidewalks in said city and shall cause accurate profiles thereof to be made, which shall be filed with the clerk.

SECTION 8. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and repairs thereof in front of the same.

SECTION 9. It shall be the duty of the street commissioner of said city whenever in his opinion any portion of a sidewalk shall be out of repair or in a dangerous condition to repair the same as the common council may direct.

SECTION 10. Property owners shall build the

*Common
council to
audit
accounts.*

*Grade of
streets.*

*Exempt real
estate.*

*Repair of
sidewalks.*

Property
owners to
build
sidewalks.

When common
council shall
levy tax for
sidewalks.

Tax list.

sidewalks and the city shall keep the same in repair thereafter at the expense of the city.

SECTION 11. Whenever the council shall levy any tax for the purpose of grading, paving or otherwise improving any street, or for the purpose of building or repairing any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list by publishing in three or more conspicuous places in said city or in some public newspaper printed therein, and shall specify in such notice a time not less than twenty days from the date thereof, when the persons charged with taxes in such lists may pay their taxes in labor, material or money, and the persons charged with such tax may within, and at such places as may be required by such street commissioner, pay their taxes in labor or materials; provided, the labor and materials offered in payment for such taxes are suitable and such as may be required by such street commissioner.

SECTION 12. At such time as the common council may direct, the street commissioner who shall have received such tax list, shall return the same to the common council, accompanied by a statement, verified by his affidavit subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditure, also the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which such unpaid taxes stand charged; and the clerk of said city shall make out a certified copy thereof and deliver the same to the town clerk of the town in which said city is situated, who shall, in making out the duplicate tax and assessment of such town next thereafter, enter such unpaid special taxes in a separate column, with ten per cent. as penalty added thereto, opposite to the names of the persons and descriptions of property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said city and town are collected, and when so collected shall be paid over

on the order of the council, and when not previously applied shall be expended under their direction on the streets or sidewalks or for the purpose for which they were originally assessed.

SECTION 13. In all cases in relation to which by the provisions of this act, the council have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding one hundred dollars for any one offense in violation or non-observance thereof; and may also provide that in default of payment of any judgment rendered for any such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance, by law, rule, regulation or resolution direct, not exceeding sixty days, for which purpose the said city shall have the use of the jail of the county in which said city is situated, for the imprisonment of any person liable to be imprisoned, and all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county and kept by him the same as other prisoners. Provided, however, the offender may be imprisoned in the city lockup, in said city and be under the charge of the city marshal.

SECTION 14. All actions brought to recover any penalty, or sum of money or forfeiture under this act, or the ordinances, by laws or rules, regulations, resolutions, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city without being required to give security for costs in any such action, and the process may be either by summons or warrant, and it shall be sufficient, without setting forth the special matter, to declare generally, stating the clause of this act, by law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue, and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation or resolution published in a newspaper or pamphlet by authority of the council, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

Penalties.

Actions to be
brought in
corporate
name.

Fines and
penalties.

SECTION 15. Every execution issued upon judgments for any violation of the provisions of this act, or for the violation or non-observance of any ordinance, by-law, rule, regulation or resolution of said city, shall contain a clause directing, in the event of non payment of the judgment, the imprisonment of the defendant in the said county jail, or jail provided by said city for such term as shall have been provided by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered or in the discretion of the court in the absence of such provision by this act, or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures, when collected, shall be paid into the treasury of said city for its use.

Ordinance
shall be
published.

SECTION 16. Any ordinance, regulation, resolution, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the city before the same shall be in force, except as hereinafter provided, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, resolution, rule or by-law, in all courts and places, and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the city in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation or by-law, in all courts and places. No ordinance, rule, regulation, by-law or appropriation shall be passed, made, altered, amended or repealed, without an affirmative vote of a majority of the common council in its favor; which vote shall be taken by ayes and noes and entered of record.

Notices, how
published.

SECTION 17. All notices, ordinances, by-laws, rules, regulations, resolutions or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said city, if there be one, and if no such paper shall be published in said city, then the same shall be published by posting up the same, either in writing or print, in three or

more of the most public places in said city. In all actions brought by or in the name of said city, or against it, the said city shall have the same right of appeal, or to a writ of error, as individuals have, and in no case shall any judgment be rendered against said city for costs, but it shall be liable for costs to the same extent that the state is liable for costs in criminal cases, and no more.

SECTION 18. The council is hereby invested Streets, alleys. with full power and authority to survey, establish and determine the lines, boundaries, width and dimensions of all streets, highways, alleys, lanes and public grounds in said city, which determination when recorded shall be conclusive upon all persons and parties; and whenever and wherever the same are now, or shall be hereafter encroached upon or obstructed by any person or in any manner, they shall have power to cause the same to be removed in a summary manner, by giving notice to the person suffering or causing such encroachment or obstruction to remove the same within not less than ten days after service of such notice, and in case of neglect, default or refusal of such person to remove the same within the time specified in such notice, they shall order and direct the marshal to remove the same forthwith, at the expense and cost of such person, to be recovered the same as fines and penalties are recovered as provided by this act, and for the purpose of such removal the marshal is hereby authorized to call to his assistance all officers and persons, and every officer or person refusing to render such assistance shall forfeit and pay a fine of ten dollars.

SECTION 19. The common council of said city may at any time appoint three commissioners, resident freeholders of said city, who with the assistance of a duly qualified surveyor, to be appointed by the council, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, lots, blocks and tracts of land, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the said surveyor and commissioners, which, when approved by the said council, shall be filed in the office of the clerk, and a copy there-

In case of a
new survey.

of shall be recorded in the office of the register of deeds of the proper county.

Conclusive evidence of lines and boundaries.

SECTION 20. The survey, landmarks and plats so made and established and recorded, shall be conclusive evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, in all cases in which they shall be drawn into controversy in all courts of this state, and shall be *prima facie* evidence of the lines and boundaries of all lots and tracts of land owned by individuals. When any suit of action shall be commenced against the said city, the service in such case shall be made by leaving a copy of the process, duly certified to by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the council thereof, or to take such other proceedings as, by the ordinances and resolutions of said city, may be in such case provided.

No property of inhabitant shall be levied upon.

SECTION 21. No real or personal property of the said city, or of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue of any execution, issued to satisfy or collect any debt, obligation or contract of said city.

Highway taxes, how expended.

SECTION 22. All highway taxes assessed or payable on property or persons resident or being within said city, shall be expended on any or all the highways, streets, bridges, alleys and sidewalks in said city, and the overseers of highways in said city, and every overseer of highways of whose districts any portion of said city shall form a part, shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said city, under and according to the direction and control of the mayor, under the instruction of the council of such city, any law to the contrary notwithstanding, whose compensation for services rendered by him in the discharge of such duties, shall be such as they may order or allow, not exceeding one dollar and fifty cents per day; provided, however, that the council of said city may, by special order previously made, allow such portion of the highway taxes assessed or collected as aforesaid, in said city, not exceeding one-third part thereof, to be expended without the limits of said city, on any public highway leading from said city.

SECTION 23. The council shall have power and it is hereby made its duty in each year to levy and assess upon the taxable property in said city, such a sum of money as taxes, as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money derived from other sources to such purposes, and no more.

Tax for payment of outstanding debt.

SECTION 24. All taxes raised and collected in the said city of Shullsburg, for the purposes authorized in the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of the said city, as taxes for town, county and state purposes are levied and assessed.

Manner of collecting taxes.

SECTION 25. The common council of the said city shall, on or before the first Monday of November in each and every year, by resolution to be entered on their records, determine the amount of such corporation tax, to be levied and assessed on the taxable property, within the corporate limits of the said city, for the current year, and the clerk of said city shall thereupon, on or before the third Monday of the same month of November in each year, deliver to the town clerk of the town in which such city is situated, a certified copy under his hand and name, and the corporate seal of the said city, of all resolutions of the said council, determining the amount of taxes to be levied and assessed for the current year, together with a description of the territory included within the corporate limits of the said city.

Corporation tax.

SECTION 26. The town clerk or other proper officer, as the case may be, of the town in which said city is situated, shall assess, apportion and carry out such corporation taxes pro rata according to the dollar valuation, upon all the real and personal property liable therefor, in a separate column in the tax and assessment roll and warrant of his town next thereafter issued, and delivered to the town treasurer of his town for collection, in the same manner as he shall assess, apportion and carry out town, county and state taxes, and if for any reason such corporation taxes shall not be assessed, apportioned and carried out in the next assessment and tax roll and warrant as herein provided, it shall or may be as-

Taxes.

sesed, apportioned, carried out and collected in that of any succeeding year. The said corporation taxes shall be in all respects collected or returned delinquent in the same manner as town, county and state taxes are collected by law, and when collected shall be paid over by any officer collecting or receiving the same, to the treasurer of said city. Any officer or other person who shall neglect or refuse on demand to pay over any such corporation taxes when collected or received by him in any manner, to such city treasurer, shall be liable to an action therefor, with twenty per cent. damages to be added thereto, to be sued for and recovered in the corporate name of the said city, both against such defaulting officer or other person and his sureties.

Town assessor
to assess city
property.

SECTION 27. The town assessor of the town in which said city is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real and personal, within the corporate limits of the said city, in one continuous part of his assessment roll, and foot up the valuations of all the items of property assessed and valued by him within said limits.

Corporation
officers.

SECTION 28. It shall be the duty of the clerk of said city, immediately after an election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of clerk, marshal of the corporation, whenever an appointment of such officer is made, with the fact of the acceptance and qualifications of such officers so elected or appointed, under his hand and the corporate seal, and file the same in the office of the clerk of the circuit court of the county in which such city is situated; and it is hereby made the duty of the clerk of such circuit court to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers. Each justice of the peace shall file a duplicate of his oath of office with the said clerk of the said circuit court.

CHAPTER VI.

PROCEDURES IN COURTS AND FORMS.

SECTION 1. All actions, brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being.

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

County of La Fayette, }
City of Shullsburg. } ss.

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

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

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

C. D., justice of the peace.

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

by summons and triable before justices of the peace.

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

The city of Shullsburg } In justice court, before
against } C. D., justice of the
A. B. } peace.

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

Form of warrant. **SECTION 6.** In all cases where oath is made for a warrant, it shall be substantially in the following form:

La Fayette County, } ss.
City of Shullsburg. }

The city of Shullsburg against A. B.

In justice court, before C. D., justice of the peace.

E. F., being duly sworn, says on oath that A. B., on the — day of —, A. D. 18—, at said city, did violate (section —, of chapter —, of an ordinance or by-law or regulation), describing it by its title which (—) is now in force, and was then and there guilty of (here name the act constituting the offense), as deponent verily believes, and prays that A. B. may be arrested and held to answer to said city therefor. Subscribed and sworn to before me this — day of — 18—.

C. D., justice of the peace.

Upon filing with the justice of the peace such complaint, the justice of the peace shall issue his warrant containing the statement of the offense charged, in the usual form, and the same proceedings and trial shall be had as in cases under the statutes for the recovery of penalties.

Witnesses and jurors. **SECTION 7.** Witnesses and jurors shall attend before the justice of the peace in all actions for the violation of any ordinance, by-law or regula-

tion of said city, without the payment of fees in advance or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

SECTION 8. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, the defendant may call a jury as prescribed by law in justice courts in this state, and the trial shall proceed in the same manner and be governed by the same rules as in the trial of cases before justices of the peace. If the defendant be found guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if he be found not guilty, the costs of suit shall be taxed against the city. In case the action was commenced by summons, upon the rendition of judgment against the defendant, and the non-payment thereof, the justice of the peace shall forthwith issue execution as in cases of tort, or a commitment in case the action was commenced by warrant. Such execution may be in the following form, and the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs:

County of La Fayette, } ss.
City of Shullsburg, }

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

Form of execu-tion.

Whereas, the said city of Shullsburg, on the _____ day of _____, 18____, recovered a judgment before the undersigned, justice of the peace in and for said city, against _____, for the sum of _____ dollars, together with _____ dollars and _____ cents, costs of suit, for the violation of (section _____, of chapter _____, of this act, or section _____, of an ordinance or by-law or regulation of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of the said _____, excepting such as the law exempts and make sale thereof according to law to the amount of said sums, together with your fees,

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 Fayette county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said — — for the term of —, unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

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

C. D., Justice of the Peace

In case of appeal.

SECTION 9. In all cases where the fine or judgment is more than five dollars (\$5.00), the defendant may appeal from such judgment to the circuit court of the county of La Fayette; provided, such defendant, within twenty-four hours, pay to the justice of the peace his costs, one dollar (\$1.00), for return, and one dollar (\$1.00) state tax, and two dollars (\$2.00) clerk fees, and enter into a recognizance with one or more sufficient sureties, to be approved by such mayor and justice of the peace, conditioned to appear before said court, and abide the judgment of the court therein. The justice of the peace from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket, in the action, together with the recognizance, to be filed in the office of the clerk of said court.

Appeal to stand for trial by jury.

SECTION 10. Said appeal shall stand for trial by jury, unless a jury be waived in a manner provided by law, in said circuit court, at the next term thereof, after the day of judgment of the mayor and justice of the peace shall be rendered.

In case judgment is affirmed.

SECTION 11. If the judgment of the justice of the peace shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, by-law, resolution or regulation of said city, under which he or they are prosecuted, and enter judgment against him or them and their sureties, for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort, or by commitment.

SECTION 12. Whenever, by the judgment of the justice court, a person shall be sentenced to imprisonment in the county jail, or whenever by the non-payment of a fine, in actions commenced by a warrant, a person shall be committed to the said jail for a term exceeding one day, for a violation of any of the provisions of this act, or of the ordinances of said city, the court may also sentence such person to be kept at hard labor during the term of his imprisonment, on the streets and public works of said city, without the jail, as herein-after provided.

SECTION 13. The labor thus to be performed shall be appropriate to the physical condition of the convict, and under the direction of the council of said city, which may adopt such orders, rules and regulations in relation thereto as they may deem best, and the officer having the custody of such convict shall be governed thereby.

SECTION 14. For the purpose of enabling the common council of said city to employ such convicts as hereinbefore stated, the county jail in such cases is hereby declared to extend to any of the streets or the public works of said city, and within the limits of the same, and outside the walls of said jail; and in all cases of such sentence it shall be stated in the commitment, and when so stated shall be sufficient authority to enable the officer having such convict in charge to remove him from said jail to the place of labor and back to such jail for safe keeping during the term of such imprisonment.

SECTION 15. The court or justice of the peace who issues the commitment authorized by this chapter may, in his discretion, at any time change the words, "jail," "county jail" or "jail of La Fayette county" wherever they may appear, and place in lieu thereof the "city lockup;" and the said court or justice may commit any prisoner to said lockup and sentence him to hard labor on the streets of said city, in the same manner as is herein provided for the commitment of said prisoner to the county jail.

Court may
sentence to
hard labor.

Council to
direct.

Employment
of convicts.

Justice may
insert in
commitment
the words
city lockup.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

Contracts let
to the lowest
bidder.

SECTION 1. All contracts for work for which the consideration shall exceed the sum of one hundred dollars, ordered by the council, shall be let by contract or job to the lowest bidder therefor, as the council may direct and order.

Competency of
witness.

SECTION 2. No person shall be an incompetent witness, judge, justice, or juror by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Account to be
verified.

SECTION 3. No account shall be allowed by the common council unless the same is verified by the owner thereof or some person in his behalf.

Compensation of
mayor and
aldermen.

SECTION 4. No compensation or salary shall be paid to the mayor or any alderman except when they shall act as inspectors of election, when their compensation shall not exceed one dollar per half day to each inspector.

Village prop-
erty to become
city property.

SECTION 5. All officers of the village of Shullsburg shall hold their respective offices until the city officers under this act shall be elected or appointed and qualified, and all property, real and personal, books, papers, maps, etc., belonging to said village of Shullsburg, shall be and become the property of the city of Shullsburg upon its organization under this act.

Claim first to
be presented
to common
council.

SECTION 6. No action shall be maintained by any person against the city of Shullsburg upon any claim or demand other than a city bond or order unless such person shall first have presented his claim to the common council of said city.

Summons may
be left with
mayor.

SECTION 7. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

City orders.

SECTION 8. All orders on the city treasurer for the payment of the money of said city shall be signed by the mayor and shall be countersigned

by the city clerk, and no order shall be drawn on the city treasurer unless said treasurer shall have sufficient funds in his hands belonging to said city, to pay the same.

SECTION 9. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SECTION 10. All of the village ordinances and by-laws now in force in the village of Shullsburg shall remain in full force and effect until amended or repealed by the council of said city.

SECTION 11. The act entitled, "an act to incorporate the village of Shullsburg," approved March 25, 1861, and all acts and parts of acts amendatory thereto, are hereby repealed. And all moneys remaining in the treasury of said village of Shullsburg, shall, upon the organization of said city of Shullsburg, be paid by the treasurer of said village into the treasury of said city, and become a part of the general fund of said city.

SECTION 12. This act shall be considered as a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication. And it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

Approved March 18, 1889.

[No. 203, A.]

[Published March 21, 1889.]

CHAPTER 113.

AN ACT substitute for number 203, A., to amend chapter 260, of the laws of Wisconsin for the year 1877, entitled: A bill to revise, consolidate and amend the charter of the city of Stevens Point, approved May 17, 1858, and the several acts amendatory thereof.

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

SECTION 1. Section 2, of sub-chapter 2, of said chapter 260 is hereby amended so as to read as fol-

General laws
relative to this
act.

Village
ordinances to
remain in force
till repealed.

Repealed.

Considered as a
public act.