

[No. 85, S.]

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CHAPTER 27.

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AN ACT to revise, consolidate and amend chapter 127, of the laws of 1887, entitled, "an act to incorporate the city of Ashland and the several acts amendatory thereof."

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

CHAPTER I.

SECTION 1. All that district of country in the county of Ashland, hereinafter described, shall be and remain a city by the name of Ashland, and the people who now or may hereafter inhabit said district, shall be a municipal corporation by the name of the city of Ashland, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded with, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure. The corporate authority of said city shall be vested in one principal officer styled the mayor, in one board, which shall be known as and styled, the common council of Ashland, consisting of one alderman and one supervisor from each ward, together with such other officers as may be created under this act.

Amendment to
chapter 127,
laws of 1887.Corporate
name.

CHAPTER II.

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

City bound-
aries.

Wards.

SECTION 2. The city is hereby divided into five wards, as follows: All that part of the territory lying and being northwest of the center line of Delaware street extended to the south boundary line of said city, shall constitute and is hereby established as the First ward. All that part of the territory lying and being between the east boundary line of said first ward and the center line of Lake avenue, and said center line extended to the south boundary line of said territory, shall constitute and is hereby established as the Second ward. All that part of the territory lying and being between the east boundary line of said second ward and the center line of Ellis avenue and said center line extended to the south boundary line of said territory, shall constitute and is hereby established as the Third ward. All that part of the territory lying and being between the east boundary line of said third ward and the center line of Jefferson avenue, and said center line extended to the south boundary line of said territory, shall constitute and is hereby established as the Fourth ward. All that part of the territory lying and being between the east boundary line of said fourth ward and the west boundary line of said territory, shall constitute and is hereby established as the Fifth ward. It shall be the duty of the clerk to prepare a book for use at the election in each ward, in which shall be entered in orderly and convenient form all lots and subdivisions of land in the ward. The descriptions shall be as platted when the territory has been platted, otherwise by government description. The council may require also that all lots and parcels of land be designated as occupied or vacant, as the case may be. The books so prepared shall be delivered to the inspectors of election for the respective wards before the polls are opened, and be returned by them with the other returns as hereinafter provided.

CHAPTER III.

ANNEXATION OF ADJACENT TERRITORY.

Annexed territory.

SECTION 1. Territory lying adjacent to said city may be annexed to such city in the manner hereafter set forth.

SECTION 2. Three-fourths of the electors, and the owners of at least one-third of the taxable property according to the last tax roll, in the territory adjacent to such city, may present a petition to the common council of such city, asking for annexation thereto; provided, that if no electors reside therein such petition must be signed by the owners of at least three-fourths of the land desired to be annexed before the common council shall have power to act thereon.

How territory may be annexed.

SECTION 3. At any regular meeting of the common council after the filing of said petition with the city clerk, an ordinance may be introduced providing for the annexation of such adjacent territory. Final action on said ordinance shall not be taken except at a regular meeting of the council, and not earlier than thirty days after the same is introduced; and in the meantime the same shall be published at least once in each week for four successive weeks in some newspaper printed and published in said city, if there be one; otherwise, in some newspaper to be designated by the council.

Procedure in annexation of territory.

SECTION 4. A vote of three-fourths of all the members of said council in favor of said ordinance, taken by ayes and noes, and recorded, shall be necessary for its adoption.

Three-fourths vote of council necessary.

SECTION 5. The adoption of said ordinance shall operate to annex such territory to said city, and the ward or wards designated therein. The validity of the proceedings annexing such territory, shall not be called in question collaterally in any of the courts of this state; nor shall the validity of any such proceeding be called into question in any other manner, in the courts of this state, unless the action or proceeding therefor be commenced within ninety days after such ordinance is adopted.

Territory so annexed.

CHAPTER IV.

OFFICERS, THEIR ELECTION, APPOINTMENT, QUALIFICATIONS, COMPENSATION, VACANCIES.

SECTION 1. The officers of the city shall be the mayor, one alderman from each ward, a city treasurer, city clerk, city attorney, city assessor, city comptroller, city engineer, city marshal, one justice of the peace and one supervisor from each

City officers.

ward, one city physician, a street commissioner, a harbor master, a sealer of weights and measures, a chief of the fire department, a board of public works, a board of school commissioners, one or more policemen, and such other officers as the common council may deem necessary.

Annual election.

SECTION 2. The annual municipal election shall be held on the first Tuesday in April of each year, at such place or places in each election precinct as the common council shall designate. The polls of such election shall be opened at 8 o'clock A. M., and close at 5 P. M.; ten days' previous notice of the time and place of such election and of the officers to be elected, shall be given by the city clerk by publication in the official newspaper of such city; and by posting a written or printed notice in a public place in each ward. In all other respects, such election shall be conducted as is prescribed by the general laws of the state. Provided, however, that the failure to give such notice shall in no way invalidate said election. The common council may, when they shall deem it more convenient for the electors, at any general or special election, by ordinance, divide any ward into two or more election districts, specifying the boundaries of such districts and the place or places where the polls shall be held therein; such ordinance shall be published in the official paper at least four weeks prior to the succeeding election, and a copy thereof shall be posted up in at least five of the most public places in such ward for the same length of time. Within five days after the passage of such ordinance, the city clerk shall file a certified copy thereof with the county clerk, and such ordinance shall continue in full force and effect as to all succeeding elections until rescinded by the common council of said city.

Elective officers.

SECTION 3. The mayor, city treasurer, supervisors, aldermen and justices of the peace shall be elected by the people. The other officers shall be appointed by the mayor and confirmed by a majority of the members of the common council voting in favor of such confirmation.

Terms of office.

SECTION 4. All of the officers above named, except justices of the peace, aldermen and supervisors, shall be elected for one year; justices of the peace, aldermen and supervisors shall be elected for two years, except as hereinafter specifically

provided. All supervisors hereafter elected shall hold their respective offices as members of the county board for two years, any other law of this state to the contrary notwithstanding. The aldermen elected in 1889 shall hold their office for the term of one year, and until their successors are elected or appointed and have qualified. All aldermen elected subsequent to the year 1889, shall hold their office for the term of two years, and until their successors are elected or appointed and have qualified.

SECTION 5. No person shall be eligible to an office created by the provisions of this act, who is not at the time of his election a citizen of the United States and of this state, and a resident elector of the city; nor shall any person be eligible to any ward office, unless he shall be at the time a resident elector of the ward in which such office exists.

Eligibility to office.

SECTION 6. The term of officers elected or appointed under the provisions of this act, shall commence on the last Tuesday of April succeeding their election or appointment, and shall hold their offices for one, two or three years, respectively, as herein provided, and until their respective successors are elected or appointed and qualified.

Commencement of term of office.

SECTION 7. All elections shall be by ballot, and a plurality of votes cast shall constitute an election. When two or more candidates for an 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 such common council shall direct.

Elections to be by ballot.

SECTION 8. The city treasurer, clerk, comptroller, attorney and all other city officers, except the mayor, supervisors, aldermen and justices of the peace, shall be paid a salary, which shall be fixed annually. The common council, at their first regular meeting in February, shall fix the amount of salary which shall be received by every city officer entitled to a salary who may be elected or appointed in the city during the ensuing year, which salary shall not be increased or diminished during the term of office for which such officer may be elected or appointed; the salary shall be paid out of the city treasury monthly at the end of each month. All salaries, the amount whereof

Salary of city officers.

have heretofore been fixed by the common council or heretofore established by law, shall be and remain the salaries of such officers until the common council shall fix the amounts thereof in accordance with the provisions of this section; and when so fixed, they shall so remain until changed as herein provided.

In case of
vacancy.

SECTION 9. When any officer elected or appointed shall remove from the city, or when any officer elected or appointed in any ward of the city shall remove from such ward, or when any such officer shall refuse or neglect for ten days after official notification of his election or appointment, to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant; and whenever a vacancy shall occur in any office except that of mayor, the same proceedings shall be had to fill such vacancy as are provided for in case of an appointment.

Special
elections.

SECTION 10. Special elections for any purpose shall be held and conducted by the inspectors and clerks of election of the several election precincts in the same manner, and the returns thereof shall be made in the same form and manner as of the general municipal elections, and within such time as prescribed by law.

Unexpired
term.

SECTION 11. Every person appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term.

Oath of office.

SECTION 12. Every person elected or appointed to any office shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office provided for by the constitution, and file the same with the city clerk within ten days after notice of his election; and in case of his failure to file the same within the time indicated, the office shall be deemed vacant.

Certain officers
to give bond.

SECTION 13. The city treasurer, comptroller, justices of the peace and such other officers as the common council may direct, shall, before entering upon the discharge of the duties of their respective offices, execute and deliver to the city a bond in such sum as the common council may determine, with two or more sureties conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the common council may prescribe. The common council may at any time require new and

additional bonds of any city officer. All bonds must be approved by the mayor, and when so approved, they shall be filed in the office of the city clerk within ten days after the officer executing the same shall have been notified of his election; and when so approved and filed shall be recorded by the city clerk in a book to be kept for that purpose; such clerk shall annex to each record a certificate that the same is a true copy of the original, and such record shall be prima facie evidence of the contents of such bond; and in the absence of the original may be used as evidence in all courts of this state. Justices of the peace shall also give a bond as required by statute.

SECTION 14. Every officer elected or appointed to any office may be removed from such office by a vote of three-fourths of all the members of the common council; but no such officer shall be removed except for cause, nor unless charges are preferred against him and an opportunity given him to be heard in his own defense. The common council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine the case upon the merits thereof. The mayor may suspend any officer against whom charges have been preferred, until the disposition of the same.

Officer may be removed for cause.

SECTION 15. Sections 20, 21, 22, 23 and 24 of chapter 5, revised statutes of 1878, and the acts amendatory thereof, are hereby made to apply to all of the wards and election precincts of the city of Ashland, at all municipal and other elections.

General laws to apply to elections.

CHAPTER V.

OFFICERS — THEIR POWERS AND DUTIES.

SECTION 1. The mayor shall be the chief executive officer, the head of the fire department, and the chief of police of the city. He shall take care that the laws of the state and the ordinances of the city are observed and enforced; and that all of the officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend

Officers, their powers and duties.

Powers and
duties of
mayor.

such measures as he may deem advantageous to the city. When present, he shall preside at meetings of the common council; he shall sign all agreements, contracts, licenses and permits granted by such common council and approve or otherwise act upon all claims allowed by such council; he shall appoint all policemen and may, in case of a riot or other disturbance, appoint as many policemen as may be necessary. He shall have and possess the veto power. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money, or creating a debt or liability, he shall communicate his objections in writing to the common council within six days (Sundays and legal holidays excepted) after such ordinance, rule, regulation, claim or resolution is submitted to him for his approval. If, upon the return of such veto message, three-fourths of all the members of the common council vote for the passage of such ordinance, rule, regulation, claim or resolution, the same shall be considered legally passed, notwithstanding the objections of the mayor.

President of
the council.

SECTION 2. The common council, at its first meeting after organization in each year, shall choose from its number a president; and in the absence of the mayor the said president shall preside at all the meetings of such common council; and during the absence or inability of the mayor to discharge the duties of his office the president shall exercise all the powers and discharge all the duties of the mayor. The president, while presiding at meetings of the common council or performing the duties of the mayor, shall be styled "acting mayor," and any act performed by him in such capacity shall have the same force and effect as if performed by the mayor; but the president of the common council as acting mayor shall have no authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant, or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the common council. In case of a vacancy in the office of mayor the powers and duties of the office shall devolve upon the president of the common council for the residue of the term.

Duties of city
clerk.

SECTION 3. The city clerk shall be appointed by the mayor and confirmed by the common

council, and shall hold his office for a term of one year. He shall have the care and custody of the corporate seal and all papers and records of the city. It shall be his duty to attend all meetings of the common council, and to keep a full record of their proceedings; to record all ordinances and bonds in a book to be kept for that purpose; to keep a record of all licenses granted, which record shall at all reasonable times be open to inspection by the public; and draw and sign all orders upon the treasury, except as otherwise herein provided, in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof in books provided for that purpose. He shall have and possess the powers and authority, and perform such duties as clerks of cities and villages may be required to perform under the general laws of the state. He shall keep an accurate account with the treasurer, and shall charge him with all tax lists presented to him for collection, and all sums of money paid into the treasury. He shall be ex-officio secretary of the board of public works. Within thirty days after the close of each fiscal year he shall make and cause to be published in the official papers of the city, a financial statement showing the receipts and disbursements on account of each fund during the last preceding financial year. Copies of any and all books, papers, documents or instruments duly filed and kept in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts and places, in like manner and with the same force and effect as if the originals were produced. He shall also have power to administer oaths and affirmations, authorized to be taken by and under the laws of the state; and shall perform such other duties as may be required of him by the common council. He shall appoint a deputy, who shall act in the absence of the clerk and for whose acts and compensation the clerk shall be responsible.

SECTION 4. The city attorney shall conduct all the law business of the city and of departments thereof, and all other law business in which the city shall be interested; he shall, when requested, furnish written opinions upon subjects submitted to him in writing by the mayor or common coun-

Duties of
city attorney

cil or any of its committees, or any other department of the municipal government. He shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, which shall at all reasonable hours be open to inspection by any of the officers or electors of such city. It shall also be the duty of the city attorney to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments in writing as may be required by the officers of the city; to examine and inspect tax and assessment rolls, and all other proceedings in reference to the levying and collection of taxes and assessments; and to perform such other duties as may be prescribed by the charter and ordinances of the city, and shall be a member of the board of public works. He shall have authority to appoint an assistant who shall have power to do all the acts required by law of the city attorney; provided, that the city attorney shall be responsible to the city for the acts of such assistant, and that the city shall not be liable for, nor have any authority to pay compensation to such assistant.

Duties of city treasurer.

SECTION 5. The city treasurer shall collect all city, county and state taxes; and shall receive all moneys belonging to the city, keep an accurate account of the same in suitable books prepared for that purpose, and shall pay over the money in his hands according to law. He shall keep a detailed account of the money received and disbursed by him in such manner as the common council shall direct; his books shall be at all reasonable times open to inspection by any voter of the city. He shall make a report to the common council each month, and as much oftener as required, which report shall embrace a statement of the receipts and disbursements in his office; and ten days preceding each annual election, he shall make out and file in the city clerk's office, a full and minute report of all moneys received and disbursed by him; of all tax certificates, vouchers, and other effects of pecuniary value in his possession, and of all other transactions relating to his office, necessary to show the actual financial condition of the city; which report shall embrace all the transactions of his office from the date of the like report of his predecessor, to the date of the

report required to be made out by him. He shall keep an accurate account of each of the separate funds in his custody. He shall receive no fees or per diem or other compensation for his services except the salary fixed by the common council prior to his election. Except as herein otherwise provided, he shall have and possess the power and authority and perform such duties as treasurers in villages and towns are required to perform under the general laws of the state.

SECTION 6. In said city the comptroller shall, on or before the first day of November of each year, file with the city clerk, a detailed statement of the expenses of the city and of the wards thereof, during the fiscal year, and such statement shall also contain a statement of the estimated expenses of the fiscal year, as provided in section 7, of chapter 15, of this act, entitled, "assessment and collection of taxes," and the income of the city for that year from sources other than taxation. He shall countersign all contracts made with the city, if the necessary funds shall have been provided to pay the liability that may be incurred against the city under such contracts, and no such contract shall be valid until so countersigned. He shall make a list of all certificates for the payment of which special taxes are to be levied in each year, in time for the same to be inserted in the tax roll, in the form of a schedule of special taxes, and shall certify the correctness of the same, and such certified schedule shall be prima facie evidence of the legality and regularity of the special taxes levied in pursuance thereof; but no irregularity in the making of such list, shall invalidate such special tax. He shall report monthly to the common council in writing, the condition of the several funds of the city, and of the condition of all outstanding contracts and claims which may be payable out of each fund. He shall examine and countersign all city orders before the same shall be valid, but shall not countersign such orders before the money is in the treasury to pay the same. He shall examine all claims presented against the city, whether founded on contract or otherwise, and determine as to each claim whether the same is properly itemized and sworn to, if on contract whether the items charged are correct, whether such claim was incurred by

Duties of comptroller.

proper authority, and generally determine the correctness of such claim. For the above purposes he shall have power to swear witnesses and take testimony. If he does not find any objection to the claim, he shall mark his approval thereon; if he disapproves, or approves in part and disapproves in part, he shall report his reason therefor, and in all cases he shall report the evidence taken by him. No claim shall be considered by the council or reported to a committee till it shall have been thus examined and reported on by the comptroller. He shall examine each month the treasurer's account as reported by him and kept by such treasurer, and report as to the correctness of the same, and also any violation by the treasurer of his duties in the manner of keeping his accounts or disbursing the moneys of the city. The comptroller shall procure a "claim book" at the expense of the city, in which all claims against the city shall be entered as fast as the same are filed. Said claim book shall be provided with an index, and shall be in such form as to provide for the entry of the name of the claimant, number of claim, when filed, amount claimed, date of report of the comptroller, whether approved and for how much, date of allowance or disallowance by the council, amount allowed, date of the order issued to pay the same, number of such order and the date of cancellation of the same. The comptroller shall also perform the duties of a member of the board of public works, such other duties as are required of him under the provisions of this act, and shall make such examinations as to the official conduct of the officers of the city not herein specifically provided for, as may be from time to time required of him by the common council.

Official news-
paper.

SECTION 7. The common council, at its first meeting, or as soon thereafter as may be, shall designate some newspaper printed in the city, in which shall be published all ordinances, notices and other proceedings required by law to be published, and said common council shall have power and authority to establish by ordinance such rates for such printing and publishing as to them may seem just and proper; provided, that the price for such printing shall not exceed the legal rate for like work as the same now is or hereafter may be established by law. The common council shall

have power to contract with the publishers of two leading newspapers in the city, 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 published; provided, that the expense thereof shall not exceed the sum of twenty-five cents per folio for the publication of such proceedings, nor forty cents per folio for the publication of such reports. It is hereby made the duty of the city clerk to furnish said newspaper with a copy of the minutes of said proceedings immediately after their occurrence. The common council shall also let by contract to the lowest responsible bidder all other printing which may be required by the city.

SECTION 8. When any ordinance, notice, resolution or other proceeding shall have been published, a copy of such publication, together with the affidavit of the printer or his foreman, stating the length of time the same has been published, shall be filed with the city clerk, and such affidavit shall be conclusive evidence of the publication of such ordinance, notice, resolution or other proceedings, and the bill for such publication shall not be audited until such affidavit is so filed.

Affidavit of publication to be filed with city clerk.

SECTION 9. All other officers elected or appointed under and by virtue of the authority of this act, shall perform such duties as are required to be performed by like officers under the general laws of the state, and also such as are prescribed by the common council.

Duties of appointed officers.

CHAPTER VI.

THE COMMON COUNCIL — ITS POWERS.

SECTION 1. In said city of Ashland, the mayor, aldermen and supervisors shall constitute the common council, and the style of all ordinances shall be: "the mayor and common council of the city of Ashland do ordain," as follows:

Common council.

SECTION 2. The common council shall hold its meeting in each year on the last Tuesday of April, and shall thereafter hold a regular meeting on the second Tuesday of each month, and at such other times as the council may direct. The mayor may call a special meeting by a written notice to each of the members, to be served personally or left at

Meetings.

their several places of abode at least six hours prior to the time for such meeting, and shall do so when requested in writing by at least one-third of the members of the council.

Powers of the
common
council.

SECTION 3. The common council shall determine the rules of its own proceedings. Two-thirds of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open to the public; the ayes and noes may be required by any member; and on the adoption of any ordinance or resolution assessing or levying taxes, or for the appropriation or disbursement of money, or creating any liability or charge against the city, or any fund thereof, the vote shall be taken by ayes and noes, and every such vote shall be entered at length upon the journal. The common council shall be the judges of the election and the qualifications of its members, and may punish its members or other persons present by fine for disorderly behavior, may compel the attendance of its members upon its meetings and employ the police of the city for that purpose, may fine or expel any member for neglect of duty as such member or for unnecessary absence from sessions of the council. At all confirmations by the city council the vote shall be taken by ayes and noes, and such vote shall be recorded by the clerk in the journal; a concurrence of a majority of all the members of the council shall be necessary to a confirmation.

Relating to
finances.

SECTION 4. The common council shall have the management and control of the finances and all of the property of the city, except as herein otherwise provided, and shall likewise in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such rules, by-laws and regulations for the government and good order of the city. For the benefit of the trade and commerce of the city, and health of the inhabitants thereof; for the prevention of crime, and for carrying into effect the powers vested in said council as they shall deem expedient, such council shall have power to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-

laws or regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution of the United States or of this state, and for the aforesaid purposes such common council shall have authority by ordinance, resolution, by-laws or regulations.

First. To license, regulate or prohibit the exhibition of common showmen or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of the same under the ordinances of said city and the laws of the state, and may grant licenses for and regulate groceries, tavern keepers, keepers of ordinaries, saloons, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than five hundred dollars, any general law to the contrary notwithstanding, except druggists' licenses, which shall be fifty dollars, unless fixed by general law, and that all such licenses hereafter granted shall run from the first day of May in each year. All licenses hereafter granted shall expire on the first day of May, after the same are so granted, and if any license is granted after the first day of May in any year, the full amount prescribed for a term of one year shall be paid. No license shall be transferred, or money paid therefor be refunded except by a vote in favor of the same of three-fourths of all the members of the common council elected; provided further, that where an application for a license shall once be denied, the council shall not have authority till after the succeeding first day of May to receive, consider or grant any license for dealing in or vending spirituous, vinous or fermented liquors by the same person when denied on account of the person, or on the lot mentioned in the first application, if such denial is on account of the location. No such licenses shall be granted except by a majority vote of all the members of the common council; and the person to whom such license is granted shall give a bond in such form, in such sum, and with such conditions as the common

License showmen, etc.

council may determine, with two or more sureties and no person shall sign more than two bonds as principal or as surety.

Gambling and fraudulent devices.

Second. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices.

Amusements.

Third. To license, regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, and all other exhibitions and amusements.

Riots, and disorderly houses.

Fourth. To prevent and suppress riots, noise, disturbance or disorderly assemblages, and suppress and restrain disorderly houses and houses of ill-fame.

Unwholesome places.

Fifth. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse the same from time to time, or remove or abate the same, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Breweries.

Sixth. To direct the management of and to regulate breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city and within a distance of four miles therefrom of distilleries, slaughtering establishments, glue factories, establishments for cleaning 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.

Public markets

Seventh. To direct the location and management of public markets.

Inspector of foods.

Eighth. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, milk and other provisions within the city, and to appoint an inspector or inspectors of food, and to prescribe their duties and compensation, and to cause the seizure and destruction, or other disposition of the tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Storing of gun-powder.

Ninth. To direct or prohibit the location and management of houses for the storing of gun-

powder and other dangerous and combustible materials.

Tenth. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles, and lights in barns, stables, factories, out-houses and lumber yards. Combustible materials.

Eleventh. To regulate or prohibit the shooting of fire-arms and crackers, and the exhibition or use of any fire-works, at any time or in any manner which may be considered by the council dangerous to the city, or to any property therein, or annoying the citizens thereof. Shooting of fire-arms.

Twelfth. To prohibit the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, fire-wood, timber, posts, signs, awnings, or any substance or material, or in any manner whatsoever. Encumbering streets.

Thirteenth. To prohibit horse racing and im-moderate riding or driving in the streets. Horse racing.

Fourteenth. To prohibit and punish the abuse of animals. Abuse of animals.

Fifteenth. To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds. Hitching horses.

Sixteenth. To regulate and determine the times and places of bathing and swimming in the canals, rivers, harbors or other waters in and adjoining the city, and to prevent any obscene or indecent exposure or conduct. Bathing and swimming.

Seventeenth. To restrain and punish vagrants, mendicants, street beggars, lewd persons and prostitutes; and to restrain drunkards, immoderate drinking 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. Punish vagrants.

Eighteenth. To prohibit the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances. Restrain dogs.

Nineteenth. To provide for licensing the keeping of dogs at a rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by License dogs.

each licensed dog; and for the secure muzzling of such licensed dogs.

License hackmen, etc.

Twentieth. To license and regulate hackmen, draymen, cartmen, porters, omnibus drivers, cabmen and carmen, whether in the permanent employment of any corporation or otherwise who may pursue like occupations, with or without vehicles, and to prescribe their compensation and to establish and change from time to time stands for hacks and other public vehicles.

Flying kites.

Twenty-first. To prohibit and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Contagious diseases.

Twenty-second. To regulate, control and prohibit the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of said city; and also to make regulations to prevent the introduction of contagious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations, and to enforce the same within the city, and not to exceed five miles beyond the city limits.

Establish hospitals.

Twenty-third. To establish hospitals, and to provide for their regulation and support, and to regulate all private hospitals.

Preserve health.

Twenty-fourth. To do all acts and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Births and deaths.

Twenty-fifth. To regulate the burial of the dead and the registration of births and deaths; and to direct the returning and keeping the bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

Running at large of animals.

Twenty-sixth. To regulate, restrain or prohibit the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings; and also to impose penalties on the owners of any such animals for a violation of any such ordinances.

Twenty-seventh. To regulate the holding of Public auctions
public auctions.

Twenty-eighth. To prescribe and regulate the Sewers.
construction of sewers within the city.

Twenty-ninth. To locate, purchase sites and Public build-
ings.
let contracts for the erection and construction of public buildings, and to alter, exchange and sell the same. To acquire by gift, devise, donation, purchase or condemnation, lands for parks, cemeteries and other public purposes, and to sell, dispose of and convey the same.

Thirtieth. To lay out, make, open and keep in Streets.
repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

Thirty-first. To establish and alter the grade of Grade of
streets.
streets and to regulate the manner of using the streets and pavements in said city, and to protect the same from injury by vehicles used thereon.

Thirty-second. To name or change the name Name of
streets.
of a street.

Thirty-third. To make and establish public Public pounds
reservoirs.
pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water-works for the supply of water to the inhabitants of the city, and to supply such city with water for fire protection and other purposes; and to secure the erection of water-works, said city may, by contract or ordinance, grant to any person, persons, company or corporation, the full right and privilege to build and own such water-works, and to maintain, operate and regulate the same; and in doing so, to use the streets, alleys and bridges of the city in laying and maintaining the necessary pipe lines and hydrants for such term of years and on such conditions as may be prescribed by such ordinance or contract; and may also, by contract or ordinance, provide for supplying from such water-works, the city with water for fire protection and for other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitations as may be fixed by said contract or ordinance.

Thirty-fourth. To provide for lighting the Lighting
streets.
streets, public grounds and buildings with gas or otherwise; and for such purpose to contract, by ordinance or otherwise, with any person, persons,

company or corporation, for a term not exceeding fifteen years at any one time, at such price, on such terms and subject to such limitations as may be prescribed by such ordinance or contract.

Boards of health.

Thirty-fifth. To establish and regulate boards of health.

Nuisances.

Thirty-sixth. To provide for the abatement or removal of nuisances under the ordinances or at common law, and the punishment of the authors thereof, or persons continuing the same, by penalties, fine or imprisonment; and to define and declare what shall be deemed nuisances; but nothing in this act shall be constructed (?) to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment or otherwise.

Putrid carcasses.

Thirty-seventh. To prohibit any person from bringing, depositing or having within the limits of the city, any putrid carcass or otherwise unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances, or any putrid or unsound beef, pork, fish or hides, and, on his default to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons.

Ringling of bells, etc.

Thirty-eighth. To regulate or prohibit the ringling of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, for the purpose of business, amusement or otherwise.

Steam whistles.

Thirty-ninth. To regulate or prohibit the use of steam whistles within the limits of the city.

Sprinkling the streets.

Fortieth. To provide for sprinkling the streets at the cost of the city, or of the lots or parts of lots fronting thereon.

Cleaning of sidewalks.

Forty-first. To compel the owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lots owned or occupied by them, all such substances as the board of health shall direct; and, on their default, to authorize the removal or destruction thereof by

some officer of the city, at the expense of such owners or occupants.

Forty-second. To prohibit all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalk in said city, or in any way doing damage to such sidewalks.

Driving on sidewalks.

Forty-third. To regulate the sale of bread within the city, and prescribe the size and weight of bread in the loaf, and the quality of the same, and to provide for the seizure and forfeiture of bread baked contrary to such regulations.

Sale of bread.

Forty-fourth. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by weight or measure, to cause his weights and measures to be sealed by the sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be conformable to those established by law in this state.

Weights and measures.

Forty-fifth. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the sale and cutting of ice, and to restrain the sale of such ice as is impure; to regulate the measuring and sale of wood, and the weighing and sale of coal and lime, and the places and manner thereof.

Sale of hay.

Forty-sixth. To license and regulate auctioneers, distillers, brewers and pawn-brokers, and keepers or proprietors of junk shops and places for the sale and purchase of second-hand goods, wares and merchandise.

License auctioneers, etc.

Forty-seventh. To license, regulate and restrain hawkers, peddlers and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners or solicitors for mercantile houses from other cities or towns, for the sale of goods, wares and merchandise by sample, order or otherwise; and keepers or proprietors of gift book stores, gift concerts, and other gift enterprises; to fix and regulate the amount for licenses under this subdivision, to prescribe the time for which licenses shall be granted, to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license, and to

License hawkers and peddlers.

regulate the manner in which they shall be carried on.

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

Steam engines. Forty-ninth. To provide for the inspection and regulation of stationary steam engines and boilers.

Inspectors, weighers. Fiftieth. To provide for the appointment of inspectors, weighers and gaugers, and regulate their duties and prescribe their fees.

Locomotive engines. Fifty-first. To regulate and prohibit the use of locomotive engines and railroad cars within the city, to direct and control the location of railroad tracks in the streets, and to require railroad companies to construct and maintain at their own expense, such bridges, gates, viaducts, tunnels or other conveniences at public railroad crossings as the common council may deem necessary; also to regulate the running of street railway cars, the laying down of tracks for the same, the transportation of passengers thereon and the kind of rail and power to be used. To provide by ordinance or contract for the construction, operation and maintenance of street railways in said city.

Watchmen and policemen. Fifty-second. To provide for the appointment of watchmen and policemen, and regulate the police and prescribe their duties.

Number buildings. Fifty-third. To compel the owners and occupants of all houses, stores and other buildings to number the same in such manner as the common council may from time to time prescribe.

Noxious weeds. Fifty-fourth. To declare the weed commonly called the Canada thistle, and other noxious plants and weeds in the city a public nuisance, and provide for the abatement of the same, as the city is authorized by law to abate other nuisances.

Ornamental trees. Fifty-fifth. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Harbor. Fifty-sixth. To provide for the improvement, maintenance and preservation of any harbor of the city; to prevent use of the same, or any act in relation thereto, inconsistent with or detrimental to the public health, or calculated to render the water of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prohibit and pun-

ish the casting or depositing therein of any earth, dead animals, ashes or other substances, or filth, logs or floating matter; to prohibit and remove all obstruction therein, and punish the authors thereof; to regulate and prescribe the mode and speed of vessels entering and leaving the harbor, of coming to and departing from the wharves and streets of the city by steamboats, canal boats and other crafts and vessels; and the disposition of the sails, yards, anchors and appurtenances thereto, while entering, leaving or abiding in the harbor, and to regulate and prescribe, by such ordinances, or through their harbor master or other authorized officer, such location of every canal boat, steamboat or other craft afloat, and such changes of situation in and use of the harbor as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such vessels, boats, crafts and floats; and to impose penalties, not exceeding one thousand dollars, for any offense against such ordinance; and by such ordinance to charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat, canal boat or other vessel, craft or float.

Fifty-seventh. To establish dock lines, regulate the construction of piers and wharves; and to prescribe and control the prices to be charged for pierage or wharfage thereon; and to regulate, prescribe and control the prices to be charged for dockage and storage within the city.

Dock lines and wharves.

Fifty-eighth. To lease the wharfing privileges at the ends of streets and in front of public grounds upon such terms and conditions as may be reserved in the leasing of other real estate, reserving such rent as may be agreed upon, and employing such remedies in case of non-performance of any covenants in such case as are given by law in other cases; but no buildings shall be erected thereon. The owner or owners of the adjoining lot or lots shall in all cases have preference in leasing such property, and a free passage over the same for all persons, with their baggage, shall be reserved in such lease.

Wharfing privileges.

Fifty-ninth. To authorize the taking up and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental

Dependent children.

care, and growing up in mendicancy, ignorance, idleness and vice.

Vagrants.

Sixtieth. To authorize the arrest, fine and imprisonment of vagrants, or persons who, not having visible means to maintain themselves, are without employment, idly loitering, or rambling about or staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots, railroad cars, boats or fire engine houses, or who shall be found trespassing in the night time upon the private premises of others; or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or visitors at any gambling tables, gaming house, house of fortune telling, or place of cock fighting, and all persons who go about for the purpose of gaming or who shall have in their possession any article or thing used for obtaining money under false pretenses or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held.

Concealed weapons.

Sixty-first. To prohibit the carrying of concealed weapons and to provide for the confiscation or sale of such weapons.

Construction of buildings.

Sixty-second. To control and regulate the construction of buildings, chimneys and smokestacks; and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city, and to declare them to be nuisances, and to provide for their summary abatement.

Public buildings.

Sixty-third. To regulate or prohibit the use of any hall, theater, opera house, church, school house or building of any kind whatsoever to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm.

Ordinances.

Sixty-fourth. Laws, ordinances, regulations and by-laws, shall be adopted by an affirmative vote of a majority of all the members of the common council, and shall within fifteen days after their passage, be published in the official paper or papers of said city before the same shall be in force.

SECTION 5. The common council shall examine

and adjust the accounts of the clerk, treasurer and all other officers or agents of the city, or cause the same to be done after the same shall have been audited by the comptroller.

Audit
accounts.

CHAPTER VII.

ACTIONS, APPEALS, BONDS, SURETIES.

SECTION 1. All actions brought to recover any penalty or forfeiture, or for the punishment of any offender for the violation of the ordinances or by-laws, made by the city, shall be brought in the corporate name of the city.

Actions/
brought in
name of the
city.

SECTION 2. In case of convictions in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture, or to impose a punishment for a violation of any of the ordinances, regulations or by-laws of such city, the court shall enter judgment for such fine, penalty or forfeiture, together with the costs of prosecution, against the defendant, and shall also enter a judgment that such defendant be imprisoned in the county jail or house of correction until such judgment be paid, not exceeding, however, the term of six months; and shall forthwith commit the defendant accordingly. In cases where the defendant is adjudged to be punished by imprisonment, the court shall also render judgment that such defendant pay the costs of prosecution; and that he be held in imprisonment until such costs are paid, but the court shall limit such additional term of imprisonment in its discretion, in no case, however, to exceed six months.

Fines and
penalties.

SECTION 3. Any person aggrieved by the judgment of the court, imposing a fine, penalty, or forfeiture, or a term of imprisonment, may appeal from such judgment to the circuit court of Ashland county in the same manner in which offenders may, under the general law, appeal from the judgments of justices of the peace, in action where the state is a party plaintiff; provided, that this section shall not apply to appeals from the municipal court where by law an appeal may be taken directly to the supreme court.

Appeal.

SECTION 4. No action shall be maintained by

Claims first to be presented to the council.

any person against said city, upon any claim or demand until such person first shall have presented his claim or demand to the common council for allowance, and the same shall have been disallowed in whole or in part. Provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim shall be deemed a disallowance thereof.

Action of the council final.

SECTION 5. The determination of the common council disallowing in whole or in part any claim, shall be final and conclusive, and a bar to any action in any court, founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

May appeal from decision of common council.

SECTION 6. Whenever any claim against said city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such common council disallowing said claim, to the circuit court of the county of Ashland, by causing a written notice of such appeal to be served on the clerk of such city within twenty days after the making of the decision disallowing such claim; and by executing a bond to the city, in the sum of one hundred and fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council with its decision thereon, and shall transmit the same, together with all the papers in the case, to the clerk of the circuit court of the said county. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said court. Provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by the common council, exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of cost exceed the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

CHAPTER VIII.

ACTIONS TO RECOVER PENALTIES, ETC.

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

City may demand and recover.

FORM OF COMPLAINT.

Municipal Court — Ashland County.
 City of Ashland
 against
 _____ }
 _____ } Before _____,
 _____ } Municipal Judge.
 State of Wisconsin, }
 County of Ashland, } ss.

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

Form of complaint.

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

It shall be sufficient to give the number of the section or sections or subdivisions of the section or proviso of the section, and the title of the ordinance, by-law or resolution violated, in the complaint, and such complaint may be sworn to before any officer authorized to administer oaths in the state. Upon the filing of such complaint in the office of the municipal judge of the city and county of Ashland, such judge, or the clerk of

said municipal court, shall issue a warrant thereon, substantially as follows, to-wit:

FORM OF WARRANT.

Form of
warrant.

County of Ashland, }
City of Ashland, } ss.

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

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

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

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

Printed copy
of ordinance
to be prima
facie evidence
of its passage.

SECTION 2. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in an official newspaper, or in a pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication, and shall be received in evidence on

the trial of all cases recognizable before the courts of this state.

SECTION 3. The municipal judge of the city and county of Ashland, shall have jurisdiction to try and determine all actions to recover penalties, and of offenses against the charter, ordinances and regulations lawfully imposed by the city of Ashland. He shall keep a record book in which shall be recorded the proceedings with reference to each such case. In case of conviction in any such case, the sentence, in addition to the fine, shall require as part of the punishment, the payment of the costs of prosecution, and in all such cases the following costs only shall be taxed or charged: Judge's charges, four dollars; for making arrest, one dollar; one dollar per day for board and keeping, but no fractions of a day shall be charged, any damages to the city property while in confinement, caused by the accused, and the witness fees prescribed by law in cases before justices of the peace. All sums for fines and costs so collected, exclusive of witness fees, shall be paid over to the city treasurer, as hereinafter provided. At the end of each month the municipal judge shall make and file in the office of the city clerk a report, in a form to be prescribed by the auditor, showing each case presented during the preceding month, the amount of fines and costs recovered in each case in detail; the amount to which any officer is entitled, and such other matters as may be required by the form prescribed. The report shall have attached thereto the receipt of the treasurer, showing payment to him of the amount collected, exclusive of witness fees. If the judge neglects to file said report for ten days after the close of the month, he shall forfeit the sum of five dollars to be retained out of his compensation. The report shall be examined by the auditor, and otherwise be treated as other accounts are against the city, and when final action is had thereon by the council, an order shall be drawn in favor of each person entitled to any sum as determined by the council on said report. Said order shall be paid by the treasurer on presentation. Any person feeling himself aggrieved by the action of the council may appeal to the circuit court as in other cases of claims against the city.

Jurisdiction of
municipal
judge.

SECTION 4. In the December report of each

Payment of
witness fees.

year, such judge shall report all witnesses' fees unclaimed, and shall pay the same to the city treasurer, and attach the treasurer's receipt, showing such payment, to his report.

When witness
shall attend
without fees in
advance.

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

FORM OF COMMITMENTS.

County of Ashland, }
 The City of Ashland. } ss.

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

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

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

Employment
of prisoners.

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

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

How defendant may appeal to the circuit court.

SECTION 7. In all cases the defendant may appeal from such judgment to the circuit court of the county of Ashland; provided, such defendant, within twenty-four hours pays to the judge the costs and one dollar for his return, and make and file with him an affidavit that the appeal is made in good faith, and not for the purpose of delay, and enter into recognizance with one or more sufficient sureties, to be approved by the judge from whose judgment the appeal is taken, conditioned to appear before the circuit court for the county of Ashland at the next general term thereof, and from term to term thereafter, and abide the judgment of said court therein. The judge from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the warrant and return affidavit or complaint upon which the same was issued, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of said court; and the city may appeal from any such judgment, as in cases before justices of the peace.

Trial in circuit court.

SECTION 8. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the judge shall be rendered, and no notice of trial shall be required to be given to or by either party.

Penalty in case of conviction.

SECTION 9. If the judgment of the court appealed from shall be affirmed, or if upon the trial, the defendant shall be convicted, the court shall inflict the fine, penalty or forfeiture provided by this act, or the ordinances, by-laws, resolutions or regulations under which he or they are prosecuted, and enter judgment against him or them for such fine, penalty or forfeiture, together with the costs in the appellate's court; and in default of pay-

ment of such fine, penalty or forfeiture and costs, to be committed as provided in section 5, of this chapter. If the fine, penalty or forfeiture is paid, it shall be paid to the clerk of the circuit court and by him to be, within ten days thereafter, paid to the judge from whose judgment the appeal was taken; and the same shall be by him accounted for to the city in his next report.

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

In case of non-appearance of defendant.

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

Shall be competent to act as jurors, witnesses, etc.

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

Actions, penalties and fines.

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

Claim must be filed with the city clerk.

SECTION 14. All fines, penalties and forfeitures

Fines paid into
the city
treasury.

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

Judgment,
how paid.

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

Mayor may
grant pardons.

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

Justices of the
peace.

SECTION 17. The jurisdiction and procedure of justices of the peace shall continue unaffected by this chapter until a municipal judge shall be elected or appointed and qualified, and chapter 10, of chapter 127, of the laws of Wisconsin for 1887, shall remain in full force and effect until such municipal judge is elected or appointed and qualified.

CHAPTER IX.

FIRE DEPARTMENT.

Fire depart-
ment.

SECTION 1. It shall be competent for the common council to provide by ordinance, for the organization and management of volunteer fire companies, and to appropriate from the general fund such sums as shall be deemed requisite for the aid of such companies in procuring apparatus and outfit, and for maintaining and housing the same, and to provide by ordinance for the appointment of a chief engineer, to fix his term of office, designate his authority, and to provide suitable penalties for the violation of any of the provisions of the ordinances passed under this section.

Volunteer fire
companies.

Fire limits.

SECTION 2. It shall be competent for the common council to fix and designate fire limits within

which no buildings having wooden outside walls shall be constructed, or repaired so as to increase their value beyond the percentage to be fixed in the ordinance, and the council may, by ordinance, prescribe special fire limits within the general fire limits within which special fire limits they may require such building material to be used, and such additional precautions to be observed, both in the construction of new buildings and the repairing and maintenance of existing buildings as they may from time to time designate, for the prevention of fires and the spread and communication thereof; and to provide any proper remedy for the enforcement of such ordinances as may be passed in relation to fire limits, or any particular provision thereof; and to that end they may provide for the appointment of the building inspector, designate his authority, fix his term of office and provide for his compensation, but the common council shall possess no power to contract or diminish the fire limits once established, except the fire limits heretofore established may be altered at any time prior to September 1st, 1889.

SECTION 3. It shall be competent for the common council to provide by ordinance for the establishment or continuance of a paid fire department to be entirely under the control of the city government, and maintain it at the sole expense of the city; to provide for the appointment of the chief engineer of the fire department, and as many assistants as may be deemed necessary, and fix their salaries; and to provide for the appointment and compensation of as many firemen as shall from time to time be necessary.

Fire department.

SECTION 4. It shall be competent for the common council to provide for the purchase, hiring or leasing and maintenance of all necessary fire engines and apparatus for the extinguishing or prevention of fires, for the construction and maintenance of all necessary engine houses and fire stations, fire alarms, fire signals, telegraphs or telephones, and for the use of all known means of extinguishing and preventing fires. And the common council may appropriate the necessary sums for carrying the foregoing provisions into effect.

Fire apparatus.

SECTION 5. In case of a paid fire department the city treasurer shall keep a separate account with the general fund, to be called the fire account,

Fire account.

in which shall be entered all disbursements for or on account of the fire department, and all appropriations made, and all taxes collected for its use.

Relief fund.

SECTION 6. The common council may establish a fund for the relief of the fireman injured in the discharge of their duties, and for the relief of the families of firemen who may lose their lives in the discharge of their duties or in consequence thereof, and may provide for the management and distribution of such fund or the proceeds thereof, and may require all active firemen to contribute not to exceed two per cent. of their wages to said fund.

CHAPTER X.

THE BOARD OF PUBLIC WORKS.

Board of public works.

SECTION 1. There shall be a department known as the board of public works, to consist of the city attorney, city comptroller and city engineer.

President and secretary.

SECTION 2. The members of the board of public works shall, on the first Tuesday in May, of each year, choose a president of the board from their number; the city clerk shall be the secretary of the board by virtue of his office.

City engineer.

SECTION 3. The mayor, with the approval of the common council, shall appoint some competent person as city engineer, whose term of office shall continue for one year and until his successor is appointed, unless he shall be sooner removed by the council for cause. The city engineer shall keep his office in some convenient place to be designated by the common council; it shall be his duty to do all engineering work required by said council or the board of public works. The city engineer shall possess the same power to make surveys and plats within the city that are given by law to county surveyors, and 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.

Duties of city engineer.

SECTION 4. The city engineer shall file in the office of the city clerk a record of all his official acts and doings, and shall also keep a copy of all plats of lots, blocks and sewers embraced within the city limits; also all the profiles of streets, alleys and sewers, and of the grades thereof, and of all drafts and plans relating to bridges

and harbors, and of the public buildings belonging to the city; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city, and open to the inspection of parties interested, and shall be delivered over by said engineer at the expiration of his term of office to his successor or to the board of public works. On the last Tuesday in March of each year, and whenever requested, the city engineer shall make a report of all doings of his department to the board of public works.

SECTION 5. The salaries of the city attorney, city comptroller and city engineer respectively shall be in full for their services as members of the board of public works. Salaries.

SECTION 6. The common council may make such rules from time to time as they may deem proper, not contravening any of the provisions of this act, for the government of the board of public works, and the manner in which the business of said board shall be conducted. Rules for the government of the board.

SECTION 7. A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of such city. They shall make a report to the council on or before the first day of March in each year, and oftener if required. Quorum.

SECTION 8. It shall be the duty of the board, under the direction of the common council, to superintend all public works; and to keep the streets, alleys, sewers and public works and places in repair. Duties of the board.

SECTION 9. No building shall be moved through the streets or obstruction be placed therein without a written permit therefor granted by the board of public works; said board shall have power to determine the time and manner of using the streets for laying or changing water or gas pipes, or placing or maintaining electric light, telegraph and telephone poles. Provided, however, that the decision of said board in this regard may be appealed from to the council. Relating to obstructions.

SECTION 10. In case any corporation or individuals shall neglect to repair or restore to its former In case of neglect to repair.

condition any street, alley or sidewalk, excavated, altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said corporation and individual.

Work let to lowest bidder.

SECTION 11. All public works may be let by contract to the lowest responsible bidder. When the work is directed to be let to the lowest responsible bidder, the board of public works shall advertise for proposals by publishing a notice in the official newspaper of the city, at least once in each week, for at least three successive weeks before such proposals are advertised, a profile of the work to be done, together with the specifications, shall be placed on file with the city engineer for the inspection of bidders, and a contract, with sureties, as the same will be required to be executed by bidders, shall be prepared, and the copy of the same furnished to any person desiring to bid on the work. No bids shall be received when not accompanied by a contract, with sureties, executed on the part of the bidder, and such sureties, which sureties shall justify as to their responsibility, and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract, in property situated in the state of Wisconsin, not by law exempt from execution.

Relating to unreliable bidders

SECTION 12. Whenever any bidder shall be, in the judgment of said board, incompetent or otherwise unreliable for the performance of the work on which he bids, the board shall report to the common council of the city a schedule of all the bids for such work, together with the recommendation to accept the bid of the lowest responsible bidder for such work, with their reason 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 competent and reliable bidder, or to re-advertise the same, and the failure to let such contract to the lowest bidder, in compliance with this provision, shall not invalidate such contract or any special assessment made to pay the liability incurred under such contract.

Obstructions.

SECTION 13. All contractors doing any work which shall in any manner obstruct the streets or sidewalks, shall put up and maintain barriers and

lights to prevent accidents, and shall be liable for all damages caused by failure so to do. All contracts shall contain provision making the contractor liable for all damages caused by negligent digging up of streets, alleys, or public grounds, or which may result from any carelessness of such contractor in the prosecution of such work.

SECTION 14. All contracts shall be signed by the mayor and clerk unless otherwise provided by resolution or ordinance. Provided, however, that no contract shall be executed on the part of the city until the city comptroller shall have countersigned the same and made an endorsement thereon, showing that sufficient funds are in the city treasury, or that provision has been made to pay the liability that will accrue under such contract.

Contracts to be signed by mayor and clerk.

SECTION 15. All contracts shall contain a provision authorizing the board of public works, in case the work under such contract is not completed within the time therein required, to take charge of the work and finish it at the expense of the contractor and his sureties.

In case contract is not completed within specified time.

CHAPTER XI.

WATER-WORKS.

SECTION 1. Whenever the water-works shall be owned by the city, the same shall be operated under the direction of the board of public works.

Water-works. Operated by board of public works.

SECTION 2. The common council shall have power to legislate on all matters with reference to the construction, operation, management and protection of water-works for the city, not contravening the provisions of this act, or the constitution or laws of this state, or contracts already made; provided, however, that all provisions relating to water-works not herein otherwise provided, shall be adopted by a vote of not less than a majority of all the members of the council.

Operation of water-works.

SECTION 3. The city may acquire by purchase or otherwise, as specified in this act, for acquiring real estate for the public use, such lands as may be necessary for the construction and operation of water-works to supply the city and inhabitants thereof with water; provided, that in cases where the water-works are owned by private persons or

City may acquire lands.

corporations the expenses of acquiring such real estate shall be paid by such persons or corporations on a proper conveyance being made to such persons or corporations, of said real estate.

Water rates.

SECTION 4. When the city own the water-works, the water rates shall be collected by a city treasurer, and shall be devoted exclusively to the expenses of maintaining and operating the works and paying the principal and interest of any indebtedness created in the construction thereof.

Water rates collected semi-annually.

SECTION 5. On the first day of January and July in each year, the board of public works shall furnish the city treasurer with a list of all lots or parcels of real estate to which water has been furnished by the city during the preceding six months, and the amount due for the same. If the amount due is not paid within ten days thereafter, a penalty of ten per cent. shall be added, and the treasurer shall proceed to collect the said dues with said penalty, together with five per cent. thereon for his fees. He shall have all the authority in collecting said tax vested in him in the collection of general city taxes. Said dues shall be a lien on the real estate to which the water was furnished from the time said list is placed in the hands of said clerk, and all sums not paid by the first day of November, in any year, that have accrued during the preceding year, shall be reported by the treasurer to the city clerk, who shall insert the same in the tax roll as delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent city taxes shall apply to said tax.

Assessment for laying of water pipes.

SECTION 6. The board of public works before laying any water pipe along the street, alley, or other line in said city, shall assess against the several lots, parts of lots or parcels of land which may front on or abut on the proposed line of water pipes, or which may be contiguous to and used in connection with any such lot or parcel of land, such sum as such lot or parcel of land, will be in the judgment of said board, specially benefited by reason of laying such water pipes, not to exceed, however, the amount prescribed in the next section; provided, that no lot, parcel of land or part thereof, shall be subjected to the payment of more than one assessment for water pipe laid in the same street or alley.

SECTION 7. A regular lot (not corner) which may front or abut on the line of water pipe, shall be assessed an amount equal to one-half of the cost, as estimated by the said board of public works, of furnishing and laying a regular line of water pipe of approved materials and manufacture, with the required openings for connection with private service water pipes along the front of said lot. Such minor pipe to be not less than four nor more than six inches in diameter, as the said board may determine. Every irregular lot, part of lot, or other parcel of land fronting or abutting on such line of water pipe, and likewise any parcel of land, or lot, which shall be contiguous to any parcel of land, or lot, or part of lot so fronting or abutting, and which in the judgment of said board is or may be most advantageously used in connection therewith, shall be assessed for such water pipes the amount which in the judgment of said board shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by each from the laying of the said water pipes.

Lots, how assessed.

SECTION 8. Every corner lot, and every lot, part of lot or parcel of land, which may front or abut on more than one street on which it is proposed to lay a line of water pipe, shall be assessed for every such line of water pipe; but the aggregate of the assessment therefor on any such lot, or parcel of land, shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by them respectively from the laying of such water pipes; and in making such assessment, the said board shall take into consideration the situation of such lot or parcel of land with respect to its divisions and all subdivisions thereof by sale, contract, use or occupation in severalty, and may assess each subdivision separately; and may also assess any subdivision of such lot or parcel of land in connection with any other part of such lot or other lot or land contiguous thereto and most advantageously used in connection therewith.

Corner lots, how assessed.

SECTION 9. Whenever any lot or parcel of land shall be subdivided by sale or contract, or by use or occupation in severalty, whether such subdivi-

Relating to subdivided lots.

vision shall occur before or after the assessment or special benefits as herein provided, the said board of public works may, after ascertaining such facts, at any time before the special assessment shall have been inserted in the tax roll make an equitable apportionment of the benefit tax against such lot or parcel of land among the different subdivisions thereof.

Board to file report with city clerk.

SECTION 10. The said board of public works shall file reports of such assessments with the city clerk who shall record the same in a book to be kept for that purpose, and give notice thereof to the parties interested by publishing the same once in each week for three successive weeks in the official papers. Any person feeling himself aggrieved by the report of said board, may, within twenty days after the completion of the publication of notice by the comptroller, appeal from such report to the circuit court of the county. Such appeal shall be entered and conducted in like manner and like security for costs shall be required as provided by law in cases of appeals from the decisions of the common council of said city to said court, on the return of assessment of benefits for street improvements. In the making and the signing of all reports or returns, under this chapter, by said board of public works to the comptroller or any other officer of said city, the official signature of the president and secretary of said board shall be sufficient.

Water pipe assessments.

SECTION 11. The said board of public works shall, from time to time, make and file a report with the city clerk, of all work done for which assessments shall have been made as herein provided, and shall make such report of all assessments for work so reported to have been done to the board of public works, shall, if practicable, make certified returns to the city clerk in time to have the same included in the tax levy for the current year; and the same shall be entered on the tax roll in a separate column, under the head of "water pipe assessments;" and the same shall be collected, and the payment thereof shall be enforced by sale, deed and other proceedings, in like manner as now provided by the law in cases of assessments for streets and improvements, except that no certificates shall be issued, but all such

assessments and proceeds thereof, when collected, belong to the water-works fund.

SECTION 12. The preceding provisions relating to the construction of water mains in the whole or in part at the expense of abutting owners, shall not apply except when the city owns the works.

Construction of water mains.

CHAPTER XII.

THE HEALTH COMMISSIONER.

SECTION 1. It shall be the duty of the mayor, once in three years, to nominate a regularly licensed physician as commissioner of public health, who shall be confirmed by the common council, and who shall hold his office for the term of three years, and until his successor shall be appointed and qualified.

Health commissioner.

SECTION 2. It shall be the duty of the commissioner of the public health to provide such rules and regulations as shall be requisite and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases, and to cause the removal of all objects detrimental to the health of the people of the city, and to enforce such rules and regulations as hereinafter provided.

Duties of commissioner.

SECTION 3. All rules and regulations prepared by the commissioner of public health shall be by him reported to the common council, and if the common council shall confirm the same by a vote of a majority of the members thereof, such rules and regulations shall have the force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances.

Rules and regulations.

SECTION 4. The commissioner of public health shall also, from time to time, recommend to the common council such sanitary measures to be executed at the public expense, as shall seem to him to be necessary for the preservation of the public health.

Sanitary measures.

SECTION 5. It shall be the duty of the common council to provide an office for the commissioner of public health, and to fix his salary, which shall be paid out of the city treasury, as the salaries of the other city officers are fixed and paid, and to

Salary of commissioner.

provide for him such assistants as may be necessary, and to fix their salaries.

Commissioner
to discharge
duties imposed.

SECTION 6. The commissioner of public health shall also discharge such duties, not herein enumerated, as may from time to time be imposed upon him by the common council by ordinance or resolution; and he shall make such reports to the state board of health, and generally perform such duties as are or may be required of health officers by the general laws of the state.

CHAPTER XIII.

SCHOOLS.

Schools.
Board of
education.

SECTION 1. The board of education shall consist of one commissioner from each ward, and one from the city at large, to be appointed by the mayor and confirmed by the common council. The mayor in appointing the first board under this act shall divide the members into three classes as nearly equal as may be, and shall appoint those of one class for one year, those of another class for two years, and those of the remaining class for three years. Each commissioner shall hold his office for the term designated in such classification, and until his successor shall have been appointed and qualified.

President of
the board.

SECTION 2. The first meeting of the board each year shall be held on the first Monday in May, or as soon thereafter as may be. At its first meeting each year the board shall elect one of its members president. The president shall preside and preserve order at every meeting of the board at which he shall be present, and he shall perform such other duties as the board shall, by rule, by-law or resolution, from time to time require of him.

Secretary of
the board.

SECTION 3. The board of education shall annually, at its first meeting, or as soon thereafter as may be, elect a secretary who shall not be a member of the board. The board shall in like manner, annually at its first meeting, or as soon thereafter as may be, elect a superintendent of schools for the city, who shall not be a member of the board. These officers shall hold their respective offices for one year and until their successors shall have

been elected, unless sooner removed by a resolution adopted by the board by a vote of two-thirds of its members.

SECTION 4. The board of education shall have Authority.
authority:

1. To establish and organize such high schools, High schools.
and so many schools and branches of the same,
primary schools, night schools and kindergartens
as they shall deem expedient.

2. To purchase and preserve such school ap- School
paratus and furniture as may from time to time apparatus.
be required.

3. To grade the schools and prescribe the course Course of
of study to be pursued therein, and to prescribe study.
the text books to be used. Provided, that such
text books shall not be changed oftener than once
in five years.

4. To employ teachers of all grades, and to fix Employ
their salaries. teachers and
fix salaries.

5. To prescribe rules of order for the regulation Rules and
of their own meetings and deliberations, alter and regulations.
repeal the same from time to time as they shall
see proper.

6. To appoint all necessary standing and special Committees.
committees.

7. To enact, amend and repeal all necessary Make, for
rules, regulations and by-laws for the government government of
of the schools, teachers and school officers. the schools.

8. To fix the salaries and to prescribe the duties
of the superintendent of schools and secretary.

9. To contract for and purchase all necessary
fuel for the schools and school officers, and to pro-
vide for lighting the same, and to appoint janitors
for the school buildings and school officers, and to
fix their salaries.

10. To estimate the expenses of the public Expense of
schools of the city as hereinafter provided. schools.

11. To exercise all the powers necessarily inci- Exercise cer-
dent to the powers herein conferred. tain powers.

SECTION 5. It shall be the duty of the board of Meetings.
education to hold monthly meetings at such times
as the board shall from time to time prescribe,
and special meetings of the board may be held
under such rules and regulations as such board
may prescribe.

SECTION 6. It shall be the duty of the board of School build-
education under the direction of the common ings.
council to erect and keep in repair all school build-

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

School tax.

SECTION 7. The board of education shall, as early as the first day of November each year, make an estimate of the expense of the public schools in the city, for the ensuing year, including all necessary incidental expenses, and the amount thereof which it will be necessary to raise by city taxation, and certify the same to the city clerk, who shall lay the same before the common council, who shall include the same, or as much thereof as they shall approve, in the annual budget, to be raised by a tax called the city school tax, which shall be collected the same as other taxes. It shall be the duty of the city treasurer to set aside and keep all moneys raised in any way for school purposes, whether by the state, the county or the city, coming into his hands, in a separate fund, to be called the school fund, and to pay out the same upon the orders of the board of education, signed by the president and certified by the secretary of that board; provided, that teachers' and janitors'

salaries may be included in a single order each month, in the form of a pay roll, to be signed by the president and certified by the secretary of the board of education.

SECTION 8. The city superintendent of schools is hereby vested with the same power to examine and license teachers and supervise and manage the schools in said city as a county superintendent has by general law in his county. Power of city superintendent

CHAPTER XIV.

FINANCE AND EXPENDITURES.

SECTION 1. The fiscal year shall commence on the first day of October in each year and close on the thirtieth day of September next succeeding. Fiscal year.

SECTION 2. All funds in the city treasury, except school funds, funds created and set apart for the payment of interest and principal of the debt of the city, and funds collected on special assessments, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly countersigned by the comptroller and authorized by a vote of the common council. All orders drawn upon the treasurer shall specify the purposes for which they are drawn, and shall be payable out of any fund in the city treasury not otherwise appropriated. All orders shall be payable to the persons in whose favor they may be drawn or to the bearer thereof. City funds.

SECTION 3. The city treasurer shall not pay out any of the funds in his hands which shall be appropriated by law for any special purpose, except for the purposes for which said funds are specially appropriated, any direction of the city council to the contrary notwithstanding. Special funds.

SECTION 4. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasurer, unless the same shall have been authorized by a vote of a majority of all the members of the common council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act. Indebtedness.

SECTION 5. The common council shall not authorize the issue of orders upon the city treasurer Money orders.

unless the money to pay the same is in the hands of the treasurer to the credit of the fund upon which the orders are drawn.

Treasurer to report to city clerk.

SECTION 6. The treasurer shall, on the first day of each month, deliver to the city clerk a statement showing the condition of the treasury at the close of the preceding month, and a statement of all disbursements since the last report. The comptroller shall examine said report and the vouchers for the disbursements referred to, and shall attach thereto a report of his examination thereof, and the city clerk shall place the same before the common council for its consideration at its next meeting. When said report shall have been approved, the city clerk shall preserve the same with the vouchers referred to therein, in his office.

Council may borrow money.

SECTION 7. The common council may borrow money to pay the ordinary expenses of the city, not exceeding twenty per cent. of the tax levy for the same purpose the preceding year. Certificates of indebtedness may be issued therefor, signed by the mayor and clerk, bearing interest not exceeding seven per cent. per annum, and payable not later than the 15th day of January after the same are issued. Provided, however, that no such loan shall be made unless authorized by a vote of at least three-fourths of all the members of the common council at a regular meeting thereof.

Deposit in bank.

SECTION 8. The city council may designate by resolution the bank or banks in the city where the money belonging to the city shall be deposited and the security to be given by such bank or banks in the city, and when the money is so deposited, the treasurer and his bondsmen shall not be liable for the loss of such money by reason of the failure of such banks.

Payment of interest.

SECTION 9. The common council may contract with a bank receiving the city deposits for the payment of interest thereon.

Money deposited on special account.

SECTION 10. The common council may so provide that all money in the hands of the treasurer at the end of each month, not exceeding a sum to be specified, shall be deposited in the bank selected for that purpose in a special account, and no money shall be drawn from said account except on a check or order signed by the treasurer and countersigned by the comptroller. Whenever the

balance in the general account falls below such specified sum the comptroller shall have authority to countersign a check for a sufficient amount to increase such general account to such specified sum. No change in this regard shall be made in any year after the treasurer shall have filed his bond which will increase the liability of the bondsmen.

SECTION 11. All temporary loans shall be paid out of the taxes levied for the ensuing year unless sooner provided for.

temporary loans.

SECTION 12. A sufficient portion of the moneys received for licenses of all kinds to pay all interest on the outstanding bonded indebtedness of the city for the ensuing year, and five per cent. of the principal of such bonded indebtedness shall be set aside for that purpose and placed in a special fund on the first day of June in each year. And said funds shall be deposited with such bank or banks as the common council shall contract with, the bank receiving such deposit for the payment of interest thereon at a rate not less than four per cent. per annum payable semi-annually, and by such contract further provide that the principal shall not be payable by the bank until the bonds for which such sinking fund is provided become due, and that all moneys belonging to such sinking fund shall be paid into such bank as fast as collected, and also that the bank shall pay the interest upon the bonds as fast as such interest shall become due and payable, out of the sinking fund moneys so received, and the semi-annual interest upon such deposit shall be added to the principal of such sinking fund as fast as such interest becomes due. The common council shall require of such bank or banks good and sufficient security for the faithful performance of such contract.

Special fund.

SECTION 13. The common council shall have authority to issue bonds for the following purposes only:

Authorized to issue bonds for school purposes

1. Building school-houses.
2. For the advancement of commerce and manufactures in said city.
3. Building public buildings for the use of the city.
4. Purchase of apparatus for fire protection.
5. Construction of main sewers and bridges and the improvement of streets and alleys.

6. Water-works.
7. Public parks.
8. Refunding municipal indebtedness.

Provided, that no such bonds shall be issued unless authorized by ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect. Said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city; and provided, further, that no such bonds shall be issued, so that the amount thereof, together with all the other indebtedness of the city, less sinking funds on hand, shall exceed five per cent of the assessed valuation of such city at the assessment preceding the issue of such bonds. And provided, further, that all such bonds issued shall be payable in not less than five years and in not more than twenty years after their date, and shall bear interest not exceeding six per cent. per annum, payable semi-annually; provided further, that no bonds shall in any case be issued by said city for the advancement of manufactures, until the proposition for their issue shall have been submitted to the people of said city, and adopted by at least a two thirds vote of all the electors voting thereon.

CHAPTER XV.

ASSESSMENT AND COLLECTION OF TAXES.

- Taxation.** **SECTION 1.** All property in the city, subject to taxation under the laws of this state, shall be subject to taxation for all purposes authorized by this act
- Assessment.** **SECTION 2.** The assessor appointed under this act shall, within the time and in the manner prescribed by law for making the assessment of property for taxation, under the revised statutes of this state, make an accurate assessment of all the property in the city subject to taxation.
- Assessment roll.** **SECTION 3.** When the assessment roll shall have been completed the same shall be delivered to the city clerk, who shall thereupon give notice by publication in the official papers of the city for ten days, that on certain days therein named,

not less than three in number, said assessment roll will be open for examination by the taxable inhabitants; which said notice may assign a day certain for the inspection of such assessment rolls. On such examination the assessor may make such changes as may be necessary to perfect the assessment roll, and after the corrections are made the said roll shall be submitted by the city clerk to the board of review.

SECTION 4. The mayor, city clerk and assessor shall constitute such board; provided, that the common council may, by ordinance, provide for an increase of the membership of said board by adding thereto not exceeding four members of the common council.

Board of review.

SECTION 5. The board of review shall meet on the first Monday of July of each year and proceed as such board, as prescribed by the laws of this state.

Annual meeting.

SECTION 6. Where the roll shall have been examined and completed by the board of review, the assessor shall deliver the same as completed and verified, as required by the statutes of this state, together with all statements of valuations, to the city clerk, who shall preserve the same in his office.

When roll has been examined.

SECTION 7. On or before the first day of November in each year, the board of public works and the board of education shall each file with the city clerk a detailed statement of the amount of money that will be required for the ensuing fiscal year in their respective departments, and the city comptroller shall likewise file a statement of the amount required by the police department, fire department, the general fund, and for the purpose of paying interest for the ensuing year on the public debt, and five per cent of the principal thereof. The city clerk shall without delay, place such estimates before the city council for their consideration, and the council shall thereupon, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are authorized, not exceeding the limit provided by law, and in making such levy they shall take into consideration the estimated amount that will be received by the city during the fiscal year, from licenses.

Levying taxes

SECTION 8. It shall be the duty of the city clerk

Tax roll.

to make out a complete tax roll in the manner and form provided by law, and as soon as practicable after the levy shall have been made by the common council as prescribed in the preceding section, and the certificate of the county clerk showing the amount of state and county taxes apportioned to the city shall have been received, to cause the same to be extended upon such tax roll upon a uniform percentage by setting opposite the description of each lot, tract, or parcel of land, and to the name of each person named in said roll, in proper columns, such proportionate share of the sums of taxes so levied as may be chargeable upon such lot, tract or parcel of land or against such person and also enter and extend upon such tax roll all special assessments required to be entered therein. To such tax roll shall be appended a warrant signed by the mayor and clerk, substantially in the following form:

Form of
warrant.

To ———, city treasurer of the city of Ashland:

You are hereby required to collect from the several persons or corporations named in the annexed tax roll, and from the owners of the real estate described therein, the tax set opposite the name of each person, corporation and property, within the time limited by law, and to apply the proceeds by you so collected and make a return thereof as by law provided.

Dated the ——— day of ———, 18—.

—————, Mayor.
—————, Clerk.

Prima facie
evidence.

SECTION 9. The tax roll and warrant thereto attached shall be prima facie evidence in all courts, that the land and person therein named were subject to taxation and to the special assessments therein entered, and that the assessment was just and equal, and the same duly posted, balanced and completed shall be delivered to the city treasurer on or before the 15th day in December in each year.

Common council not to cancel taxes except in certain cases.

SECTION 10. After the tax roll shall have been delivered to the treasurer, as provided in the preceding section, it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases:

First. When a clerical error has been made in

the description of the property or in the extension of the tax.

Second. When improvements on lots were considered in making the assessment roll, where the improvements did not exist at the time fixed by law for making the assessment.

Third. When the property is exempt by law from taxation.

Fourth. When a person has been assessed the same year for the same property in more than one ward or place.

SECTION 11. All special assessments shall be carried out on the tax roll in a separate column or columns opposite the lots or tracts upon which the same may be a lien, and the treasurer shall have the same authority with reference thereto as if the amount of such lien was a general tax.

Special assessments.

SECTION 12. On the receipt of such tax roll the treasurer shall give one week's notice thereof in the official papers. Such notice shall specify that the taxes must be paid before the tenth day of January following.

Tax notice.

SECTION 13. On the expiration of the time specified, the treasurer shall proceed to enforce the collection of such taxes in the manner provided by law; provided, however, that the treasurer may issue his warrant directed to the chief of the police of the city, requiring him, within a time specified in such warrant, to collect the taxes on personal property as shall then remain unpaid; and the chief of police receiving such warrant shall possess all the powers given by law to town treasurers for collection of such taxes, and be subject to the liabilities of town treasurers, and entitled to the same fees as town treasurers in such cases.

Unpaid taxes.

SECTION 14. Before the treasurer shall sign his warrant to the chief of police, as provided in the preceding section, such chief of police shall give a bond to the city, in such sum and with sureties as the council may prescribe, for the payment to the city treasurer of all taxes by him collected or received by virtue of such warrant.

Chief of police to give bond.

SECTION 15. Within the time required by the statutes of this state in case of town treasurers for the return to the county treasurers of delinquent taxes on personal and real property, the said chief of police shall return his warrant for

Delinquent taxes.

the collection of taxes of personal property to the treasurer.

Treasurer shall pay taxes as provided.

SECTION 16. Out of the taxes collected the treasurer shall first pay the state tax to the county treasurer, and shall then set aside all sums of money levied for school taxes; then moneys levied for the payment of judgments, then all sums raised as special taxes in the order in which they are levied, then taxes for the payment of principal and interest on the public debt, then the taxes for bridge purposes, then for fire purposes, then for streets and other public improvements, and lastly county taxes. Delinquent returns shall be made to the county treasurer, the same in all respects as required by the general laws of this state, and thereafter such proceedings shall be had with reference to the delinquent taxes so returned to the county treasurer, as are provided for in cases of delinquent returns from towns.

Relating to error or informality.

SECTION 17. The directions hereby given for the assessing of lands and personal property, and levying and collecting taxes, shall be deemed directory only, 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, shall vitiate or in anywise affect the validity of such tax or assessment.

CHAPTER XVI.

EMINENT DOMAIN.

Right of eminent domain.

SECTION 1. The city of Ashland shall have the power to condemn lands for streets, alleys, public grounds, parks, cemeteries, sites for school buildings and other public buildings, and lands to be used for purposes of drainage and water distribution and other public municipal purposes, not here enumerated, by the following proceedings:

Relating to laying out of streets.

SECTION 2. As to streets it shall be competent for any ten resident freeholders in any ward to petition the common council for the opening, widening, extension or change of any street in such ward, and if the land proposed to be taken for that purpose shall lie in two or more wards, then ten resident freeholders of each of the wards

shall be required to join in the petition. Such petition shall be addressed to the common council and shall designate in general terms the location, extent of the proposed laying out, widening, extension or change, but need not contain a particular description of the land proposed to be taken. For the purpose of such petition a person in possession of land under a contract of purchase and sale, or a bond for a deed, shall be deemed a freeholder.

SECTION 3. When such petition shall be presented to the common council it shall prior to the adoption of any resolution thereon be referred to the board of public works, and said board shall make a report to the common council, stating whether or not such petition is sufficiently signed, and if so, giving a particular description of each lot, parcel, or subdivision of land proposed to be taken, and a plat of the proposed street, widening, extension or change. Upon the coming in of such report the common council may, if the petition be reported sufficiently signed, by a vote of a majority of its members, adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them, for the purpose named in the petition, and direct the city attorney to commence and prosecute the proper proceedings for the condemnation and acquisition of said land.

Relating to
condemnation
of lots.

SECTION 4. As to alleys, a petition for the opening, widening, extension or change of an alley, may be made to the common council, by owner or owners of one-third or more of the land in the block in which the alley or proposed alley is situated, whether such owner or owners shall be residents of the city, or not. Land held under a land contract or bond for a deed, shall, for the purpose of such petition, be deemed to be owned by the person so holding it, and infants and others under guardianship, may petition by their guardians. Such petition shall, before any resolution upon it shall be adopted, be referred to the board of public works, who shall thereupon make and report to the common council, stating whether or not, the petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a

Petition relating
to alleys.

plat of the proposed alley, as the same will be when laid out, widened, extended or changed. Upon the coming of such report, if it shall appear thereby, that the petition is signed by the owner or owners of one-third or more of the land in the block, the common council may adopt a resolution by a vote of the majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterwards appear either in the case of a street or an alley, that such petition was not sufficiently signed, that fact shall not, in the absence of fraud, vitiate the petition, on the subsequent proceedings thereon.

May condemn
land for public
use.

SECTION 5. The common council may, without a petition, by a vote of four-fifths of its members, adopt a resolution declaring it to be necessary to condemn to the public use any land for the opening, widening, extension or changing of any street or alley, and directing the city attorney to commence and prosecute the proper proceedings therefor, and in case of the opening or extension of public grounds, or acquiring land as a site for a school building, (or other public building), or lands for purposes of drainage or water distribution, or the taking of lands for any public municipal purposes not herein enumerated, the common council may, without a petition therefor, and by a vote of a majority of its members, adopt a resolution declaring it to be necessary to condemn lands for such purposes, describing it in general terms, but not particularly describing the lands proposed to be taken, and directing the city attorney to commence and prosecute the proper proceedings therefor. Before any resolution provided for in this section shall be adopted it shall be referred to the board of the public works, who shall thereupon make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, public ground, building site, drain, or water pipe, or land to be used for other public municipal purposes, and report the same to the common council.

City attorney
to conduct pro-
ceedings.

SECTION 6. Whenever, by any resolution adopted under any of the preceding sections of this chapter, it shall be declared necessary to con-

demn any lands, and the city attorney directed to commence and prosecute the proper proceedings therefor, it shall be the duty of the city attorney to prepare and present as soon as may be, a petition to the circuit court of the county in which the land proposed to be taken, or some of it, shall lie, for the condemnation of the land mentioned in the resolution for the purpose therein mentioned, and to prepare and file with said petition a sworn list of the names and residences, so far as they are known to him or can with reasonable diligence be ascertained by him, of persons owning or being interested in the lands proposed to be taken therein; and said petition shall have annexed thereto copies of the original petition, if any, the resolution of the common council, and the report of the board of public works as to the proposed condemnation. The city attorney shall thereupon prepare a notice substantially in the following form:

State of Wisconsin,

In the matter of (here insert the object of the proceed- ings) in the city of —.	}	In the circuit court of the county of —.	Form of notice.
----------------------------------------------------------------------------------------	---	------------------------------------------------	-----------------

To whom it may concern:

Notice is hereby given that a petition for the condemnation of real estate has been presented to said court in the above entitled matter, by the city of —, by its city attorney. All persons interested in said matter may answer said petition at any time within twenty days after the service of this notice, exclusive of the day of service.

Dated —.

A. B., City Attorney.

Such notice shall be served upon the owners of land which is proposed to be condemned, and all persons interested therein, in all respects like a summons in a civil action, except that in cases of service by publication and mailing, or by publication alone, the publication shall be made in the official paper or papers of the city, and except that service within the state may be made by the chief of police of the city named in the notice or his subordinates, instead of the sheriff of the proper county, and the return or returns of such chief of police by himself or by his subordinates upon such notice or copies thereof, shall have the same force and effect as the return of a sheriff of

Notice to be served on owner.

the proper county by himself or by his deputies. The filing of said petition shall be deemed the commencement of a suit. Within twenty days after service of such notice upon any party, owning or being interested in any real estate proposed to be condemned, such party may serve an answer to such petition upon the city attorney, and file the same as in cases of answers in civil actions. No notice of retainer or appearance without an answer shall be of any avail. When the time for answering shall have fully expired, the city attorney may call up said matter for hearing upon a notice of three days, excluding the day of service and excluding Sunday and legal holidays, and without notice to parties who have not answered, and such proceedings shall have precedence over all other matters not on trial; and the circuit court shall thereupon empanel a jury as in civil cases triable by jury, to determine whether or not it is necessary to take the land proposed to be condemned for public use. Such jury shall view the premises in question in the same manner as in civil actions, when a view of premises is ordered by the court, at the expense of the city, and shall return into court as in such cases; and if no answer shall have been served, the city attorney shall produce such evidence as he deems material as to the necessity for such condemnation, and if an answer or answers shall have been served, the issue upon the petition and such answer or answers shall be tried by the court and jury, the same as other issues of fact; and in either case the court shall thereupon instruct the jury as in other cases triable by jury. The jury shall thereupon retire to consider their verdict as in other cases of jury trials. The verdict shall be either:

Verdict of jury.

“ We, the jury, find that it is necessary to condemn the real estate sought to be condemned in this proceeding, for the public use;” or

“ We, the jury, find that it is not necessary to condemn the real estate sought to be condemned in this proceeding, for the public use.”

Upon the coming in of the verdict, judgment shall be entered condemning the land sought to be condemned to the public use for the purpose set forth in the petition, or dismissing the petition, as the verdict shall require.

If the jury shall disagree, a new jury shall be immediately impanelled, and like proceedings shall thereupon be had as before. If two juries shall disagree, the matter shall be continued to the next term of the court, when it may be again called up and like proceedings had thereon. If the three juries shall disagree, the proceedings shall be dismissed. No appeal from a judgment of condemnation shall be allowed, but the supreme court may review such judgment upon a writ of certiorari sued out within thirty days after the entry of judgment and not thereafter.

If jury disagree.

SECTION 7. The costs of the foregoing proceedings shall be paid by the city, and if the jury shall find that it is not necessary to condemn the lands in question to the public use, or if the proceeding shall be abandoned, any party who shall have put in an answer shall recover from the city his disbursements necessarily made or incurred, and taxable attorney's fees not to exceed twenty-five dollars.

Costs.

SECTION 8. If the city shall not, within one year after the entry of a judgment of condemnation, cause the benefits and damages by reason of such condemnation, to be assessed as provided in this chapter, and shall not have in the proper fund available for that purpose, a sum sufficient to pay the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned. At the expiration of one year after the entry of such judgment, the comptroller shall upon demand, furnish to the mayor or to any person who shall require it, a certificate showing whether or not there was, at the end of such year, in any fund of the city, available for that purpose, a sum sufficient to pay such excess of damages over benefits, and such certificate shall be prima facie evidence of the facts therein certified. If it shall appear that there is in any fund of said city, a sufficient sum available for that purpose at the expiration of such year or at any time prior thereto, and after such assessments of benefits and damages shall have been made and confirmed, the city may take possession of the land condemned, an order on the city treasurer shall be issued, as in other cases, in favor of the person in whose favor any excess of damages over benefits shall have been assessed, upon the

Damages must be paid before land is taken.

certificate of the city attorney that such is entitled to receive the same. If the attorney shall refuse to give any such certificate, the party or parties claiming the same may apply to the circuit court at the foot of the judgment of condemnation for a decision awarding such amount to him or them, and upon such application and eight days' notice thereof to the city attorney, the court shall proceed in a summary manner to inquire as to the rights of the parties in the premises, and may make up an issue upon such application and submit the same to a jury in a proper case, and shall make and file a decision, in writing, as to who is entitled to draw the amount in controversy, and in filing a certified copy of such decision, with the city clerk, an order shall be issued in accordance with such decision. If any two or more parties shall claim the same sum, or if the city attorney shall be in doubt as to whom such sum should be paid, he may, in like manner, apply to the court at the foot of the judgment of condemnation for a decision as to the rights of the parties in respect to such sum, and upon such application and eight days' notice thereof, to the parties interested, the court shall proceed in like manner to ascertain and decide who is entitled to said sum or any part thereof, and the city treasurer shall in like manner pay the same out, upon, and according to such decision. An appeal from any such decision may be taken to the supreme court by any party interested therein, including the city, within thirty days after the filing of the same, and such sum shall not be paid while such appeal is pending, nor until the matter shall be finally determined. Such appeal shall be taken upon like notice and undertaking, as an appeal from an order in a civil action, and like proceedings shall be had thereon in the supreme court and the circuit court.

Relating to
claims on lots.

SECTION 9. If any person, not the owner of the land condemned, shall have a lien thereon, or a lease hold or other interest therein, such person shall receive a portion of the excess of damages over benefits awarded by reason of such condemnation in proportion to the lien or interest he may have had in the land condemned, ascertained upon the principles of equity; and if the

parties cannot agree the matter may be decided by the court at the foot of the judgment of condemnation upon the application of a party or the city attorney, as provided in section 8. The term "excess of damages over benefits," shall, when used in this act, be construed to include any sum which shall be assessed as damages and not offset by an assessment of benefits, as well as the balance in favor of a party in whose favor damages have been assessed and against whom benefits have been assessed.

SECTION 10. When any land shall be condemned under this chapter for public grounds, parks, cemeteries, or sites for school or other buildings, the city shall take a fee simple title to the land so condemned. In all other cases the fee shall remain in the owner, his heirs and assigns, and the city shall take by the condemnation only such an interest in the land as shall be necessary and convenient for the uses and purposes for which it is condemned.

Public parks,
etc.

SECTION 11. Condemnation proceedings under this chapter shall in no case be a bar to subsequent proceedings for the condemnation of the same premises or any part thereof for the same or a different purpose; and the same land may be condemned more than once for different purposes, each consistent with the other.

Condemnation
proceedings.

SECTION 12. When a street or alley shall be changed by proceedings under this chapter, so much of the original street or alley as shall be left out of it as changed, shall be deemed vacated without any other proceeding, and the fact of such vacation shall be taken into account in assessing benefits and damages by reason of the condemnation proceedings.

When part of
street vacated.

SECTION 13. It shall be the duty of the common council, within three months after any judgment of condemnation shall have been entered, to adopt a resolution directing the board of public works to make an assessment of damages by reason of such condemnation, and in the case of condemnation for opening, widening extending or changing streets and alleys, and for opening public grounds, the common council may also direct the board of public works to make an assessment of benefits. Such resolution shall be certified by the city clerk to the board of public

Assessment of
damages and
benefits.

works immediately after its adoption and approval. When such assessment shall have been made and reported to the common council, that body may, by resolution, confirm the same, or refer the matter back to the board of public works for a new assessment, or may, by resolution, abandon the condemnation proceeding. If the common council shall for more than three months after the entry of a judgment of condemnation, neglect to order an assessment of damages, or benefits and damages, as the case may be, the condemnation proceeding shall be deemed to have been abandoned, and if the common council shall not within one year after the entry of judgment of condemnation confirm an assessment of damages, or of benefits and damages, and make provision for paying the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned.

Manner of
assessing
damages.

SECTION 14. When the city clerk shall have certified to the board of public works a resolution of the common council requiring an assessment of damages or benefits and damages to be made under this chapter, the said board shall immediately proceed to assess the damages, by reason of the condemnation mentioned in such resolution as follows: Opposite each description of the land condemned the board shall set down in separate columns the damages sustained by the owner by reason of the taking of the land, the damages, if any, to the adjoining property of the same owner, the total damages, and in cases wherein benefits may be assessed, the benefits, which will in their judgment accrue to lands in the vicinity of the condemned lands, by reason of the condemnation in question, the excess of damages over benefits, and the excess of benefits over damages, each such sum being set opposite the proper description. No benefits shall be assessed against any lot, parcel or subdivision, every part of which shall be one thousand feet or more distant from the nearest land condemned, and no benefits exceeding five per cent. of the assessed value thereof according to the last assessment roll, shall be assessed against any lot, parcel or subdivision by reason of any one condemnation proceeding, and no benefit exceeding three per cent. of the assessed value thereof according to

said assessment roll shall be assessed against any lot, parcel or subdivision, the whole of which is more than five hundred feet distant from the nearest land condemned by reason of any one condemnation. In assessing such damage or damages and benefits the board of public works shall proceed as in case of benefits and damages on account of public improvements, giving like notices and like opportunities for correction, and reporting the assessment to the common council in like manner.

SECTION 15. When such assessment shall be confirmed by the common council, the city clerk shall transmit the same to the comptroller, who shall thereupon report to the city clerk a list of special taxes to be entered in the tax roll on account thereof, which list shall have set opposite each description against which benefits not offset by damages or an excess of benefits over damages shall have been assessed, the amount of such benefits or excess, which amount shall be levied upon the land described as a special tax and shall be collected the same as other taxes.

Comptroller to report a list of special taxes.

SECTION 16. The cost of each condemnation shall be paid out of the general city fund, except the cost of condemnations for purposes as to which there are special funds, such as the water fund or sewerage fund, if any, shall be paid out of such fund, and all special taxes levied and collected on account of any condemnation shall be credited to the fund out of which the cost of the condemnation is paid.

Cost of condemnation, how paid.

SECTION 17. The city of Ashland may, at its option, condemn lands for any of the purposes mentioned in the first section of this chapter either under the provisions of section 927 and sections 895 to 904, inclusive, of the revised statutes of 1878, and the acts amendatory thereof, or under the foregoing provisions of this chapter.

May condemn lands under this act.

SECTION 18. Any party aggrieved by any assessment of benefits or damages, or both, may appeal to the circuit court therefrom, within the time, in the manner, and upon the security prescribed in appeals, from assessments of benefits and damages on account of public improvements, and like proceedings shall be had thereon. Such appeal shall not affect any special tax levied on account of an excess of benefits over damages, but the

Party aggrieved may appeal to circuit court.

amount recovered by the appellant, properly applicable in reduction of such assessment and the costs, if any, shall be paid out of the proper fund; also the amount recovered by way of increasing any damages assessed, or for damages when none have been assessed, with the costs, if any.

CHAPTER XVII.

CITY IMPROVEMENTS.

Grading streets.

SECTION 1. The city council shall have authority to establish the grade of all the streets and alleys of the city, and to change and re-establish the same as it may deem expedient; provided, that wherever it shall change or alter the permanently established grade of any street, any person sustaining damages to his property abutting on such street by such change or alteration of grade, shall have a right to recover such damages in the manner set forth in this chapter.

Grades recorded.

SECTION 2. The grade of all streets shall be established and described, and the adoption of such grades and all alteration thereof, shall be recorded by the city clerk. No street shall be worked until the grade thereof is established and recorded in the manner herein set forth.

Streets and sidewalks.

SECTION 3. The streets shall be divided into a carriage way and a sidewalk on each side thereof; the sidewalk shall be for the use of persons on foot, and no person shall be allowed to encumber the same with boxes or other material; but such sidewalk shall be kept clear for the uses specified herein.

Streets and alleys may be opened and graded.

SECTION 4. The city may cause streets and alleys to be opened, leveled, graded, re-graded, graveled, re-graveled, macadamized, paved and re-paved with wood, stone or other materials, or improved in any other manner; and may cause such streets and alleys to be swept and cleaned; provided, that no street shall be graded, graveled, macadamized or paved, where the expense would exceed five hundred dollars, except upon the vote of two-thirds of all the members of the council.

Part of improvements of streets, etc., chargeable to lots.

SECTION 5. In the first instance the grading, graveled, paving, planking, macadamizing or improvement of any street or alley, and the con-

struction of cross-walks where there is no intersection of streets, shall be chargeable to the lots or parcels of land fronting or abutting upon such street or alley, in proportion to the benefits accruing to such lots or parcels of real estate by reason of such improvement. Provided, however, that the total amount so assessed to the abutting real estate as benefits shall not exceed the entire cost of such improvement. And provided, further, that in no case shall the amount so assessed to any parcel of abutting real estate exceed the benefit accruing to such real estate by such improvement, except in case of sidewalks.

SECTION 6. The expense of all cross-walks at the intersection of streets or alleys, and across public grounds, shall be paid by the city at large. The expense of maintenance, relaying, keeping in repair and cleaning of streets, in all cases where the streets shall have been constructed to the established grade, and graveled, planked, macadamized, or paved, as required by the common council, shall be paid out of the general fund of the city.

SECTION 7. Before the council shall change or alter any established grade, or shall order any work to be done on any street, in whole or in part, at the expense of the abutting real estate, it shall order the board of public works to view the premises and determine the damages and benefits which will accrue to each parcel of abutting real estate, by such change or alteration of grade; the entire cost of the contemplated work or improvement upon the street, the benefits and damages that will accrue to the several parcels of abutting real estate by such work or improvement, and the amount that should be assessed under the provisions of this chapter to each parcel of such abutting real estate, as benefits accruing thereto by such contemplated work or improvement.

SECTION 8. Said board shall make and file in their office a report showing their determination on the questions required to be considered by them under the provisions of the preceding section.

SECTION 9. Notice shall be given by the board of public works, by publication in the official newspaper of the city, at least once in each week for two successive weeks, that such report is open for review at their office and will be so continued for a space of twenty days after the date of such

notice; and that on a day named therein, which shall not be more than three days after the expiration of said twenty days, said board will be in session to hear all objections that may be made to such report. No irregularity in the form of such report, nor of said notice, shall affect the validity of the same if it fairly contains the information required to be conveyed thereby. At the time specified for hearing objections to said report, said board shall hear all parties interested who may appear for that purpose, shall reduce to writing all objections that may be made, and all evidence that may be offered to sustain the same, and shall have power to review, modify and correct said report as they may deem just; and thereupon a complete and final report shall be made and filed by said board, with the city clerk, together with all objections and evidence taken before them to sustain the same, together with proof of publication of said notice, but no irregularity in the form of said report or manner of conducting the proceedings by said board, shall affect the legality of said report.

Action by the council on report of the board.

SECTION 10. The city clerk, at the next regular meeting of the council after the filing of said report, shall place the same before the council for its consideration, and said council may confirm or correct the same or refer the report back to the board for further consideration.

Council to determine amounts to be paid.

SECTION 11. Subject to the limitations hereinbefore mentioned, the common council may determine the amount to be paid by the abutting real estate as benefits on account of the improvement of a street, and the amount that shall be paid by the city at large.

In case of final determination.

SECTION 12. When a final determination shall have been reached by the council, and the report of the board of public works as made by them, or as changed or modified by the common council, shall have been confirmed, the city clerk shall publish notice in the official paper of the city once in each week for two successive weeks, that a final determination has been made as to the damages that will accrue to the real estate abutting on the street, in case of the change of an established grade; or the benefits to be assessed to the abutting real estate in the case of a proposed improvement.

SECTION 13. If the owner of any parcel of land abutting on the street mentioned in said notice, feels himself aggrieved by reason of the determination made by the common council, he may within twenty days after the date of such determination appeal therefrom to the circuit court; and such appeal shall be taken, tried and determined, and bonds for costs shall be given and costs awarded in like manner as in case of appeals from the disallowance of claims under this act; provided, that in case any contract shall have been made for making the improvements, said appeal shall not affect said contract; but a certificate against the lot in question for the amount of benefits assessed to such lot shall be issued, notwithstanding such appeal; and in case the appellant shall succeed, the difference between the amount charged in the certificate so issued, and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate, shall be paid by the city at large.

Owner of lot may appeal to the circuit court.

SECTION 14. The appeal given by the last section from the report of the board of public works as confirmed by the common council, shall be the only remedy of the owner of any parcel of land, or any person interested therein, affected by said improvement; for the redress of any grievance he may have by reason of the making of such improvements, or by reason of the change of any established grade covered by said report.

Only remedy of the owner of certain lots.

SECTION 15. When any of the works before mentioned shall have been ordered to be done and the plans for the same containing a description of the work, the materials to be used and such other matters as will give an intelligent idea of the work required, shall have been filed with the city clerk where the same can be inspected by persons desiring to bid on such work, the board of public works may advertise in the official paper of the city for bids for doing such work for such length of time as the board may think the interests of the city demand. The board shall prepare or cause to be prepared a printed form for the contract with sureties required, and furnish the same to all persons desiring to bid, and shall not consider any bid unless accompanied by a contract with sureties as prescribed by the forms so furnished, completed with the exception

Board shall advertise for bids.

of the signatures on the part of the city. The notice published shall inform bidders fully of this requirement.

May reject
bids.

SECTION 16. The board of public works shall have power to reject any and all bids, otherwise the contract shall be let as prescribed in the chapter entitled, "board of public works."

Contractor,
how paid.

SECTION 17. Whenever any work has been done under contract as provided in this act, and the same shall have been approved by the board of public works, the contractor shall be entitled to a certificate therefor as to each parcel of land against which benefits shall have been assessed for the amount chargeable to said lot. Said certificate shall be in such form as the board may prescribe. The amount chargeable to the city shall be paid as the contract for the work may provide.

Certificates
conclusive evi-
dence of
legality of pro-
ceedings.

SECTION 18. After the expiration of nine months from the date of said certificate, the same shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof, and may be transferred by endorsement; provided, however, that this shall not affect any appeal from the report of the board of public works as confirmed by the common council. If said certificates are not paid before the making out of the next tax roll, the same may be filed with the city clerk, and when so filed the comptroller's statement of special assessments to be placed in the next tax roll, shall include an amount sufficient to pay said certificates, with interest thereon at the legal rate, from the date of such certificates to the time when the city treasurer is required to make return of delinquent taxes; and thereafter the same proceedings shall be had as in case of other taxes, except that all moneys collected by the city treasurer and all moneys collected by the county treasurer, or county clerk, on account of such taxes, shall be delivered or paid to the owner of the same on demand, upon surrender of such certificate.

Improvement
bonds.

SECTION 19. When a contract is let for doing any work specified, herein chargeable to the abutting real estate, it may provide that the amounts so chargeable may be paid with certificates against the lots or in improvement bonds, or that payment may be partly made in certificates and partly in cash or improvement bonds or both.

SECTION 20. As soon as the amount chargeable

to the abutting real estate is finally determined, the council may cause a notice to be published in the official paper of the city, substantially in the following form:

CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been (or is about to be) let for (— describe the work and street), and that the expense of said improvement chargeable to the abutting real estate, has been determined as to each parcel of said real estate and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the abutting real estate to pay the special assessments, and such bonds will be issued, covering all of said assessments except in cases where the owners of the property file with the city clerk within thirty days after the date hereof, a written notice that they elect to pay the special assessments on their property, describing the same, on presentation of the certificates.

City improvement notice.

SECTION 21. After the expiration of said thirty days the council may issue improvement bonds covering all of the assessments, except such as the owners have filed notices of election to pay as stated in the preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of the city and contain such recitals as may be necessary to show that they are chargeable to particular property, specifying the same and the number and amount of said bonds.

Improvement bonds.

SECTION 22. Said bonds shall be semi-annual interest coupon bonds, payable at the option of the city after five years and absolutely at the expiration of seven years from their date, and shall draw interest at a rate not exceeding six per cent. per annum.

Semi-annual interest bearing coupon bonds.

SECTION 23. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with a copy of said bonds in his office.

Statement of special assessment and bonds.

SECTION 24. The city treasurer shall pay the interest on, and principal of, said bonds as the same become due and charge the amount to the proper fund.

SECTION 25. In each year after the issuing of

Bonds, when payable. \

said bonds, when the tax roll for the year is prepared, one-fifth of the special assessment on each parcel of property covered by said bonds, with six per cent. interest on the amount of said special assessment then unpaid, shall be extended on the tax roll as a special tax on said property, and thereafter this tax shall be treated in all respects as any other city taxes, and when collected the same shall be credited to the fund against which payments on said bonds are charged.

Special tax.

No action to be maintained to avoid payment of taxes.

SECTION 26. No action shall be maintained to avoid any of the special assessments or taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of all the proceedings on which the same are based.

Park commissioners.

SECTION 27. The council shall have authority to establish a board of park commissioners, to prescribe their powers and fix their compensation.

Board of public works to have charge of parks.

SECTION 28. Until such time as the council shall provide for a board of park commissioners, the public parks of the city shall be under the charge of the board of public works.

When public parks may be established.

SECTION 29. The council shall have full power to legislate with reference to public parks; provided, however, that no park shall be established at the expense of the city without the same is first submitted to a vote of the electors at an annual city election, and there is a majority vote in favor of the same.

CHAPTER XVIII.

SIDEWALKS.

Grading sidewalks.

SECTION 1. In all cases where the grades of sidewalks shall not have been specially fixed by ordinance, the sidewalks shall be laid to the established grade of the street.

Standard sidewalks.

SECTION 2. The common council may, from time to time, by resolution, establish the width, determine the material, and prescribe the method of construction of standard sidewalks, and the standard so fixed may be different for different streets.

SECTION 3. Whenever a street shall be improved for the first time, or the grade thereof

changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, but the construction of the sidewalk shall be done by the owners of the abutting lots or parcels of land, or at their expense as hereinafter provided.

Grading of sidewalk may be let by contract.

SECTION 4. It shall be the duty of the owner of every lot or parcel of land abutting upon an improved street, or a street ordered to be improved, whereon the sidewalk has been graded for ten days or more, to lay at his own expense a standard sidewalk in front of the same, or one as good as the standard, to be approved by the board of public works.

Owner of lot to construct sidewalk.

SECTION 5. Whenever the owner of any lot or any parcel of land so abutting upon any improved street whereon the space for the sidewalk shall have been graded for ten days or more, shall neglect to lay a standard sidewalk, or one as good as the standard fixed by the common council, approved by the board of public works, it shall be the duty of the board of public works to cause a standard sidewalk to be laid in front of such lot or parcel of land. Such work shall be let by contract in all cases where the estimated cost shall exceed one hundred dollars, and in all other cases it may be done without the intervention of a contract; and in all cases where the sidewalk shall be out of repair for more than ten days, it shall be the duty of the board of public works to repair the same. The board of public works shall keep an accurate account of the expense of laying and repairing sidewalks in front of each lot, subdivision or parcel of land, whether the work be done by contract or without the intervention of a contract, and report the same to the city auditor, who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land, and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by the city clerk entered in the tax roll, as a special tax against said lot, subdivision or parcel of land, and the same shall be collected in all respects like other city taxes upon real estate.

When owner neglects to lay sidewalk.

SECTION 6. It shall be the duty of the board of

Sidewalks to be kept clear of snow and ice.

public works to keep the sidewalks of the city clear of snow and ice, in all cases where the owners or occupants of the abutting lots fail to do so, and the expense of clearing the sidewalk in front of any lot or parcel of land, shall be included in the statement to the auditor, required by the last section, and in the statement of the auditor to the city clerk therein required, and in the special tax to be levied, as therein provided.

Rules and regulations.

SECTION 7. The common council may, from time to time, make all needful rules and regulations, by ordinance, for carrying the aforesaid provisions into effect, and for regulating the use of the sidewalks of the city, and preventing their obstruction.

CHAPTER XIX.

SEWERS.

Sewers.

SECTION 1. Said city shall have full powers to construct systems of sewerage, but shall not enter upon such construction until it shall have been divided into sewerage districts, and a plan shall have been adopted in the manner hereinafter specified; provided, that it shall not be necessary before any part of the system is constructed that the plan shall be determined upon in all its details, but it shall be settled so far as relates to that portion of the system upon which the construction is commenced.

Plans of sewerage.

SECTION 2. The board of public works shall cause diagrams of the plans of sewerage for each district to be prepared showing the lots and parcels of land, the main sewers, minor sewers, man holes, catch basins, and all other matters pertaining to the system.

Notice.

SECTION 3. On the completion of such diagram, notice shall be given in the official paper of the city, substantially in the following form:

Notice is hereby given that a plan for sewerage for the district bounded as follows: — — has been prepared and is now opened for inspection at the office of the city clerk. All persons owning or interested in real estate in said district are entitled to examine the same at any time within thirty days after the first publication of this no-

tice, and file objections to said plan. On the — day of —, 18—, this board will be in session to consider any objections that may have been filed, and all persons desiring to be heard before the board can then be heard.

Dated — —.

— —
 — —
 — —

Board of Public Works.

The day for the hearing specified shall be within thirty days after the last publication of said notice. Said notice shall be published at least once in each week for four successive weeks.

SECTION 4. On the day specified for said hearing before the board, they shall take up and consider all objections made to the plan as proposed, and shall take down in writing any testimony that may be offered to sustain said objections. When the board shall have concluded said hearing, they shall report the proposed plan, with all objections overruled, and the evidence taken thereon, to the common council. The common council shall then examine the same, and may approve the plan as proposed, or change it in such manner as they may think proper, and approve as changed or modified by them, or may reject the plan and direct the board to propose a new plan, in which case the same proceedings shall be had as before.

Common council to examine plans.

SECTION 5. When the plan for any sewerage district is finally determined, complete diagrams of the same shall be prepared in duplicate, and certified to be correct by the board of public works; one of which diagrams shall be filed in the office of the city clerk, and one in the office of the register of deeds in the county within which the city is located.

Diagram of sewerage district.

SECTION 6. On or before the first Monday of March in each year, the board shall present to the council a report of the sewers necessary or advisable to be constructed during the ensuing year. The council shall, as soon as practicable, consider said report; they may approve the same or make such additions or changes as to them may seem best, and adopt the report as changed or modified. No sewer shall be constructed during the ensuing year, except such as shall have

Board to report annually to the council.

been determined upon in the manner aforesaid, except by a vote of three-fourths of all the members of the common council. The board shall proceed to construct the sewers determined upon, when, and as ordered to do so by the common council.

Bids for the construction of sewers.

SECTION 7. After the common council shall have ordered the construction of any sewer, the board of public works shall advertise for and receive bids to do the work so ordered, having first procured to be carefully prepared and put on file in the office of the board 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 may let the contract to the lowest responsible and reliable bidder. Provided, however, that the board shall have the right to reject all bids and re-advertise for proposals if they believe none of the bidders are responsible, or if they believe any agreement has been entered into between bidders to prevent competition; and, provided, further, that the contract shall not be binding until the same shall have been approved by the common council and countersigned by the comptroller.

Contractor, how paid.

SECTION 8. Such contract may, at the option of the city, except as herein otherwise provided, require the contractor to receive as payment for so much of the work as has been assessed against the lots opposite to the front of which any such sewer shall extend certificates against such lots respectively or improvement bonds; and the residue of such contract shall be paid out of the proceeds of the general sewerage tax, to be levied on real estate and personal property within the sewerage districts by the common council on the recommendation of the board of public works.

Board to make an assessment.

SECTION 9. After any contract for work under this act to be paid for in whole or in part by such 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 been before so assessed for sewerage purposes, at the rate of one dollar 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 said 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 sub-assessment, of one-third from the aggregate of the street lines of such corner lot 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 subdivisions 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 two dollars 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 subdivisions of such lots 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; but no corner lot shall be assessed for the cost of any sewer in an alley when such lot has already been assessed for a sewer on two sides thereof.

SECTION 10. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessments of benefits accruing to it by a system of sewerage, shall have been made, and before such system shall have been fully carried out and extended to such lots assessed, 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 benefit tax against any lot between the different parcels of it; but if by neglect of the owners of the lot so divided, no such apportionment shall be

In case of subdivided lots.

made, then the entire lots shall be liable for the entire tax.

Costs paid partly out of fund of sewerage district.

SECTION 11. The cost of all sewers in street and alley crossings, and of all sewers in excess of two dollars per lineal foot, chargeable to lots and lands as provided in section ten 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 on the system of sewerage herein provided, and all cost for constructing sewers not provided for by special assessment shall be paid out of the fund of the proper sewerage district; 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.

Money required for sewerage purposes.

SECTION 12. The board of public works shall report to the common council on or before the first day of November of each year as accurately as may be, the amount of money required for sewerage purposes for that year in each district, in addition to the special assessments made; and the common council are hereby authorized to direct the levy and collection of a tax for sewerage purposes in each district for such amount as may be necessary, not, however, to exceed in any one year the sum of two and one-half mills on the dollar on all property, real and personal, subject to taxation in any such sewerage district; which tax, so levied, shall, when collected, be placed in the fund of the sewerage district in which the same has been collected; and the city treasurer is hereby directed and required to keep a separate and distinct account of each sewerage district.

Contractor paid with certificates.

SECTION 13. Any person to whom a contract is awarded for the construction of a sewer may receive in payment certificates against the lots, 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 only out of the fund of the proper district; 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 proper fund for the payment of the same. All certificates of special assessments for building sewers, shall be signed by the mayor and clerk of said city, and countersigned by the comptroller, and delivered to the persons entitled to receive the same.

SECTION 14. All contracts entered into by the board of public works under this chapter shall be with sureties approved as to the form and execution by the city attorney, and, before taking effect, shall be signed by the mayor and city clerk and countersigned by the comptroller. Sureties.

SECTION 15. In all cases the work shall be subject to the superintendence and direction of the board of public works; 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 an estimate of the amount and proportionate value of the work already done, withholding in all cases twenty-five per cent. of said estimate, which shall entitle the holder to receive the amount thereof, less such twenty-five per cent. from the proper fund. Board to have supervision of the work.

SECTION 16. Whenever the common council shall order the paving or repairing of any street in the city in which water, 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 a street at the cost of the property fronting on such street, from the main sewer, water and gas mains in such street to the curb line on either side of the street at intervals 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 Water and gas pipes.

of the property adjoining such paved street, by publication thereof for six days in the official paper, 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 material of such lateral sewers or drains, and water and gas service pipes; and if such owners or occupants shall refuse or neglect to do the same, before the paving or preparing 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 5, of chapter 18, of this act; and the same shall be levied and collected as other special assessments are levied and collected in said city; provided, that no street shall be paved or repaved by order of the common council unless the water and gas mains and service pipes, and necessary sewers and their connections shall, as required by the common council, be first laid and constructed in that portion of such street so to be paved or repaved.

Drains and
sewers.

SECTION 17. It shall be the duty of said board to see that proper drains and 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.

Cost of private
sewers.

SECTION 18. The said board shall describe 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 the 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 sewer shall be constructed.

SECTION 19. 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.

Specifications
of private
sewers.

SECTION 20. 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 for that purpose, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work.

Contractor to
have certain
rights.

SECTION 21. No private drain shall be connected with any public sewer without the said board first issuing their permit for such connection; and there shall be paid for such permit into the general fund of the sewerage district, by the owner of 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 such private drain, but not less than two and one-half, and not 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 collected as the other special assessments, and shall be collected as other taxes on real estate are collected; provided, that no charge shall be made for the 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.

Permit for
constructing
private drains.

SECTION 22. No person is required to make connection until building, and no person shall break open or make connection with public sewer except by the consent and under the direction of

Relating to
private drains.

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 purposes of sewerage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five thousand dollars, or imprisonment in the county jail not to exceed three months.

Sewers may be laid in any streets and alleys.

SECTION 23. 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 of said city and through any break-water into any lake, and also in any highways of the 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, breakwaters and highways, and to restore the same to the former condition upon the completion of such sewers.

Diagram conclusive evidence of regularity.

SECTION 24. Either of the duplicate diagrams filed as the final determination for a plan of sewerage for any district after the expiration of nine months from the date of such filing shall be conclusive proof of the regularity of such proceedings to establish the plan of sewerage shown on such diagram, and the regularity and legality of the proceedings to establish such plan of sewerage shall not thereafter be called in question in any court.

Require a three-fourths vote to change plans.

SECTION 25. When a plan of sewerage has been finally determined upon, it shall not be changed except by a vote of three-fourths of all the members of the common council, in favor of the same. Such change shall be by ordinance passed at a regular meeting after the same shall have been published, at least once in each week for two successive weeks in the official paper of the city.

Duplicate diagram to be filed.

SECTION 26. When such change shall have been determined upon; duplicate diagrams shall be prepared, certified and filed as before, showing the plan of sewerage as changed, and after nine months from the date of such filing, the said duplicate shall be conclusive proof of the regularity and legality of the proceedings to establish such plan; any change rendering useless any existing

sewer, the expense of change shall be paid by the general fund.

SECTION 27. Whenever a contract shall have been let for the construction of any sewer, and the amounts have been determined that are chargeable to the lots or parcels of land abutting on the street or alley through which said sewer is to be constructed, if the common council deems it for the best interest of the property owners affected by the special assessment for the construction of said sewer, may cause a notice to be published in the official paper of the city once in each week for six successive weeks, substantially in the following form:

Notice of improvement bonds for sewerage assessments.

IMPROVEMENT BONDS FOR SEWERAGE ASSESSMENTS.

Notice is hereby given that a contract has been let for the construction of a sewer as follows: (Describe the street or alley) that a statement showing the amount of the special assessment chargeable to the lots and parcels of real estate abutting on the street (or alley) through which said sewer is to be constructed, is now on file with the city clerk. That all parties who desire to pay the special assessment on presentation of the proper certificate are required to file their notice to that effect with the said clerk before the expiration of thirty days from the date of this notice; that the city will issue its per cent. semi-annual interest coupon bonds for an amount sufficient to cover the special assessments which the parties owning the property do not elect to pay on the presentation of the certificates in the manner stated; that said bonds will be a charge upon the particular lots only against which said special assessments are claimed.

Dated the — day of —, 18—.

— — —
City Clerk of the City of Ashland.

SECTION 28. The council shall have power to issue its coupon bonds for an amount sufficient to cover all special assessments which the parties do not elect to pay in accordance with said notice. Said bonds shall be payable at the option of the city after five years from the date of their issue, and absolutely within seven years from said date; they shall bear interest at a rate not exceeding

Council may issue bonds to cover special assessments.

six per cent. per annum, shall specify on their face that they are sewerage bonds and chargeable only to the particular lots and parcels of land described therein, and such other provisions as the council may think proper to insert. The bonds shall be signed by the mayor and clerk, and be sealed by the official seal of the city.

Bonds may be sold at not less than par value.

SECTION 29. Said bonds may be sold by the common council at not less than par value, and the proceeds paid to the sewerage contractor, or the contract may provide that the contractor shall take the bonds as a payment on his contract at their par value, with accrued interest.

Tax on particular lots mentioned.

SECTION 30. The city shall pay the principal and interest on said bonds as they fall due and shall reimburse itself by a tax on the particular lots mentioned in said bonds in the following manner: The city clerk shall in each year for five years succeeding the issue of said bonds, enter in the tax roll as a special tax upon each of the parcels of land mentioned in said bonds, one fifth of the special assessments as to each said parcel of land with six per cent. interest on the whole amount of said special assessment on such parcel of land then unpaid. Said tax shall be treated in all respects as any other city tax, and when collected shall be credited to the sewerage fund of said city.

Special tax on lands mentioned.

Tax shall not be avoided.

SECTION 31. After the issue of said bonds no action shall be brought or maintained in any of the courts of this state to avoid the tax mentioned in the foregoing section.

CHAPTER XX.

HARBORS AND BRIDGES.

Harbors and bridges.

SECTION 1. The board of public works, under the direction of the common council, shall have charge of the construction, repair and maintenance of all harbors and bridges, or either.

Location of harbors and bridges.

SECTION 2. The common council shall have power to determine, by ordinance or resolution, the location of harbors or bridges, and the manner of their construction, and by ordinance to adopt, fix and change from time to time, dock lines along the water fronts within the bounda-

ries of such city, conforming as near as practicable to the original meander lines and survey thereof, and to require the riparian owners to build and maintain docks for the protection of the banks; and upon the failure of such owners to perform such work as directed, the board of public works may cause such work to be done, and the expense therefor charged to the abutting lot or lots. The mode of proceeding shall be similar to proceedings as in the case of building sidewalks.

SECTION 3. Whenever the common council shall, by resolution, declare it to be necessary to construct or repair any harbor, dock, wharf, break-water, channel or bridge, it shall be the duty of the board of public works to prepare an estimate of the cost of such work and file it with the city clerk, who shall submit the same to the common council; thereupon the common council may, by resolution, direct the work to be done. It shall be then the duty of the board of public works to advertise for bids for doing the work and furnishing the material, the same as in the case of work to be done and materials furnished in the construction of streets, and they may receive bids and award contracts to the lowest bidder or bidders, in the same manner as in the construction of streets. The work contracted to be done, when finished, shall be accepted by the board of public works before final payment shall be made to the contractor or contractors. The contract may provide for the payment of not more than eighty per cent. of the cost of the work, upon estimate of the city engineer or city surveyor, as the work proceeds, and at least twenty per cent. of the cost of the work shall be retained until the work shall have been accepted by the board of public works.

Estimate of cost of constructing harbors and bridges to be filed.

SECTION 4. Where harbors or bridges, or either, shall be or shall have been constructed, or where any contract for the construction, repair, or maintenance of such harbors or bridges, or either, shall have been made, it shall be the duty of the city treasurer to open and keep a separate account of the receipts and disbursements on account of bridges, and another, if need be, on account of harbors, docks, wharfs, and the like, to be called, respectively, "bridge account," and "harbor account;" and where such bridges or harbors, or

Bridge and harbor accounts.

either, are required, it shall be the duty of the common council to make annual estimates of the money necessary to be raised for such work, and maintenance and repair of the same, and to provide, by taxation or loan, the necessary funds for the same, as in case of other public works. The bridge account and the harbor account shall each be one of the accounts of the general fund, but moneys raised on account of either shall not be applied, nor be deemed applicable to the payment of any other expense or expenses, nor shall the same, or any portion thereof, be credited to any other account, unless a resolution for that purpose shall be passed by the common council, by a majority of two-thirds of all the members thereof, and approved by the comptroller.

Relating to special assessment on account of bridges.

SECTION 5. No special assessments for benefits shall be made on account of any bridge, harbor, dock, or wharf, or any such like improvements, except as herein otherwise provided, unless the owners of property benefited thereby shall consent, in advance, to the levying of such assessments to the amount thereof as provided in the next section.

When special tax may be levied.

SECTION 6. Whenever the owners of land benefited by any proposed bridge, harbor, dock, or wharf, shall, by the petition to the common council, pray for the construction thereof and shall, in and by the terms of such petition consent, their land, describing it, shall be assessed for benefits by reason of such improvements (the percentage on the assessed valuation of such land, to be so assessed, being designated in said petition), if the improvement prayed for be made and accepted within the time designated in such petition, it shall then be the duty of the city comptroller to prepare a statement of assessments made pursuant to the consent obtained in such petition, and report the same to the city clerk, and the city clerk shall thereupon levy said assessments as special taxes upon the lands designated in said statement, in a separate column in the city tax roll for the current year; and such taxes shall be collected and paid into the city treasury and credited to the account of the proper fund the same as other taxes.

When bridge may be repaired.

SECTION 7. In cases where it should be urgently necessary, for the preservation of property, to make any repairs upon any bridge, dock or wharf,

not to exceed two hundred dollars in expense, it shall be the duty of the board of public works, with the consent of the mayor and comptroller, to make such repairs without the intervention of a contract, and report the same as soon as may be to the common council, whereupon it shall be the duty of the common council to make provision, by taxation or loan or by appropriation of funds available for that purpose, to meet the expense of such repairs.

SECTION 8. Whenever it shall be necessary, for the construction or maintenance of the harbor, that any lake, pond, river or creek shall be dredged or otherwise deepened, the board of public works, by direction of the common council, may let contracts for such dredging to the lowest bidder, the same as in case of other public works, or the city may purchase and maintain for its use the necessary dredges and other apparatus for such work, and may provide funds for the purchase, use and maintenance of such dredges and other apparatus by appropriations made from the general fund, to be charged to the harbor account; the money for that purpose to be raised by taxation or loan, as other moneys in the general fund are raised, and the board of public works, under the direction of the common council, shall have the control and management of such dredges and other apparatus, and shall employ such men and purchase such supplies as may be necessary in the management thereof, and the men so employed shall be paid, and the supplies so procured shall be paid for, upon certificates of the board of public works, countersigned by the comptroller, out of the general fund and charged to the harbor account.

Board may let contracts for dredging.

SECTION 9. In case it shall be necessary to protect any land from being washed away by any lake, river or other water, the common council may, by ordinance, provide for the protection of such land by a wall or dock breakwater, to be constructed as the common council may prescribe; and the council may in such case direct the board of public works to make an assessment of the benefits accruing to the land so protected, and other lands benefited thereby. No lot, subdivision or parcel of land, every part of which is more than one thousand feet distant from every

May provide breakwater.

part of the shore line thus protected, shall be so assessed. Such assessment shall be made, corrected, reported to the common council and confirmed by the common council the same as assessments for other public works, and certificates or improvement bonds may be issued thereon in the same manner and with like effect as in the case of other public works. An appeal to the circuit court may be taken from any such assessment upon like notice and security within the same time and with like effect as in the case of other public works, and like proceedings shall be had thereon.

CHAPTER XXI.

MISCELLANEOUS.

Aldermen.

SECTION 1. No member of the common council shall, during the term for which he is elected, be eligible to any other municipal office, except the office of mayor, existing at the time of his election, or created at the time of his election.

Relating to competency of jurors and witnesses.

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

Certain general laws made applicable.

SECTION 3. The general laws of the state for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads and bridges, the punishment of offenders, the collection of penalties, and the manner of conducting elections, shall be in force in said city, except as otherwise herein provided.

Relating to bribery.

SECTION 4. The general laws of the state of Wisconsin for the punishment of bribery, misdemeanors and corruption in office, shall be in force and shall apply to all officers elected or appointed under the provisions of this act.

Shall not be interested in any job.

SECTION 5. No city official shall be interested directly or indirectly in any contract to which the city is a party, and whenever it shall appear that such is the case, such contract shall be absolutely void, and the city incur no liability thereon whatever. No city officer shall be accepted as surety

on any bond, contract or other obligation made by the city.

SECTION 6. No real or personal property of any inhabitant of the city, or of any corporation thereof, shall be levied on or sold by virtue of an attachment or execution issued to satisfy any contract, debt or obligation of said city, or for any judgment against said city; nor shall any person or corporation be held liable as garnishee of said city.

No person held liable as garnishee.

SECTION 7. The use of any forms prescribed by the revised statutes of the state, and acts amendatory thereof, as far as the same are applicable, shall be legal and of the same force and effect, as the use of the forms prescribed in this act.

Forms prescribed by the revised statutes.

SECTION 8. In case any person shall present his claim or demand against said city, and the common council of such city shall disallow such claim in whole or in part, the common council shall not again consider or allow such claims.

Relating to claims against said city.

1889, c. 27 sub. ch. 21 § 8
101 518

SECTION 9. The city marshal shall be known as such, or as captain or chief of police, in the discretion of the common council; and he shall have command of the police force of the city under the direction of the mayor.

Powers of city marshal.

SECTION 10. The opinions of the city attorney shall be filed with the city clerk and recorded in a book to be kept for that purpose.

Opinions of city attorney.

SECTION 11. The city clerk shall keep a book to be known as an "ordinance book," in which he shall enter at length, in a plain and distinct, handwriting, every ordinance adopted by the common council immediately after its passage, and shall append thereto a note giving the date of its passage and page of the journal containing the record of the final vote upon its passage, and also the name of the newspaper in which said ordinance was published, and the date of such publication, together with proof of publication; the ordinance may be approved by the certificate of the clerk, under seal of the city, and when printed or published in pamphlet form, and purporting to be published by the authority of the city, shall be read and received in all courts as evidence of their adoption.

Ordinance book.

SECTION 12. No compensation or salary shall be paid to the mayor or any alderman, supervisor or school commissioner.

Certain officers to have no salaries.

Ordinances in force until repealed.

SECTION 13. The ordinances in force in such city at the time of the passage of this act shall continue to be in force and be the ordinances of said city so far as the same are not inconsistent with the provisions of this act, until amended, altered or repealed.

In case of failure to prescribe duties.

SECTION 14. In case of the failure to prescribe the duties of any officer elected or appointed under the provisions of this act, the provisions of the revised statutes and acts amendatory thereof as far as the same are applicable, shall be deemed and taken to be the guide in determining the duties of such officer.

Reward may be offered.

SECTION 15. When any heinous offense or crime has been committed against life or property within any such city, the mayor, with the consent of a majority of the council, may offer a reward for the apprehension of such criminal or perpetrator of such offense.

No lands shall be exempt from taxation.

SECTION 16. No lot or parcel of land in said city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks upon which such lots or parcels of land may border, excepting only property belonging to the United States or the state of Wisconsin.

Relating to subdivision of land.

SECTION 17. Every individual or company of individuals or body corporate owning a lot or tract of land within the corporate limits of the city of Ashland, who may desire to subdivide or plat such lot or tract, into city lots, shall, in platting the same, cause the streets and alleys in such plats to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to said lot or plat so platted; and before making such plat, as required by law, it shall be the duty of such persons, or corporation, making such plats to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, the said person or persons or corporations may cause said plat or plats to be recorded according to law; but except such plats be approved by resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Ashland to receive such plats for record or to record the same;

and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum not less than one hundred dollars nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

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

Approved February 27, 1889.

[No. 104, A.]

[Published February 28, 1889.]

CHAPTER 28.

AN ACT to incorporate the city of Mondovi.

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

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Buffalo, hereinafter described, shall be a city by the name of the city of Mondovi, and the people now inhabiting, and those who hereafter inhabit said district, shall be a municipal corporation by the name of the city of Mondovi, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and 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, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

An act to incorporate the city of Mondovi

Corporate name.

SECTION 2. The south three-fourths of sections eleven and twelve, and the north three-fourths of

Corporate limits.