

No. 841 A.]

[Published April 3, 1891.

CHAPTER 129.

AN ACT to amend chapter 132, laws of 1882, and the several acts amendatory thereof, relating to the charter of the city of Portage.

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

SECTION 1. Section 129, of chapter 132, laws of 1882, as amended by section 3 of chapter 527, laws of 1889, is hereby amended so as to read as follows: Section 129. In all the aforesaid cases the findings of the court or jury shall be "guilty" or "not guilty." If "guilty" the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture contained in the ordinance, by law or resolution for the violation of which the person or persons shall have been found guilty, and for the costs of the suit; and such judgment shall direct that if the same is not paid, the defendant shall be committed to the county jail of the county of Columbia, there to be imprisoned for a specified time not exceeding six months, which period shall be fixed by the court, in view of all the circumstances of the case, or until otherwise discharged pursuant to law. In such cases a commitment shall issue as in ordinary criminal actions, and such defendant shall not be entitled to the liberties of the jail. This section shall not prevent the issue of an execution to collect such judgment, at any time within the year from its rendition.

SECTION 2. The city shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the fiscal year, except as authorized by section 96, as amended. The fiscal year shall commence on the first day of December, in each year; provided, however, that the common council of the city of Portage may borrow an amount not to exceed the sum of thirty thousand dollars to be used for the purpose of erecting a bridge across the Wisconsin river, in said city, and an amount not exceeding

Amends chapter 132, laws of 1882, as amended.

Judgment on finding.

Council may not borrow money except to build bridge, which cannot be paid out of revenue of year.

the sum of thirty thousand dollars to be used in construction of sewers and drains in said city, and may issue the bonds of the city for the payment of the same, bearing interest not exceeding the six *per centum per annum* payable annually and becoming due in not less than two nor more than twenty years, as the common council may by ordinance prescribe; provided, that the whole amount so borrowed together with the existing indebtedness of said city shall not, in the aggregate exceed five *per centum* on the value of the taxable property in said city to be ascertained by the last assessment for state and county taxes previous to the incurring of said indebtedness, and said city shall at or before the time of issuing such bonds or borrowing such money, provide for a direct annual tax, sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal thereof within the time above limited.

Amends chap-
ter 122, laws
of 1882, as
amended.

Elective
officers of
city.

SECTION 3. Section 6 of chapter 122, laws of 1882, as amended by section 6 of chapter 468 of the laws of 1885, and section 1 of chapter 77 of the laws of 1887, is hereby amended so as to read as follows: Section 6. The officers to be elected by the people, shall be a mayor, treasurer, marshal, clerk, assessor, a superintendent of schools, three justices of the peace, and three constables for the city, and two aldermen and a school commissioner for each ward, and one supervisor from each ward. All other necessary officers shall be appointed by the council; provided, that no person shall be elected or appointed to or hold more than one office in the city at the same time. This clause shall not be so construed as to debar members of the board of education or members of the fire department and fire companies, except the officers thereof, from holding city offices. All elective officers, except justices of the peace, aldermen and school commissioners shall, unless elected to fill a vacancy, hold their respective offices for one year and until their successors are elected and qualified; provided, that the superintendent of schools and school commissioners shall be voted for upon a separate ballot; and, provided further, that the council shall have power for due cause, satisfactory to it, to expel any of its

own members; and to remove from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for hearing having been first given to the person proposed to be removed. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The term of office of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected, except that of the superintendent of schools, which shall commence on the second Tuesday of July next following his election, and the term of office of all appointed officers shall expire on the second Tuesday of April next following their appointment, unless sooner removed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1891.

No. 200, A.]

[Published April 10, 1891.

CHAPTER 130.

AN ACT to incorporate the city of Phillips, Price county, Wisconsin.

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

TITLE I.

BOUNDARIES.

SECTION 1. All the district of country in the county of Price contained within the limits and boundaries hereinafter described, shall be a city by the name of Phillips, and the people now inhabiting, and those who shall hereafter inhabit the district of country so described, shall be a municipal corporation, by the name of the "City of Phillips," and shall have the general powers possessed by municipal corporations at common

Corporation created.