

CHAPTER 78.

Public act.

**SECTION 55.** This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after [its] passage.

Approved March 8, 1861.

## CHAPTER 78.

[Published March 29, 1861.]

AN ACT to amend an act entitled "an act to incorporate the city of Mineral Point," approved March 2d, 1857, and also acts amendatory thereof, approved March 25th, 1858, March 17th, 1859, and March 9th, 1860.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The act to incorporate the city of Mineral Point, approved March 2d, 1857, and all acts amendatory thereof, are hereby amended so as to read as follows, to wit:

## CHAPTER ONE.

## CITY AND WARD BOUNDARIES.

Names, powers,  
&c.

**SECTION 1.** All that district of country in the county of Iowa, hereinafter described, from and after the first Tuesday in April next, shall be and constitute a city by the name of Mineral Point, and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Mineral Point, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, 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.

SECTION 2. The territory included within the following described limits and boundaries shall constitute the city of Mineral Point, to wit: all of section number thirty-one (31,) and the west half of section number thirty-two (32,) in township number five (5,) north, and range three (3,) east; also, the north half of section number six (6,) in township number four (4,) north of range number three (3,) east; also, the north-east quarter of section number one (1,) in township number four (4,) north of range two (2) east, and the east half of section number thirty-six (36,) in township number five (5,) north of range two (2) east of the fourth principal meridian. CHAPTER 73.  
Boundaries.

SECTION 3. The said city shall be divided into two wards, as follows: all that part lying on the west side of Chestnut street, extending north in a direct line, and all lying west of the west line of Bracken and Irving's addition, shall constitute the first ward, and all that part lying on the east side of said street and line shall constitute the second ward. Ward boundaries

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen consisting of three members from each ward, who with the mayor shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act. City officers.

## CHAPTER TWO.

### ELECTIONS.

SECTION 1. From and after the first Tuesday in April next, the elective officers of said city of Mineral Point, shall be a municipal judge, a school superintendent, a treasurer; and an assessor for the city at large, and three aldermen, one justice of the peace and one constable in each ward, who shall hold their respective offices as follows: the municipal judge, school superintendent, treasurer assessor and constable for one year, justices of the peace for two years, and one alderman in each ward shall be annually elected who shall hold his office for three years, and shall respectively hold their offices until their successors are elected and qualified. The term of office of all officers shall commence Elective officers.  
  
Term of office.

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When term commences.

on the second Tuesday of April of the year in which they are elected. Said officers shall have such power and perform such duties as are prescribed by law or as may be prescribed by any ordinance of said city, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices

Election.

SECTION 2. On the first Tuesday of April next, the qualified voters of said city shall elect a municipal judge, a school superintendent, a treasurer and an assessor, which said officers shall be qualified voters resident in said city; and on the same day and at the same places of holding said election, the said qualified voters shall also elect one alderman, one justice of the peace, and one constable for each ward. The officers last aforesaid shall be residents of the respective wards for which they are elected. The present common council of the city of Mineral Point shall designate the place of holding said election in each ward, and said election shall be conducted as now provided by law; and at every subsequent first Tuesday in April, elections shall be held in the several wards for the officers above designated, and said elections shall be presided over by the aldermen in the respective wards, or in case of their absence or disability the voters present at the hour of opening the polls, shall elect by *viva voce*, a sufficient number of inspectors to make three with the alderman or aldermen present, who shall be sworn in accordance with laws of the state. They shall appoint and swear two clerks, and shall see the names of the voters registered, and the ballots safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls, and shall certify and seal two returns; and the day following the election, shall direct and return one of the said returns to the clerk of the city council, and the other to the clerk of the board of supervisors of the county of Iowa. The municipal judge and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall within five days after election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the municipal judge shall notify, by a certificate under his hand, the persons elected to the respective offices. The polls shall

Subsequent elections—how conducted.

be kept open in the respective wards from nine o'clock in the forenoon until five o'clock in the afternoon: *provided, however,* that the board may adjourn the polls at twelve o'clock noon, for one hour. CHAPTER 78.

SECTION 3. In the event of a vacancy in the office of municipal judge or alderman, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill. Vacancies.

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

SECTION 5. All persons entitled to vote for state or county officers, and who shall be actual residents of the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office created by this act. Qualification of electors.

SECTION 6. If either of the inspectors of elections or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or aldermen, before receiving any such vote, shall require the voter offering, to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age, that you are a citizen of the United States, or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization, that you are now an actual resident of this ward, that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of a willful and corrupt perjury, Challenge. Perjury.

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Illegal voting.

and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged, as aforesaid, and shall swear in their votes; and if any inspector or alderman shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every [such] inspector or clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Iowa.

Penalty for receiving illegal votes or keeping false tally.

Special elections

SECTION 7. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the aldermen of each ward, or inspectors, as provided by this act, and returns thereof shall be made in the same time, form and manner as of general or annual elections.

When office deemed vacant, &c.

SECTION 8. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the first Monday of June next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

**CHAPTER THREE.****OFFICERS, THEIR POWERS AND DUTIES.**

Oath.

SECTION 1. Every person elected or appointed to fill any vacancy under this act, shall, before he enters

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upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, marshal, constable, police justice and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Mineral Point a bond in such sum and with such security and such conditions as the common council may direct; and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. Bond.

SECTION 2. There is hereby created and established a "municipal court" in said city, to be known and called by that name. The municipal judge shall be the judge of said court, and have and possess all of the powers of a justice of the peace of the county. The said court shall have jurisdiction throughout the county of all civil actions of which a justice of the peace by law has jurisdiction, and exclusive jurisdiction of all criminal causes and matters of which a justice of the peace has jurisdiction, where the cause shall originate within the limits of the city, and also exclusive jurisdiction of all causes growing out of the violation of any ordinance of said city, and of all such cases wherein the city is a party, as are within the jurisdiction of a justice of the peace: *provided*, that any justice of the peace in said city shall have jurisdiction of the causes last aforesaid, in case of absence, sickness or other inability of said municipal judge, or in case of a vacancy in such office, until the same shall be filled. The said municipal judge shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services and no other, but the city shall not be liable to said municipal judge for his said fees, except such as shall accrue in prosecutions for the violation of the city charter or ordinance of the city. Appeals may be taken from the judgment of said municipal court; in the same manner for the same cause, and in the same cases in which appeals may be taken from the judgment of justices of the peace to the circuit court; and shall, in the appellate court, be tried in the same manner and be subject to the same rules and practice. The municipal judge shall quarterly Municipal court,  
—powers, jurisdic-  
tion, &c.

When justices  
may have jurisdic-  
tion in certain  
cases.

Fees of judge.

Appeal.

Quarterly report

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report to the common council a list of all proceedings instituted before him in behalf of the city and the disposition thereof, and shall at the same time pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city.

Judge *ex officio*  
mayor.

SECTION 3. The municipal judge shall be *ex officio* mayor, who shall, when present, preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city, within the corporation, are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall appoint the police force in such numbers as the common council shall direct, and, in case of a riot or disturbance of the peace, shall appoint temporary police. He shall communicate in writing to the common council, once a year, such information as he may deem necessary, and at all times give such information as the common council may require.

Shall appoint  
police, &c.

Election of pres-  
ident.

SECTION 4. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and the president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer, (*and*) who for the time being shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

City Clerk—his  
duties.

SECTION 5. The common council shall elect a city clerk. He shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office and transcripts from records, certified by him, under the corporate seal, shall be evidence in all courts in like manner

as if the original were produced. He shall keep a full and accurate account of all orders drawn on the city treasury, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. When the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations.

SECTION 6. On or before the last Monday in April in each year, the city clerk shall make out a statement showing the amount of money received into the treasury during the year ending upon that day, from what source such money was derived, and also the amount of orders drawn on the treasurer, and for what purpose the same was issued, and also showing the total amount of indebtedness of the city, which statement shall be published as soon thereafter as may be, in the newspaper in which the ordinances and by-laws of said city are published.

Annual statement.

SECTION 7. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual reports, and also of the state of the treasury, which statement shall be filed with the clerk.

City treasurer—his duties.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Further duties may be imposed on officers—compensation.

SECTION 9. The common council shall annually provide that all printing authorized and required by them to be done for their use or for the city, shall be let by

Printing to the lowest bidder.



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contract to the lowest bidder, for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper printed and published in the city of Mineral Point, unless the bids of such publishers shall be higher than the rates of legal advertising, as fixed by law, or unless such publishers shall fail to bid. All ordinances and other proceedings required by this act, or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the proceedings [provisions] of this section; and the printer of said newspaper shall either in person or by his foreman, file with the clerk of the city, his or their affidavits of the length of time said ordinance, by-law or proceedings have been published, and such affidavit shall be conclusive evidence of the publications of such notice, ordinance, proceeding or by-law.

Penalty for not  
delivering books,  
&c., to successors

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

Peace officers.

SECTION 11. The mayor, sheriff of Iowa county, each and every alderman, justice of the peace, constable and watchman, shall be officers of the peace and [shall] suppress in a summary manner all rioting and disorderly behavior in the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies. If any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings. The city constables shall have the same powers and be subject to the same duties as town constables under the law.

SECTION 12. It shall be the duty of the common council at its first meeting after the annual election, or as soon thereafter as may be, to elect a street commissioner, who shall give bonds to the city of Mineral Point conditioned for the faithful discharge of his duty, in such amount as the city council shall direct, and who shall have power, and whose duty it shall be to require every resident of the city, liable to work on the highways by the laws of this state, to perform one day's labor each year on the streets in the ward in which he resides; and in case any person shall neglect or refuse to perform such labor, at such time and place as such commissioner shall direct, to assess, sue for and collect of every such person one dollar in lieu thereof, which shall be expended in improving or repairing the streets of said city by such commissioner; and the said commissioner may at any time be removed from office by the common council of said city, and another commissioner appointed in his stead: *provided*, that no member of the common council shall be permitted to hold the office or perform any of the duties of the street commissioner. The compensation of the street commissioner shall be fixed by the common council, and the same shall be paid out of the road tax.

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Street commissioner—his duties, pay, &c.

## CHAPTER FOUR.

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

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Mineral Point do ordain," &c. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Style of ordinances—quorum.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rule of its own proceedings and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members.

Stated and special meetings.

SECTION 3. The common council shall have the control and management of the finances and of all property

Council to have control of finances, to make and enforce ordinances, &c.

- CHAPTER 78.** union schools shall be adopted as the foundation of all such schools.
- School houses, &c.** 2d. To purchase or hire school houses and rooms, and lots or sites for school houses, and to fence or improve them as they deem proper.
- Build, enlarge, &c.** 3d. Upon such lots and upon any sites now owned by the village or school district number one in the town of Mineral Point, to build, enlarge, alter, improve and repair school houses, out-houses and appurtenances as they may deem advisable.
- Books, &c.** 4th. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools, and to defray their contingent expenses and the expenses of the district library.
- Custody of houses, &c.** 5th. To have the custody and safe keeping of the school houses, out-houses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto, are observed.
- Teachers.** 6th. To contract with and employ all teachers in the common schools and the high schools who shall have been licensed by the superintendent, and at their pleasure to remove them.
- Pay teachers.** 7th. To pay the wages of said teachers out of such funds provided for that purposes, as may be in the treasury of the city.
- Contingent expenses.** 8th. To defray the contingent expenses of the board, including the salary of the clerk: *provided*, the account of such expenses shall first be audited and allowed by the city council.
- Control of schools.** 9th. To have the entire supervision and control of the common schools in said city, and to regulate the manner of receiving pupils, and their transfer from one school to another, and to adopt rules for their own government.
- May sell houses, &c.** 10th. Whenever said board deem it advisable to sell any of the school houses, lot or sites, or any of the school property now or hereafter belonging to the city, to report the same to the city council.
- To recommend, &c.** 11th. To recommend to the city council any matter in which its action is desirable, and also the amount of money necessary to be raised under the fourth section of this chapter, and the reasons therefor.
- Non-resident children.** SECTION 9. The said board may allow the children of non-residents to attend any of the schools of said

city upon such terms as said board shall, by resolution, CHAPTER 78.  
 prescribe, fixing the rate of tuition therefor.

SECTION 10. It shall be the duty of the said board, Annual reports.  
 on or before the last Monday of March in each year,  
 to prepare and report to the city council a true and  
 correct statement of the receipts and disbursements of  
 moneys under and in pursuance of the provisions of  
 this act, during the preceding year, in which account  
 shall be stated under appropriate heads:

1st. The moneys received by the city under the Moneys.  
 fourth section of this act.

2d. The school moneys received by the treasurer of Received of co.  
 treasurer.  
 the city from the county treasurer.

3d. The moneys received from direct tax. By tax.

4th. All other moneys received by the treasurer, Other moneys.  
 subject to the order of the board, specifying the sources.

And the city council shall cause the same to be pub-  
 lished.

SECTION 11. The said board shall be subject, from Subject to state  
 superintendent.  
 time to time, to the rules and regulations made by the  
 state superintendent of common schools, so far as the  
 same may be applicable to them and not inconsistent  
 with the provisions of this act.

SECTION 12. The city superintendent shall be the Duties, &c., of  
 superintendent.  
 executive officer of the board of education; shall exam-  
 ine all teachers making application for schools in the  
 presence of the board; shall grant certificates to such  
 persons so examined as shall be deemed by him and a  
 majority of the board, suitably qualified, and shall  
 carry into effect the ordinances of the common council,  
 and the rules and regulations of the board in reference  
 to the public schools. He shall also be specially charged  
 with the care and custody of the several school houses  
 of the city, and under the direction of the board, shall  
 superintend the building and repairing of all the school  
 houses ordered to be erected or repaired by them, un-  
 less otherwise directed. In addition to the foregoing  
 duties, he shall visit the common schools of the city at  
 least twice during the term, and report their condition  
 to the board, with such suggestions for their improve-  
 ment as he may deem proper. His compensation shall  
 be fixed by the common council of the city, and shall Compensation.  
 be paid out of the contingent school fund of the city.

SECTION 13. It shall be the duty of the city super- To make annual  
 report.  
 intendent, between the first and fifteenth days of Octo-

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Duty of council  
in regard to  
schools.

ber in each year, to make and transmit to the clerk of the board of supervisors of the county a report in writing, setting forth such facts as are now required by law to be included in the report of school district clerks.

SECTION 14. It shall be the duty of the city council to pass such ordinances as may be necessary for the protection and preservation of the school houses, lots, sites and appurtenances, and to impose proper penalties for violation of the same. Such penalties to be collected as other penalties for the violation of other city ordinances, to be paid to the city treasurer, subject to the order of the board of education.

Title to school  
houses, &c.

SECTION 15. The title of the school houses, lots, sites, furniture, books, apparatus and appurtenances and all other property now belonging to the city of Mineral Point, whether vested therein by the acts to which [this] is amendatory or otherwise, and such as may be hereafter acquired, shall remain and continue to be vested in the city of Mineral Point, and the same may be sold by the common council of said city upon application of the board of commissioners, upon such terms as said city council may deem advisable. The same while used or appropriated for school purposes, shall not be levied upon or sold by order of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city, in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of the common schools of said city, whether the same be transferred to said city by its proper style, or by any other designation, or to any person or persons or body, for the use of said schools.

How moneys  
held and drawn.

SECTION 16. All moneys required to be raised by virtue of this act, or being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of the said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by drafts drawn by the president and countersigned by the clerk of said board, payable to the order of the person or persons entitled to receive such moneys; and said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may be by law authorized to receive.

SECTION 17. The common council of said city shall have no power or authority to borrow any sum of money for the purpose of procuring sites and erecting a suitable edifice or edifices for the uses of the schools thereof, except as hereinafter provided. Whenever a majority of the common council shall deem it expedient to make a loan for such purpose, the said council may authorize a special election to be held or a vote of the legal voters of said city to be taken at a general city election, when the voters of said city shall vote "for the loan" or "against the loan," and if a majority of the votes cast at such election be returned "for the loan," the city council shall have power to effect a loan, as provided in section seventeen of chapter eight of the "act to incorporate the city of Mineral Point," approved March 2, 1857: *provided*, that the common council, before such vote of the legal voters of said city, shall give ten days' public notice of the amount proposed to be borrowed and the time and place of holding the election.

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Council may draw money for school purposes, &c.

SECTION 18. It shall be the duty of the city clerk immediately after the appointment of any person as commissioner of common schools or election of city superintendent, personally to notify him of his appointment or election, and if any such person shall not, within ten days after receiving such personal notice of appointment, take and subscribe to the constitutional oath, and file the same with the city clerk, the city council may consider it a refusal to serve, and proceed to supply the vacancy occasioned by such refusal.

Duty of clerk when commissioner is appointed.

## CHAPTER NINE.

## FIRE DEPARTMENT.

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

Powers of council regarding construction of buildings.

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To regulate construction of chimneys, &c.

**SECTION 2.** The common council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove pipe, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire, and to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners or occupants of buildings to have scuttles in the roof and stairs and ladders leading to the same; to authorize the mayor and aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire, all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and, generally, to establish such regulations for the preservation [prevention] and extinguishment of fires as the common council may deem expedient.

Purchase of engines, organization of fire companies, &c.

**SECTION 3.** The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of fifteen and fifty years, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed, shall be exempt from highway work, poll tax, from serving on juries and from military duty, during the continuance of such membership.

Exemption of members.

Annual meeting of companies.

**SECTION 4.** There shall be a meeting of the members of said companies on the third Monday in March in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment one chief engi-

neer and their [three] assistant engineers, and the common council shall thereupon confirm such nominations, and the persons so appointed shall perform such duties as the common council shall prescribe.

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SECTION 5. At the same time the members of said company shall nominate and the common council shall appoint the same, four (*first*) fire wardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe, and they may at any time enter into or open any house, storehouse or other building or enclosure, for the purpose of inspecting the same and with a view to guard against fire.

Fire wardens.

SECTION 6. One half of the net proceeds of all fines or penalties recovered for the breach of any ordinance, by-law or regulation, made in pursuance of this chapter, shall be paid to the fire department.

How fines disposed of.

SECTION 7. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable, watchman or any citizen, to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Penalty for refusing to obey officers at fires.

SECTION 8. The common council shall have power to organize a sack company, which shall [be] known as sack company No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and [at] fires shall be under the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Mineral Point, and are hereby vested with all the power and authority which now is or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall

Sack company.

Powers.



<u>CHAPTER 78.</u>	take charge of all property which may be exposed or endangered, and shall, so far as it may be in their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this state.
No pay.	The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation, that they will faithfully discharge the duties of their office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all members of said company.
Riots.	
Oath.	

## CHAPTER TEN.

## MISCELLANEOUS PROVISIONS.

City successor to village.	SECTION 1. The city of Mineral Point shall be and is hereby invested as the lawful owner and successor of all the real and personal property, and all the rights and privileges belonging to the corporation of the village of Mineral Point.
Work for city by contract.	SECTION 2. All work for the city or either ward thereof, shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.
Actions against city—how bro't.	SECTION 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such penalty or forfeiture, stating the clause of this act or by-laws or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigencies of the case may seem to require: <i>provided</i> , that nothing herein contained shall be so construed as to prevent
Arrest without process.	

any peace officer from arresting, without process, any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offender.

How executions collected.

SECTION 4. Execution shall issue forthwith on the rendition of judgment, unless the same be staid or appealed, according to the laws of this state. The execution, except in cases ex-contracted, [*ex contractu*,] shall require the defendant in any such action, in case no goods or chattels, lands and tenements, whereof the judgment can be found, to be imprisoned in the jail of Iowa county for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

SECTION 5. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Competency of judge, &c.

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

Failure to hold election not a loss of franchise.

SECTION 7. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as the ordinances or resolutions of the council may provide.

Service of process against city.

SECTION 8. Said city may lease, purchase or hold real or personal property sufficient for the convenience

May hold property.

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Not repealing,  
&c.

of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

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

Representation  
in county board.

SECTION 10. The city of Mineral Point shall be represented in the board of supervisors of the county of Iowa by the mayor of the city, and by one alderman from each ward, who shall be chosen only by the aldermen of the same ward; and it shall be lawful for the mayor and aldermen acting as supervisors, to substitute any other alderman in their stead, should they deem such substitution necessary.

No compensation  
to mayor or al-  
dermen.

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

How licenses to  
issue.

SECTION 12. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed by the corporate seal, but no such license shall be issued by the said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved either by the mayor or common council, and the minimum sum fixed by the laws of this state, to be paid for any such license, shall be paid to the city treasurer in money, and shall be quarter-yearly paid by said treasurer to the treasurer of Iowa county. Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors, on general or special election days.

Sale of liquors  
on election days  
prohibited.

SECTION 13. Every person having such license who shall vend, sell or give away any spirituous, vinous or malt liquors on any election day, shall be liable to prosecution under this act or the ordinance of the city, or may be indicted in the circuit court of Iowa county,

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and upon conviction thereof, any such offender shall forfeit and pay a sum not exceeding two hundred dollars nor less than fifty dollars, or be imprisoned in the jail of Iowa county, not more than thirty days nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void.

SECTION 14. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of lands, situated within the limits of the city of Mineral Point, held or claimed by virtue of any deed purporting on its face to be executed on account of any sale for taxes or assessment levied after the passage of this act, until the person commencing such a proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holder or claimant under such deed, an amount of money equal to the amount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or lands described in such deeds, paid by such holder or claimant, together with twenty-five per cent. interest thereon from the time of such payment to the commencement of such suit or proceeding; and in the event that such deed shall be defeated or impeached on the trial of such cause, the money so deposited shall be awarded to the holder or claimant under such deed, except in cases where the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceedings to the extent specified and provided by the laws of this state in case of tax deeds.

How suits to recover title or possession of any lot may be prosecuted.

SECTION 15. No real or personal property of any inhabitant of said city or any individual or corporation, shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Not subject to execution.

SECTION 16. When a judgment shall be recovered against said city or any ward thereof, or against an officer of said city, or of any ward thereof, in any action prosecuted by or against him in his name of office, where the same should be paid by the city or any ward thereof, no execution shall be issued or awarded upon such judgment, except as hereinafter provided, but the

Judgment against city, &c.

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same, unless reversed, shall be levied and collected as other city or ward charges, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on special application therefor.

County jail  
granted for use  
of city.

SECTION 17. The use of the jail of Iowa county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Paupers.

SECTION 18. The laws of this state, for the relief and support of the poor in towns, shall apply to said city, and the common council shall annually levy such tax as will be necessary to comply with the provisions of such laws. The aldermen of the city shall be overseers of the poor, in their respective wards.

Bonds issued by  
village.

SECTION 19. All principal and interest upon all bonds which have heretofore been issued by the town of Mineral Point, for railroad stock or other purposes, shall be paid when the same, or any portion of the same, shall fall due, by the city and town of Mineral Point, in the same proportions as if said town and city were not dissolved, such proportions to be apportioned in the same manner as provided in section twenty-one of this chapter, for the payment of money due to the present town of Mineral Point, and in case either town or city shall pay more than their equal and just portion of the same at any time, the other party shall be liable therefor, in action on the case, brought by the party so paying for the same.

Ordinances in  
force.

SECTION 20. All ordinances and by-laws now in force in said city, shall continue and remain in force until repealed, altered or amended by the common council thereof.

SECTION 21. At the next city election to be held <sup>CHAPTER 86.</sup>  
 in the city of Mineral Point, on the first Tuesday in <sup>Vote on charter..</sup>  
 April next, the question of the adoption of this amend-  
 ed charter shall be submitted to the qualified voters  
 resident in said city; and for that purpose there shall  
 be provided a separate ballot box for votes cast on  
 that subject. Those voting in the affirmative shall de-  
 posit a vote on which shall be written or printed the  
 words "for amended charter," and those voting in the  
 negative shall deposit a vote on which shall be writ-  
 ten or printed the words "against amended charter."

SECTION 22. This act shall take effect from and <sup>Effect.</sup>  
 after its passage and publication; and the same shall  
 cease to be a law or to have effect on the first Tuesday  
 of April next, in case a majority of the votes cast shall  
 be "against amended charter," as provided in the pre-  
 ceding section.

SECTION 23. An act entitled "an act to incorpo- <sup>Repeal.</sup>  
 rate the city of Mineral Point," approved March 2d,  
 1857, and all acts amendatory thereto, so far as the  
 same contravene or are inconsistent with the opera-  
 tions of this act, or are superseded by the provisions  
 of this act, are hereby repealed.

Approved March 16, 1861.

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## CHAPTER 86.

[Published April 22, 1861.]

AN ACT to organize the fourth ward of the city of Appleton, and  
 to change the boundaries of the first and second wards.

*The People of the State of Wisconsin, represented in Senate  
 and Assembly, do enact as follows:*

SECTION 1. All that part of the territory included <sup>Limits-</sup>  
 within the corporate limits of the city of Appleton,  
 which lies south of the center of the main channel of  
 Fox river, is hereby set off from the first and third  
 wards of said city, and organized into a separate ward  
 to be called the fourth ward of the city of Appleton.