

act so far as practicable, until the officers hereunder shall be elected and qualified.

SECTION 249. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1891.

No. 140, S.]

[Published April 3, 1891.

CHAPTER 128.

AN ACT to incorporate the city of Colby.

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

CHAPTER I.

SECTION 1. All the district of country lying in the counties of Marathon and Clark, state of Wisconsin, hereinafter described, is hereby set off and separated from the town of Hull, in Marathon county, and town of Colby, in Clark county, and shall be a city by the name of "Colby," and the people inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of the "City of Colby," 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, suing and being sued, pleading and being impleaded, and of answering and being answered unto, in all the courts of law and equity and other places, and shall have a common seal, and may change or alter the same at pleasure.

Corporation created.

CHAPTER II.

BOUNDARIES.

SECTION 1. All of the west half of section number eighteen, town twenty-eight, range two east,

Boundaries of city.

being a part of the town of Hull, Marathon county, and the whole of the east half of section thirteen, town twenty-eight, in range one east, being a part of the town of Colby, Clark county, shall be included in and constitute the limits of the city of Colby.

Boundaries of wards.

SECTION 2. The city shall be, and is hereby divided into two wards, which shall be known as the East and West wards, to be limited and bounded as follows: All that portion lying and being in section eighteen, town twenty-eight, range two east, shall be and constitute the East ward. All that portion being in the east one-half of section thirteen, town twenty-eight, range one east, shall constitute and be the West ward.

CHAPTER III.

TIME AND MANNER OF HOLDING ELECTIONS.

Annual elections.

SECTION 1. The first annual election for ward and city officers shall be held on the first Tuesday of April, 1891, and thereafter the elections shall be held on the day fixed by law as the annual town meeting of all towns in the state of Wisconsin, in each year, at such places as the common council shall designate; and the polls shall be kept open from ten o'clock in the forenoon till six o'clock in the afternoon, with this proviso: That an adjournment may be had in the discretion of the inspectors of election for one hour, between the hours of twelve o'clock M., and 1 o'clock P. M., upon due notice thereof given at the opening of the polls. Previous notice of six days shall be given of such elections, signed by the clerk, stating the time and place of holding the same, and of city and ward officers to be elected.

Elective city officers.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, one assessor and a clerk, elected by and for the city at large; one justice of the peace, one constable, two aldermen and one supervisor for each ward. The mayor, treasurer, assessor and clerk shall be qualified voters and residents of the city of Colby, and the said ward officers shall be qualified voters and freeholders or householders in the ward for which they were elected. The city marshal,

street commissioner and all other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers, except justices of the peace and aldermen, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the common council shall have power, for cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The aldermen, at the first election in each ward, who shall receive the largest number of votes, shall be declared elected for two years, and one alderman for each ward shall be elected annually thereafter, whose term of office shall continue two years, or until his successor is elected and qualified. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, for cause, until the council shall take up his case and dispose of it, which shall be done within ten days after such suspension. He shall also have power to fill any vacancy thus created for the time being.

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

Vacancies in
city offices.

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

Elections to be
by ballot; ties.

Qualifications
of electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall have resided in said city ten days exclusive of the day of holding such election, shall be deemed qualified electors of said city.

Officers of elec-
tions; elec-
tions how con-
ducted.

SECTION 6. The mayor and senior alderman of each ward shall be the inspectors of all elections held in said city, and the junior aldermen shall act as clerks of said elections, or in case of the absence of any of the above named inspectors or clerks, the remaining inspectors may fill such vacancy by the appointment of an elector of the ward in which such vacancy occurs. The common council shall provide, to be used at all elections two ballot boxes, one to be marked "East ward," and the other marked "West ward," and at such elections the inspectors shall deposit each elector's ballot in the box marked for the ward in which such elector shall reside; each ballot may have written or printed thereon the names of all persons voted for at large in said city, and also for any ward officer for the ward in which the elector resides. All elections shall be conducted in the same manner, and the qualifications of electors shall be the same as provided by the general laws of the state of Wisconsin, except as otherwise provided in section 5 of chapter 3 of this act.

Canvass and
return of
votes.

SECTION 7. When an election shall be closed, the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return thereof, which shall be subscribed by each inspector, and containing a statement of the whole number of votes cast for each office and the number cast for each candidate thereof, and proclaim the result of the election, and shall file the statement with the city clerk, who shall record the same in a book to be kept for that purpose.

First election,
when to be
held.

SECTION 8. The first election under this act shall be held on the first Tuesday of April, 1891, and annually thereafter, and the supervisors of the town of Colby shall appoint three voters of the territory embraced in this act, to perform the duties of inspectors, and one who shall perform the duties of clerk of the election, who shall have power to canvass the votes and make returns of the result as is provided by this act to make re-

turns at general elections of the city, and the said returns or statements shall be filed with the city clerk as soon as he has qualified.

SECTION 9. The mayor and each officer of said city, except the aldermen shall, within ten days after his election, and before he enters upon the duties of his office, execute to the city and file with the city clerk, a bond conditioned that he will faithfully, honestly and impartially discharge the duties of his said office according to law, and to the best of his ability, in such a sum as the council may direct at the meeting prior to any election, not to exceed five hundred dollars, except the treasurer, which shall be at least double the amount of all the moneys to come into his hands during his said term. Any voter or other person may prosecute said bond in his own name or in the name of the city, by giving security for all costs and damages that may be recovered or judgment had against such person upon failing to sustain his action, and recover any damages occasioned to him or to the city by reason of any breach thereof, or the city may by its attorney, prosecute the same; provided, there shall be but one recovery for each breach of said bond, and the suit first began shall have priority of right to recover, and such officers shall file with the city clerk their oath of office, as provided by law for county and town officers.

Official bonds.

SECTION 10. Special meetings of the common council may be called by any two of its members, or by the mayor alone, and the city clerk shall give reasonable notice to all the members of the time and place of meeting.

Special meetings of council, how called.

SECTION 11. All ordinances, by-laws, rules and regulations of the city, and all commissions, licenses and permits granted or authorized by the common council shall be signed by the mayor and countersigned by the city clerk, and whenever the city shall be a party to any contract, bond, agreement, deed, conveyance, lease or other instrument in writing wherein or whereby any legal or pecuniary liability shall be incurred by the city, the same shall be signed by the mayor and city clerk, and sealed with the corporate seal.

Ordinances, etc., how passed, executed, etc.

SECTION 12. The mayor, aldermen, city marshal, and the sheriff and his deputies of either Clark or Marathon counties, and all constables of

Officers of the peace, who are.

the towns of either Colby or Hull, shall be officers of the peace, and suppress in a summary manner all riots, affrays or disorderly conduct within the city, and for such purpose may command the assistance of all bystanders and citizens or other persons, and if either or any of said officers, or persons by them commanded, shall refuse or neglect to aid or assist such officers in maintaining the peace, or in the service of any process, or arresting any offenders without process when so required, upon conviction shall be deemed guilty of a misdemeanor, and shall be fined not less than ten nor more than two hundred dollars and costs of suit, and in default of payment shall be committed to the common jail of Clark or Marathon counties, according to the ward in which the offense may occur, or the city jail, until paid, but such imprisonment shall be limited by the court, and in no case shall be less than ten days.

CHAPTER IV.

DUTIES OF OFFICERS.

The mayor, his powers and duties.

SECTION 1. The mayor shall preside over the meetings of the council, and shall see that the laws of the state and the ordinances of the city, within the corporation, are duly enforced, and that all the officers of the city discharge their respective duties. He shall give the council such information and recommend such measures as he may deem proper and advantageous to the city, and shall perform all the duties imposed on him by this act, or by ordinances or resolutions of the council. It shall be his duty generally to maintain the peace and good order of the city. He shall vote in the council only in case of a tie vote. He shall have the control and supervision of the police of said city, and is hereby authorized to appoint special policemen when the safety and good order of the city shall in his judgment, require the same, upon special or unusual occasions, where compensation shall be fixed and allowed by the common council.

The common council.

SECTION 2. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the

city of Colby." The common council shall meet, qualify and organize on the first Tuesday of May, of each year, or as soon thereafter as may be, excepting that the first common council elected shall qualify and enter upon the duties of office as soon as elected. A majority of the aldermen, with the mayor, shall constitute a quorum.

SECTION 3. At the first meeting of the common council of each year under this act, or as soon thereafter as may be, the common council shall appoint one street commissioner and city marshal (and the two offices may be combined in one at the pleasure of the common council,) for said city, who shall hold his office for one year, and until his successor is appointed and qualified, and whose duties and liabilities shall be as hereinafter provided.

Appointment
of street com-
missioner and
city marshal.

SECTION 4. The common council shall have the control and management of the finances and of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of fires, and for the benefit of trade, commerce and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any and all persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of laws, provided that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinances, resolutions or by-laws:

Powers of com-
mon council.

1. To license, regulate and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, theatrical performances or concerts, and the use of billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualling houses, and the persons vending or

Licenses,
granting of.

- dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state.
- Gambling, etc.** 2. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.
- Riots, etc.** 3. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gaming.
- Abatement of nuisances.** 4. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.
- Slaughter houses, location of.** 5. To direct the location and management of slaughter houses and markets, and to prevent the erection of or the use and occupation of the same when the offal or filth therefrom shall endanger the health of the inhabitants of the city.
- Encumbering of streets.** 6. To prevent the encumbering of the streets, sidewalks, alleys or public grounds with any material substance whatever, and to require the removal of snow and other substances by the owners of such sidewalks.
- Horse racing, bathing, etc.** 7. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing in the waters within the limits of said corporation.
- Public pound.** 8. To build a public pound, to restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining and impounding of the same.
- Running at large of dogs.** 9. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to an ordinance.

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

Removal of putrid carcasses, etc.

11. To prevent all persons from riding, driving or leading any horse, mule or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Damaging of sidewalks.

12. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Shooting of firearms, etc.

13. 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.

Drunkennes and obscenity.

14. To regulate and control the landing of persons from cars and stages wherein any contagious or infectious diseases or disorders exist, and to make such disposition of such persons as to preserve the health of said city.

Contagious or infectious diseases.

15. To appoint one street commissioner (and to remove him at pleasure), whose compensation shall be such sum as shall be determined by the council at the time of making the appointment, not exceeding, however, two dollars per day.

Street commissioner.

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

Standard of weights and measures.

SECTION 5. To establish a fire department; to approve or disapprove of the officers elected therefor; to prescribe and regulate their duties; to provide protection from fire by purchase of fire-engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses, rent or purchase any now put up or used therein; to compel the inhabitants of the city to aid in the extinguishment of fires, and to pull down

Fire department; fires, etc.

and raze such buildings in the vicinity of fires, as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale, and after reasonable notice to such owner or occupant and refusal or neglect by him to procure and deliver the same to him, and in default of payment thereof to levy the costs thereof as a special tax upon such real estate, to be assessed and put in the tax roll and collected as other taxes are collected. To require construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipe, and the construction and cleansing of chimneys; to prevent bonfires, and generally to establish such measures for the prevention or extinguishment of fires as may be necessary and proper.

Establishing of
grades, etc.

SECTION 6. The common council shall have power and authority to establish the grade of any or all streets, gutters and sidewalks in said city, and the said common council shall, on a petition of a majority of the owners of real estate bordering on any street or sidewalk in said city, not less than ten rods in length, establish the grade of such street, sidewalk or gutter, as the case may be; such grade shall be established on the survey of a practical surveyor to be appointed by the said common council, whose compensation shall not exceed the pay allowed by law for like services; and it shall be the duty of the common council to cause the grade of all streets, gutters and sidewalks, when established, to be recorded in the office of the clerk of said city in a book to be provided for that purpose, and when any such grade shall have been so established and recorded, the same shall not be altered or changed, except upon the written recommendation of a practical surveyor, and by the unanimous vote of the common council.

Building and
repair of side-
walks.

SECTION 7. The common council shall have power to compel the building and repairing of sidewalks in said city, to control and regulate

their material and construction, and to levy special taxes on the adjoining property for the building or repairing of the same in the manner hereinafter provided.

SECTION 8. Whenever a majority of the resi Same.
dent owners of real estate, or lots bordering on any one side of any street or part of street in said city, not less than ten rods in length, shall desire to have a sidewalk built along the line of such real estate or lots, they shall make out, in writing and sign an application to the common council, in which shall be stated the points where they desire such sidewalk to commence and terminate, and request that such sidewalk be ordered laid, and that a special tax be levied upon the property bounded thereby sufficient to build the same.

SECTION 9. On the receipt of such application, Proceedings to build sidewalks.
the common council, if it shall deem the building of such sidewalk necessary or expedient, shall prescribe the manner of its construction and the materials of which the same shall be composed, and shall direct the street commissioner to cause the grade to be established for such sidewalk, and to report the cost of building the same along the line of each lot or tract of land bounded thereby. Upon the coming in of such report, the common council shall have power to alter or correct the same, and shall levy such tax and shall direct the clerk to make out and deliver to the street commissioner a list or roll of such tax as is required to build said sidewalk along the line of each lot or tract of land bounded thereby; giving the name of the owners if known, and a description of each lot or tract of land so taxed; whereupon the street commissioner shall notify the persons named in such tax list by delivering to or leaving at the residence of each such person (if residing within said city), a written or printed notice requiring such person therein named to build such sidewalk, to the approval of the street commissioner, and in the manner directed by the common council, along the line of the lot or land so taxed within thirty days, or to pay the amount of said tax in money. In case any person so taxed does not reside within said city, such notice may be served by delivering the same to such person if to be found, or in lieu of such personal

service, such notice may be posted in three public places in said city.

Warrant to be annexed to tax roll.

SECTION 10. To every such tax list or roll issued as aforesaid, a warrant shall be annexed signed by the mayor, and countersigned by the clerk, commanding the street commissioner to give notice to the several persons named therein, as is provided in section 9 of this chapter, and in case any such person shall have failed to build such sidewalk, for the building of which such tax was levied, within thirty days after such notice, to demand the payment of such tax in money. The street commissioner shall return such tax list or roll to the city clerk within forty days from the time the same shall have been placed in his hands, together with his statement, duly verified, showing what part or parts of said sidewalk has been built as required therein by the several owners of lots and tracts of land along the line thereof, also what part of each such tax has been paid in money and by whom paid.

Building of sidewalk when owner neglects or refuses.

SECTION 11. On the return of such tax list and warrant, if it shall appear that any part of any such tax remains unpaid, the common council may order the street commissioner to complete the building of such sidewalk, and the cost thereof shall be paid out of the general fund of said city, and all such unpaid taxes shall be collected as is provided in section 6 of this chapter, and when collected shall be returned into the aforesaid general fund.

Collection of sidewalk tax.

SECTION 12. Whenever any sidewalk in said city shall, in the opinion of the common council, require repairing or re-building, the said common council may direct the street commissioner to notify the owner or owners of such sidewalk to rebuild the same within twenty days, or to repair the same within twenty-four hours, as the case may be, which notice shall be given as is provided in section 8 of this chapter. In case any such person shall fail to repair or re-build the same within the time required by such notice, the common council shall have authority to direct the street commissioner to re-build or repair the said sidewalk, and to certify and return the expense thereof to the city clerk, and all such costs and expenses shall become a tax against the property bounded by the sidewalk so built or repaired, and

shall be collected as is provided in section 6 of this chapter.

SECTION 13. The city clerk in making out the general tax rolls of said city next thereafter, shall enter therein all such unpaid special taxes for the building and repairing of sidewalks in a separate column, opposite the names and descriptions of the property against which such taxes remain unpaid, and such taxes shall be collected by the treasurer of said city in the same manner as the general taxes are collected.

Treasurer to enforce collection of taxes, when.

SECTION 14. The street commissioner shall collect the highway taxes of said city, and shall superintend the expenditure of the same under the direction of the common council; and he shall, before entering upon the duties of his office, execute and file with the clerk, a bond to the city of Colby for the faithful discharge of his official duties, in such an amount and with such sureties and conditions as shall be required by the common council and approved by the mayor.

Collection and expenditure of highway taxes by street commissioner.

SECTION 15. The common council of said city shall, on or before the first Monday in May of each year, determine the amount of highway tax for said city necessary to be collected for such year, and shall levy such tax on the assessment of said city for the previous year, which tax shall not be more than two mills on the dollar of such assessed value of said city, and the said common council shall also levy a poll tax not to exceed one dollar and fifty cents upon each male person not exempt by law from the payment of poll tax of the age of twenty-one years and under the age of fifty years, residing within said city; which said poll and highway taxes may be paid in labor or money, as is provided herein. The highway tax roll of each year shall be made out by the clerk and delivered to the street commissioner of said city on or before the first Monday in June of each year, and to each such tax roll a warrant shall be annexed, signed by the mayor and countersigned by the clerk, commanding the street commissioner to demand the payment of such tax therein levied of the several persons and corporations therein named, and such tax may be paid in labor at such rate of compensation as shall have been fixed by common council for such year and not otherwise,

Assessment and collection of highway tax and poll tax.

and the said common council shall, at the time of levying the highway tax for any year, fix by resolution the rate of compensation to be allowed on such taxes for labor, teams, wagons, carts and plows, used in payment of highway taxes for such year. The street commissioner shall give at least three days' notice to each person so taxed and residing within said city, and who may desire to pay such tax in labor, of the time and place where such labor may be performed or teams and utensils furnished, and shall inform such person of the rate of compensation fixed by the common council, and if any person so notified shall fail to appear and work such tax at the time and place he shall be notified by the street commissioner so to do, such person shall be precluded from afterward paying such tax in labor, and the same shall in each such case be paid in money. The street commissioner shall collect all such highway taxes on personal property, and all such aforesaid poll taxes, in the same manner as town treasurers are required by law to collect taxes on personal property, and for that purpose shall have and possess all the powers conferred by law on town treasurers. On the first Monday in October of each year, the street commissioner shall certify and return to the city clerk all unpaid taxes on real estate as appears from said roll, and the clerk shall insert the same in the general roll thereafter, in a separate column opposite the description of the property so taxed, and the same shall be collected therewith in the same manner as other taxes on real estate are collected and paid over to the street commissioner, who shall make a final return of such highway tax roll to the common council, whenever required by the said common council so to do.

CHAPTER V.

TAXES, REVENUE, ETC.

Tax to be raised
and collected
on taxable
property.

SECTION 1. All taxes raised and collected in said city shall be assessed and collected on the taxable property thereof.

SECTION 2. The common council shall, between the second Monday in May and the first Monday

in July in each year, determine the amount of general tax necessary to be assessed and collected the current year for corporation purposes, which shall in no case exceed fifteen mills on the dollar of the assessed valuation of said city; except as hereinafter provided for in the levy and collection of special taxes. The maximum rate of taxation fixed in this and the ensuing section shall not be changed during the life of this charter, except upon petition of one-half of all the legal voters in said city.

Amount of tax to be fixed by common council.

SECTION 3. The common council of said city shall have no power to borrow money, nor shall said city be liable to pay money borrowed on its account or advanced on its behalf by any of its officers, nor shall any of its money or property be applied to any such purpose, nor shall the common council have power to issue any bonds or other evidence of debt payable at a day subsequent to the day of the issue thereof, nor shall the common council issue in any one year, orders upon the city treasurer, greater in amount than the amount of taxes which may be levied and collected under this act for such year; provided, that when it shall be necessary to build or repair bridges in said city, or to provide for other matters of necessity for the benefit of said city, a special tax may be levied for such purpose by the common council, not exceeding five hundred dollars in any one year; if a sum exceeding five hundred dollars may be required, such special tax may be voted by the qualified voters of said city, but no such vote shall be taken unless such special tax shall be first recommended by the common council, nor unless a majority of the votes cast at such election of said city shall be in favor of such special tax, nor unless a notice of the same specifying the purpose for which said tax is to be raised, and the time and place of voting be published in the manner in this act providing for giving notice of city elections, which elections shall be conducted in the manner provided for municipal elections under this act.

Council may not borrow money; special tax to raise money to be submitted to vote of people.

SECTION 4. No account or claim against said city shall be paid until it shall have been presented to the common council thereof for their allowance, and audited and allowed by it, and when any such account shall be so audited, the

Claims against city to be presented to common council before paid.

common council so auditing the same shall endorse thereon or annex thereto a certificate subscribed by it of such auditing, and allowing or disallowing the same in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Itemized account verified to be presented before allowed.

SECTION 5. No account or claim shall be allowed by the common council until it shall be made out in items, and shall be accompanied by an affidavit of the person claiming to have done the service or made the disbursements therein charged, that the several items of the account or claims are correct, and that the services therein charged have been rendered, and the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be endorsed on or annexed to such account or claim, and presented therewith. Any member of the common council, when such account or claim shall be presented to it may administer the oath required in this section, and said common council may examine the claimant on oath as to the items in such account or claim.

Same.

SECTION 6. Nothing in the last preceding section shall be construed to prevent the common council from allowing any claim or account in whole or in part, when so made out and verified, nor from requiring other and further proof of the correctness and reasonableness thereof.

Accounts and claims to be numbered.

SECTION 7. Every account or claim against said city presented to the common council in any year, shall be numbered from one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, shall be entered in the record of the proceedings of the common council.

Warrants to show number of account for which drawn.

SECTION 8. Every warrant drawn by the common council to pay any account or claim shall refer to such account by the number, the name of the person in whose favor it was made out and the time it was presented, and of the amount of the warrant, and a memorandum of such reference shall be entered in such records before such warrant shall be delivered to the plaintiff.

Aldermen forbidden to allow claim against city, which city not liable for.

SECTION 9. No alderman shall allow or subscribe a certificate of allowance of any item or any account or claim against said city which said

city shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax; nor shall any alderman sign any warrant for the payment of any such claim or account, or any part thereof; nor shall any alderman vote in the common council on any matter in which he is interested.

SECTION 10. All moneys raised by virtue of any tax levied upon the property of said city shall be used for the purpose for which such tax was levied, and for no other purpose whatever; and any officer misapplying any such money shall be deemed guilty of malfeasance in office. But nothing herein shall be construed to prohibit or prevent the common council from auditing and paying all just demands and claims against said city which it would be legally bound to pay from the corporate fund thereof.

Money to be used for purpose for which raised; misapplication of funds, malfeasance in office.

SECTION 11. All moneys derived from licenses issued by authority of the common council of said city, under the provisions of this act or of the excise law of the state of Wisconsin, shall be paid into the treasury of said city for its benefit as a part of the general fund.

License moneys to be paid into general fund.

SECTION 12. All officers of the towns of Colby and Hull now in office shall hold their respective offices until their successors shall be elected or appointed and qualified under this act.

Officer of towns of Colby and Hull to continue in office until successors elected and qualified.

SECTION 13. Every practicing physician in said city who shall have a patient laboring under any malignant or infectious or pestilential disease shall forthwith make report thereof to the mayor of said city, and for neglecting so to do shall be considered guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum of fifty dollars, to be recovered for the benefit of said city.

Physicians to report pestilential or malignant diseases.

SECTION 14. No overseer of highways shall be elected in the city, nor any town tax or highway tax be levied therein, or on the property therein by the town of Colby or Hull.

Towns of Colby and Hull not to levy highway tax in city.

SECTION 15. The city may purchase tax sale certificates and take deeds upon the same in its own name for any land returned by it to the counties for non-payment of taxes.

City may purchase tax sale certificates and take tax deeds.

SECTION 16. The treasurer of said city shall receive all moneys which may or shall be collected or the use of the corporation by virtue of this act

The city treasurer; his powers and duties.

or by virtue of any by-law or ordinance of the corporation, and give the persons paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrant under the corporate seal, signed by the mayor by order of the aldermen, and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out the funds of the corporation in no other way whatever. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received and the source whence the said sums arose respectively; and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be opened to the inspection of the voters of said city; and the said treasurer shall annually, and as often as they shall require, render to the board of aldermen a minute account of all his receipts and disbursements; and the said treasurer shall be collector of taxes within the corporation, and he shall possess all the powers and perform the duties as such collector as is or may hereafter be conferred upon town treasurers. He shall in the same manner, before receiving the tax rolls of the respective wards, execute his bond to the treasurers of the counties of Clark and Marathon, which bond shall be approved by the mayor of said city, and upon filing the same the treasurers of said counties shall give him a receipt therefor, and upon filing the receipt with the clerk of said city, the said clerk shall deliver the tax roll of each ward to him, and the said treasurer shall proceed and collect the taxes in the manner as is by law provided for town treasurers, and shall duly make his return to the county treasurers of his said counties, receiving the same compensation for his services allowed to town treasurers.

SECTION 17. The assessor shall assess all the property in the city, and shall perform all the duties, and in the same manner as required of town

The city assessor; his powers and duties.

assessors, and shall receive the same compensation as now allowed by law.

SECTION 18. The marshal, before he enters upon the duties of his office, and within six days after his election or appointment, shall execute an instrument in writing, with two or more sufficient sureties, to be approved by the mayor, conditioned to pay to each and any person who may be entitled thereto, all such sums of money as the said marshal may become liable to pay, for or on account of any money which may come into his hands by virtue of his office, or for the neglect of any official duty, which writing shall be filed with the clerk of said city, and the said marshal shall possess all the powers and enjoy all the rights of a constable in the counties of Clark and Marathon, and shall be subject to the same liabilities; he shall have power to serve and return summonses, attachments, replevins, executions and all other writs issued by any justice of the peace in the counties of Clark or Marathon, and his return, properly certified thereon, shall be evidence of the service thereof. It shall be his duty to execute and return all writs and process in criminal cases, or for the violation of any ordinance of said city, and he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice in any part of the state, to apprehend any person in the act of committing any offense against the laws of this state or ordinance of the city, and forthwith to bring such person or persons before competent authority for examination, and for all service he shall receive like fees as are allowed to constables; he shall do and perform all such duties as may lawfully be required of him by the ordinances of said city, and he shall have power and authority to appoint one or more deputies, to be approved by the mayor, for whose official acts the said marshal shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

SECTION 19. It shall be the duty of the street commissioner within ten days after his appointment and qualification to inspect all the streets in the city, all sidewalks, crosswalks, ditches,

The city marshal; his powers and duties.

The street commissioner; his powers and duties.

gutters, culverts and all bridges and approaches thereto, and all matters and things appertaining to the streets, and to report to the common council, recommending what in his opinion is necessary and ought to be done thereto. On the receipt thereupon, the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done and said common council may act thereupon as they may deem fitting and proper, and said street commissioner may at other times, make such other reports as the necessities of the case may require.

Additional duties of street commissioner.

SECTION 20. It shall be the further duty of the street commissioner to employ men, and procure utensils, teams and materials, and whatever may be necessary in performing the street work in said city, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the common council so to do, and shall keep an accurate account of all material procured, and all teams, utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform or cause to be performed, any and all other duties pertaining to his office, that may be prescribed from time to time by the common council; provided, however, that no street commissioner shall contract or create any greater expense to the city in any one year than the amount raised by the common council for highway purposes.

Accounts for street purposes to be paid out of highway taxes, etc.

SECTION 21. All accounts against the said city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the highway tax of said city, provided, however, that the expense of building and maintaining any bridge in said city may be

paid out of the general fund. All such accounts for street commissioner purposes shall be duly verified, and when they arose or were created under the direction of the street commissioner, shall be certified by him to be true and correct in all particulars. The street commissioner shall be paid for his services, and for every day's service actually and necessarily rendered, such compensation as the common council and street commissioner shall agree upon at the commencement of his official year, which shall not exceed two dollars per day, and such account for services shall be rendered under oath, as other accounts are. The common council may at any time remove such street commissioner from office by a majority vote of the common council.

SECTION 22. It shall be the further duty of the street commissioner to collect all highway taxes and superintend the laying out of the same under the direction of the common council. He shall possess all the powers and have all the rights in the collection of such taxes as is by law conferred upon road overseers. He shall, before he enters upon the duties of his office, execute to the common council a bond, in such sum, with such sureties and conditions as the said common council shall direct, for the faithful discharge of his official duties.

Street commissioner to collect highway tax.

SECTION 23. It shall be the further duty of the street commissioner to see that all the ordinances of the city relating to the obstructing and cleaning of sidewalks, streets, alleys, public grounds, gutters and sewers within said city, are duly kept and observed, and direct and control the persons employed therein.

Cleaning of sidewalks, etc.

SECTION 24. It shall be the further duty of the street commissioner to report to the common council, in writing, when required, the amount of labor, materials or money expended in each ward separately, and also the amount expended on the street running between and dividing the wards, and shall at the close of his official year, make an annual report in writing to the common council, which shall set forth the amount of highway tax paid in money, and the amount paid in labor, also the amount of poll tax collected, the manner in which such moneys have been disbursed and the particular items of such disbursements.

Reports to common council.

The city clerk:
his powers and
duties.

SECTION 25. The city clerk shall keep the corporate seal, and all the papers and records of the city, and shall attend the meetings of the common council, and keep full minutes of its proceedings, and enter the same on record; and shall keep a faithful record of all doings and votes of the inhabitants of said city, at their annual and other legal meetings. The records kept by the clerk shall be evidence in all legal proceedings, and copies of any and all books, papers, instruments or documents, and all indorsements thereon filed and kept in his office, and transcripts from the records in his office duly certified by him under the corporate seal of the city, shall be evidence in all courts of the contents of the same, in like manner as the originals; and abstracts from any such records or papers so certified, shall in like manner be evidence of the particular matter to which they relate. The clerk shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep an accurate account thereof in a book provided for that purpose; he shall also keep an account with the treasurer, and charge him with all moneys paid into the treasury. He shall draw and countersign all licenses granted by the common council. He shall be the custodian of all election returns, and of the oaths and bonds of such officers as are required to file the same in his office, and immediately upon the election or appointment and qualifying of any officer elected or appointed in said city, he shall certify the same to the clerks of the circuit courts of Clark and Marathon counties, under his hand and the corporate seal of said city, and in like manner shall certify to the county clerks of Clark and Marathou counties, the election and qualifying of the supervisor or supervisors that may be elected to represent said city in the county board of supervisors; such certificates shall be filed by the clerk of the court and county clerk respectively, and shall be evidence of the election and qualifying of such officers. He shall perform such other duties as are incident to his office, or as may be required of him by the common council, or provided by the statutes. He shall receive such compensation for his services as shall be fixed by the common council, or as may be agreed upon. The

clerk shall have authority to administer oaths and affirmations. Whenever he shall be absent, or from any cause be unable to perform the duties of his office, the common council may appoint a clerk *pro tem.*, who for the time being shall be vested with the powers and duties of the clerk.

SECTION 26. The supervisor shall represent his ward on the county board, and perform the duties required of him by law as a member thereof. The supervisor.

SECTION 27. The city attorney shall conduct the law business of the corporation, but the council may, when necessary, provide assistance or employ such counsel as it may deem expedient. He shall when required furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. 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 docket shall be the property of the city and shall at all times be open to the inspection of the mayor, or any member or committee of the common council. It shall also be the duty of the city attorney when required by the common council, to draft all ordinances, bonds, contracts, leases conveyances and other instruments in writing, necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon for services rendered. The city attorney; his duties.

SECTION 28. The town business of the present towns of Colby and Hull up to the time of the taking of effect of this act, shall be settled by the towns of Colby and Hull as they now stand, and the amount of funds remaining, and the indebtedness of the towns shall be apportioned between the towns of Colby and Hull, and the city of Colby according to the amount of taxable property belonging to each as taken from the assessment roll of the year 1890, and their records of the present towns of Colby and Hull shall remain with the clerks of said towns, and the city of Colby shall be entitled to take copies of said records, and such copies shall have the same effect when certified to by the clerks having the custody of the same as the original records Town business of Colby and Hull how settled.

would have; and the dockets of the justices of the peace now residing or holding these offices in said city shall remain in their official keeping until such time as their successors in office are elected and qualified.

Connection between towns of Colby and Hull dissolved.

SECTION 29. From and after the taking effect of this act, the connection between the towns of Colby and Hull, and that part of said towns included within the city limits for all town purposes shall be dissolved. All that part of the towns of Colby and Hull, not included within the limits of said city shall constitute and remain the towns of Hull and Colby, and the first town meeting shall be held on the day now fixed by law at such place as the supervisors of said town may direct.

High school district and pending litigation not effected.

SECTION 30. Nothing in this act shall be construed in any way to affect the boundary lines of the high school district, nor in any way affect any pending litigation.

City to own and be liable for its share of moneys and claims.

SECTION 31. The city shall own and be entitled to collect, and shall be liable for its portion of the moneys in the town treasuries, and any claims or demands the towns may have against any person, or the counties of Clark and Marathon, for money due or to become due, or other claims, and shall pay its portion of all indebtedness due or claims contracted, or demands accruing before the passage of this act, in proportion to the assessed valuation of the property in the territory comprising the city as appears from the assessment roll for 1890.

Joint school district.

SECTION 32. The joint school district shall remain as it now is until changed in legal manner.

Construction of act.

SECTION 33. This act shall be considered a public act, and shall be construed favorably in all courts and places.

SECTION 34. This act shall take effect and be in force from and after its passage and publication, and all acts or parts of acts conflicting or contravening the provisions of this act are hereby repealed.

Approved April 1, 1891.