

CHAPTER 237.

[Published March 22, 1878.]

AN ACT to amend an act to incorporate the city of Mineral Point, approved March 16th, 1861, and also all acts amendatory thereof.

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

Revised and amended.

SECTION 1. The act to incorporate the city of Mineral Point, approved March 16th, 1861, and all acts amendatory thereof, are hereby revised and amended so as to read as follows, to-wit :

CHAPTER I.

CITY AND WARD BOUNDARIES.

Shall constitute a city.

SECTION 1. All that district of country in the county of Iowa hereinafter described, from and after the passage and publication hereof, 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 Mineral Point, and shall have the general powers possessed by municipal corporations 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, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Name and powers.

City boundaries

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, 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 northeast 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.

SECTION 3. The said city shall be divided into two wards, as follows: All that part lying on the west side of Chesnut street, extending north in a direct line, and lying west of the west line of Bracken and Irvin'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.

Division into wards.

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.

The corporate authority.

CHAPTER II

ELECTIONS.

SECTION 1. From and after the first Tuesday in April next, the elective officers of the 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 supervisor, 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, supervisor, 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 respectively hold their offices until their successors are elected and qualified, except in cases differently provided for in the eighth section of this chapter. The term of office of all officers shall commence 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, rule, order, resolution or by-law of said city now or hereafter in force: *provided*, that the present officers of said city shall serve out the respective terms for which they have been elected, and that only one alderman for each ward shall be elected each year as heretofore.

Elective officers of the city.

The term of office.

Shall serve out their terms.

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 persons entitled to vote and resident in said city, and on the same day, and at the same places of holding said election, the said qualified

The election of city and ward officers.

voters shall also elect one alderman, one supervisor, one justice of the peace and one constable for each ward; the officers last aforesaid shall be persons entitled to vote, and resident of the respective wards for which they are elected. The common council of the city of Mineral Point shall designate the place of holding said election, and of all general, annual or special elections in each ward, and the said elections shall be conducted as is now or hereafter may be provided by law for the conduct of general, annual or special elections, except so far as such laws may be altered or modified hereby; 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 *viva voce*, a sufficient number of inspectors to make three, with the alderman or aldermen present, who shall be sworn in accordance with the laws of the state. The said inspectors shall then 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, with the clerks, count the ballots at the close of the poll, and shall certify and seal two returns, and the day following the election, shall direct one of the returns to the clerk of the city and the other to the county clerk 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 said election, meet at the common council room, and canvass said returns; and after the aforesaid returns have been canvassed by said board, the city clerk shall, by a notice signed by him, notify the persons elected of their election to the respective offices. The polls shall 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.

SECTION 3. In the event of a vacancy in the office of municipal judge, justice of the peace, alderman or supervisor, by death, removal from the city or ward, or other disability, or by resignations, the common council shall order a special election to fill such vacancy, and shall give five days' notice thereof, by posting up said notice in two or more public places in each ward of said city. Any vacancy in the other

Council to designate place of holding elections.

Who to be inspectors.

Clerks to be sworn—their duties.

Who shall constitute board of canvassers.

When polls to be open.

Special elections to fill vacancies.

offices shall be filled by the common council. The person elected or appointed 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.

Filled by appointment.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections or appointments by the common council may be *viva voce* or by ballot, as the council may choose, except when the manner is prescribed hereby. 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.

How vote to be taken and determined.

SECTION 5. All persons entitled to vote for state and 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.

Qualifications of voters.

SECTION 6. If either of the inspectors of election or aldermen suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote shall be challenged by an elector, the inspector or aldermen, before receiving any such vote, shall require the voter offering to vote 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 not made any bet or wager, or become directly or indirectly interested in any bet or wager depending upon 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 wilful and corrupt perjury, 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

The challenge of votes.

The form of oath.

Penalty for taking false oath.

For illegal voting.

Shall keep list of challenged voters.

Penalty for malfeasance of inspectors and clerks.

How special elections to be held.

Removal from city or ward to vacate office.

Failure of elections not to suspend corporation.

than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and who shall swear in their votes. And if any inspector or aldermen shall knowingly or 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 wilfully make untrue and incorrect accounts and tallies of votes, each and every 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.

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.

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, or who shall have resigned, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers elected or appointed to fill any vacancy, shall qualify and then enter upon the duties of such office immediately after receiving notice of such election or appointment.

SECTION 9. 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, it shall not be considered reason for arresting, suspending or abolishing said corporation; but such election may be held on any subsequent day by order of the mayor, and if any of the duties enjoined by this act or the ordinances, rules, orders, resolutions 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, if they deem it of benefit to the residents of said city to do so, appoint another time at which said acts may be done or performed.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office, or elected or appointed to fill any vacancy under this act, shall, before he enters 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, unless otherwise herein prescribed, and the city treasurer, constables, 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 conditions as the common council may direct; and the common council may, from time to time, when it deems the interests of the city or its people will be promoted or secured thereby, require new or additional bonds, and with the same discretion, and in the same interests, remove from office any officer refusing or neglecting to give the same.

All city officers to take oath.

Certain officers to execute 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 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, or may have jurisdiction, and exclusive jurisdiction of all criminal causes and matters of which a justice of the peace has jurisdiction, when the cause shall originate within the limits of the city, and also exclusive jurisdiction of all causes growing out of the violation of the charter or of any ordinance, rule, order, resolution or by-law 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 all the causes aforesaid, in case of absence, sickness or any other inability of said municipal judge, or in case he declines to act in any such cause, or in case of a vacancy in such office, until the same is filled; the statement in writing by the municipal judge, over his official signature, on the complaint, that he declines to act in said cause, shall give any justice of the peace in said city jurisdiction of such cause. In all suits or prosecutions, where the cause thereof originates within the limits of the city, and the bringing and prosecution thereof

The municipal court and judge thereof—his powers and jurisdiction.

When justice of the peace may act as municipal judge.

The city entitled to all fines, etc.

Compensation
of the municipal
judge.

Appeals may
be taken to the
circuit court.

Shall make
quarterly re-
port of the pro-
ceedings.

The judge shall
be *ex officio*
mayor—his
general powers
and duties.

The president
of the council—
his general
powers and du-
ties.

is provided for by the charter or ordinances, rules, orders, resolutions or by-laws of said city, the city shall be entitled to and receive all moneys, fines and penalties imposed therein. 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 ordinances, rules, orders, resolutions or by-laws 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 causes 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 practices. The municipal judge and the justices of the peace shall, quarterly, report to the common council a list of all proceedings instituted before them 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.

SECTION 3. The municipal judge shall be *ex officio* mayor, and when presiding over the common council, or officially acting in behalf of the city, shall sign his name, when necessary as mayor, and shall be styled mayor of said city, and shall, when present, preside over the meetings of the common council, and shall take care that the laws of the state and the laws and ordinances, rules, orders, resolutions and by-laws 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, or in case there is danger of either occurring, may, in his discretion, 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, in regard to city affairs which may be within his knowledge or control.

SECTION 4. At the first annual meeting of the common council, after the annual election, 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 meeting 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.

How styled.

SECTION 5. At the first meeting of the common council after the annual election, or as soon thereafter as may be, they shall proceed to elect a city clerk by ballot, who shall be a person entitled to vote, and resident in said city, and who shall, before he enters upon the duties of his office, take and subscribe the usual oath of office, which oath and bond of said clerk, if any be given, shall be filed with and remain in the custody of the mayor and his successors in office; the common council may, in its discretion, when for the benefit of the residents of the city, at any time require the said clerk to execute a bond to the city of Mineral Point, in such sum, with such security (to be approved by the common council), and such conditions as the said council may direct; when so qualified, the said clerk 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 the record, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals 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 shall charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury, and shall discharge and perform such other acts and duties as may at any time be imposed upon him by the common council, or by any law of this state; when the clerk so elected shall neglect or refuse to qualify or accept said office, or shall be absent from any meeting, the common council may, if it so choose, appoint a clerk

The election of city clerk—shall take oath and execute bond.

His general powers and duties.

Clerk pro tem.

pro tempore, who shall, for the time being, discharge and perform all the duties of the city clerk, but said clerk *pro tempore* shall not be required to take the oath of office or give any bond. The common council may also, in its discretion, from time to time, elect by ballot a person possessing the qualifications and who shall qualify as above provided, city clerk, to serve for the unexpired term of such person as may neglect or refuse to qualify or accept said office. The city clerk shall have power and authority to administer oaths and affirmations, and shall in all things do and perform all acts and duties which town clerks are or may be authorized or required to do and perform by the laws of this state, and be subject to the same penalties, except so far as it may be otherwise provided by this charter, or the ordinances, rules, orders, resolutions or by-laws of the city.

May elect to fill unexpired term.

Clerk shall make annual statement of moneys received and orders drawn.

SECTION 6. On or before the last Monday of 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 moneys were derived, and also the amount of orders drawn on the treasurer, and for what purpose the same were issued; and also showing the total amount of the 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.

The general duties of the city treasurer.

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 report, and also of the state of the treasury, which statement shall be filed with the clerk, and shall in all things do and perform all acts and duties which town treasurers are or may be authorized or required to do and perform by the laws of this state, and be subject to the same penalties, except so far as it may be otherwise provided by this charter, or the ordinances, rules, orders, resolutions or by-laws of the city.

Duties, powers and jurisdiction of justices and constables.

SECTION 8. The justices of the peace and constables elected in said city shall have and possess the same jurisdiction and powers as justices of the peace or constables in the county, together with the additional jurisdiction and powers conferred by this charter, or by any

amendment thereof, and in all things or actions in which the city is a party, shall be governed and guided by the charter, the ordinances, rules, orders, resolutions and by-laws which are or may be passed or adopted by the common council and by the laws of the state.

SECTION 9. The laws of this state for the relief and support of the poor in towns shall apply to said city, and the mayor shall have the oversight and care of all poor persons in the city, and it shall be his duty to see that they are properly relieved and taken care of according to law, and the rules and instructions of the county superintendent of the poor.

Support of the poor.

SECTION 10. The city of Mineral Point shall be represented in the board of supervisors of the county of Iowa by the supervisors elected as above provided, who shall perform and fulfill such duties in regard thereto as are now or may hereafter be prescribed by law.

Representation in the county board.

SECTION 11. All officers of said city shall, when the charter or ordinances, rules or resolutions or by-laws passed in pursuance thereof provide for, or define their duties, be first governed and be guided thereby, after which, in respect to all duties not so provided for, they shall be guided and governed by the laws of the state applicable to similar or corresponding offices in the towns of said county of Iowa.

How duties of city officers defined and how they are to be governed.

SECTION 12. The common council shall have power from time to time to require other and further duties 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; and 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.

Council may require other and further duties and fix compensation.

SECTION 13. At the first meeting of the common council after the annual election or as soon thereafter as may be, the common council shall provide that all printing authorized and required by them to be done for their use or for the city, shall be let by 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. In such cases as last mentioned, the common council shall contract with the publisher of some other news-

Shall let the public printing to the lowest bidder.

Ordinances,
etc., to be pub-
lished in the
official paper.

paper in the county if they can, to do the city printing for said year, and such newspaper as may do the city printing by authority of the common council, shall be the official city paper. All ordinances and other proceedings required by this act, or by the by-laws or ordinances, rules, orders or resolutions of the common council, to be published, shall be published in the newspaper selected under the 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 affidavit of the length of time said ordinance, notice, rule, order, resolution or by-law has been published; such affidavit shall be conclusive evidence of the publication of such ordinance, notice, rule, order, resolution or by-law, according to law.

Delivery of
books, papers,
etc., to succes-
sor in office.

SECTION 14. 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, 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
and their du-
ties.

SECTION 15. The mayor, sheriff of Iowa county, each and every alderman, justice of the peace, constable and policeman shall be officers of the peace, and 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.

Appointment of
street commis-
sioner—his
bond.

SECTION 16. 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 by ballot a street commissioner, who shall give a bond to the city of Mineral Point, to be approved by the common council, conditioned for the faithful discharge of his duty, and that he will promptly pay over and account for all sums of money that may come into his hands as such officer, in such amount as the common council shall di-

rect, 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, or shall in lieu thereof pay the sum of one dollar; and in case any person shall neglect or refuse to perform such labor, at such time and place as such commissioner shall direct, such person shall not thereafter be permitted to work the same, but shall pay said one dollar; if any such person, after being called upon by said commissioner to pay the same, shall neglect or refuse to do so for the space of five days, said person or persons, on the complaint of said commissioner, shall, upon conviction thereof, be punished therefor as is provided by the ordinance of said city, entitled "an ordinance to enforce the collection of road taxes," passed June 2, 1858; all moneys so collected 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, except under the direction of the common council; to advise and consult with said commissioner as to repairing and improving the streets and public grounds of said city. The compensation of the street commissioner shall be fixed by the common council at the time of his election, and the same shall be paid out of the street taxes.

His powers and duties.

No member of the council to be street commissioner.

CHAPTER IV.

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 as follows:" 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.

The common council—the style of ordinances.

SECTION 2. The common council shall hold regular meetings, at such times as they may fix, and the mayor may call special meetings by verbal notice to each of the members, or by written notice; said notice may be given or served by any constable of the city,

Their regular and special meetings.

under direction of the mayor, personally, or by leaving the same at their usual place 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.

Their general and specific powers.

SECTION 3. 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 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, orders, resolutions and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule, order, resolution or by-law, by commitment to the common jail of said city or of Iowa county, or otherwise; and such ordinances, rules, orders, resolutions and by-laws are hereby declared to be and have the force of law, and for these and the following purposes, the common council shall have authority, by ordinances, rules, orders, resolutions or by-laws:

License shows.

1st. To license and regulate peddling, the exhibition of common showmen or shows of any kind, or the exhibition of concerts, caravans, circuses or theatrical performances, billiard tables and bowling saloons; to provide for the abatement and removal of all nuisances, under the ordinances or at common law, and to grant licenses to keep groceries, saloons, shops or places of any name whatever, within the limits of said city, for the sale of strong, spirituous, ardent, intoxicating, vinous or fermented liquors, to be drank on the premises in quantities less than one gallon, or to grant licenses to keep similar places for the sale of such liquors, not to be drank within their houses or on their premises; to regulate groceries, taverns, victualing houses and all persons vending or dealing in spirituous, ardent, intoxicating, vinous or fermented liquors, and to revoke the same for a violation thereof; and the common council shall, at its first meeting after the annual election, or as soon thereafter as may be, fix the sums to be paid for such licenses, which sums shall not be less than the amount fixed and provided therefor by the laws of this state, and the minimum sum fixed by the state laws to be paid for such licenses shall be paid, as collected

Abate nuisances and grant licenses for the sale of liquors, etc.

Shall fix amount of licenses.

by the city treasurer, to the treasurer of Iowa county. 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, and shall expire at the time now or hereafter fixed for the expiration of licenses by the laws of this state; all such licenses issued during the year shall be charged for *pro rata* for the unexpired time, and shall contain a proviso that no person thus licensed shall sell or give away any strong, spirituous, ardent, intoxicating, vinous or fermented liquors on Sunday, or on general, annual or special election days, and that the same shall be revokable at the pleasure of the common council; *and provided further*, that no such license shall be issued until the sum fixed therefor shall be paid, and the bond given as required by the laws of this state, and said bond shall be approved by either the mayor or common council.

How license to be executed.

Sale prohibited on Sundays and election days.

2d. To restrain and prohibit all descriptions of gaming 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, ardent, intoxicating, vinous or fermented liquors, unless duly licensed by the common council.

Restrain gaming and sale of liquors without license.

8d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming.

Prevent riots, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, 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.

Compel the cleansing of nauseous places.

5th. To direct the location and management of slaughter or packing houses and markets, and to prevent the erection, use or occupation of the same where the offal or filth therefrom shall discharge into streams of water, and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible material.

Direct location of slaughter houses, etc.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever.

Prevent incumbering of streets.

- Horse racing,
etc. 7th. To prevent horse-racing, immoderate or dangerous riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.
- Restrain running at large of cattle, dogs, etc. 8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same; and also 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 the ordinances, rules, orders, regulations or by-laws.
- Prevent deposit of putrid carcasses, etc. 9th. To prevent persons from bringing, depositing or having within said city, or placing in the waters 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 upon his premises any such substance, 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.
- Establish pounds, etc., and license draymen. 10th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants of the city; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city, and to erect lamps, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.
- Boards of health and cemetery grounds. 11th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.
- Weight of bread. 12th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.
- Prevent driving on sidewalks. 13th. To prevent all persons riding or driving any horse, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.
- The shooting of firearms. 14th. To prevent shooting off fire arms or crackers, and to prevent the exhibition of fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.
- Restrain drunkards. 15th. 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.

- 16th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. Runners and solicitors.
- 17th. To make rules and ordinances for the government and regulation of the police of the city. Regulate the police.
- 18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable persons for overseeing and regulating such markets, and to punish or restrain all persons interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions. Establish and regulate public markets.
- 19th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. The hay market, etc.
- 20th. To compel the owners of buildings or grounds or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant. Removing of obstructions from sidewalks.
- 21st. To regulate, prevent and control the landing of persons from cars and stages wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city. To prevent spread of contagious diseases.
- 22d. To regulate the time, place and manner of holding public auctions or vendues. Regulate auctions.
- 23d. To appoint policemen and prescribe their duties. Appoint policemen.
- 24th. To provide by ordinance for a standard of weights and measures, and for the punishment of persons using false weights and measures. Provide standard weights and measures.
- 25th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds, and to pay the expenses of the same. For setting out shade trees.
- SECTION 4. All ordinances, rules, orders, resolutions or by-laws shall be passed by an affirmative vote of a majority of the common council, and said rules, How ordinances to be passed.

To be signed,
published and
recorded.

orders, resolutions and by-laws shall be published with the other proceedings of the common council. All ordinances shall be signed by the mayor, and be published in the official city newspaper, and the said ordinances, together with the affidavit of publication, shall, within thirty days from the time of its passage, be recorded by the city clerk in a book provided for that purpose; said record shall be signed by the mayor and clerk, and shall at all times be taken as conclusive evidence of the passage of such ordinance, and of the time and manner of such publication; all ordinances and parts thereof passed by the common council since the organization of the city in 1857, to the date hereof, which have not been repealed or superseded, as the same appear either in the record of the proceedings of the common council, or as the same or any of them appear in what purports to be a record of ordinances and the proofs of publication thereof, made by pasting said proofs of publication in said book or record, or as the same appear as published by the common council with the charter of said city in 1861, or as part of them appear in the record book of ordinances, now and recently made and kept by the city clerk, be and the same are hereby all declared to be of full force and virtue in the law, the same as they would have been had every direction and requirement of the city charter been literally and strictly complied with.

How proof of
publication to
be recorded.

Abatement of
nuisances at
common law.

SECTION 5. The power conferred upon said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill fame, disorderly taverns and houses or places where spirituous, ardent, intoxicating, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Penalty for sell-
ing liquors on
Sundays and
election days.

SECTION 6. Every person having such license, who shall vend, sell or give away any spirituous, ardent or intoxicating liquors on any Sunday, or on any general, annual or special election day, shall be liable to prosecution under this act or the ordinances of the city, or may be indicted in the circuit court of Iowa county, under the laws of the state, and upon conviction thereof, any such offender shall forfeit and pay a sum not exceeding two hundred dollars nor less than fifty dollars, or by imprisoned in the jail of Iowa county or in the jail of said city not more than thirty days, at the

discretion of the court, and the license held by such person shall be forfeited and void.

SECTION 7. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, school board and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law to be commenced against any officer or agent of said city and his bondsmen, who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and the city clerk shall make a full record of all such settlements and adjustments.

Council to audit accounts of city officers.

Claimant to exhibit books and vouchers—may be prosecuted for delinquency.

CHAPTER V.

OPENING OF STREETS.

SECTION 1. The common council shall, within the city limits, have full power and authority to lay out, alter or discontinue any highway, street, alley or public walk therein, and to grade, pave or otherwise improve the same, as it shall deem necessary or advisable: *provided*, that no street, lane or alley shall be laid out by said council, except as hereinafter provided, unless the owner or owners of lots through which the proposed alley, lane or street is proposed to be laid out, consent thereto in writing.

Council may lay out streets.

SECTION 2. No highway, street, lane or alley or public walk, shall be laid out or altered, unless a petition, signed by at least six resident freeholders of the city shall be presented to said council asking therefor, and accompanied by a proper plan or diagram and survey, showing the premises proposed to be taken, together with the names of the owners thereof, and each of their places of residence, so far as that can be ascertained by reasonable diligence, and if the same requires

Shall not act except on petition of six freeholders.

the taking of private property for public use against the consent of the owners, not until the necessity thereof shall be first established by the decision of a jury of twelve persons, who shall be reputable voters and freeholders of said city, and shall also possess such other qualifications as are or may be required for jurors in the circuit courts of this state.

Shall require deposit of money to pay costs and expenses.

SECTION 3. When any such petition shall be presented, the common council shall make an order, requiring the applicants to deposit with the city treasurer such sum, not less than fifty dollars, as it may deem necessary to pay the costs and expenses of said proceedings, and when such deposit shall have been exhausted, the council shall order said applicants from time to time, to deposit such further sums as it may deem necessary to pay accruing costs and expenses, and all action in regard to said petition shall be suspended until such order is fully complied with; said money so advanced shall be refunded to the person or persons advancing the same whenever the same shall be paid to the city, as hereinafter provided.

Shall cause notice of application to be published.

SECTION 4. The said order being first complied with, and it appearing to the satisfaction of the common council that private property is required to be taken against the consent of the owners, the common council shall cause a notice of such application to be given to the owner or owners of lots, through or upon which the proposed street, highway, alley or lane is to be laid out, by serving a notice thereof upon the person or persons occupying such lots or lands if any there be, or if any portion of said lots or lands, shall not be in the actual occupancy of any person, then the common council shall cause such notice, describing as near as may be the premises to be taken, to be published in the official paper of the city for four weeks successively, at least once a week; such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the municipal judge of said city, for the appointment of the twelve jurors hereinbefore provided for, to view said premises, and to determine whether it will be necessary to take the same for the purpose specified in said petition; upon the day and at the time named in the said notice, and upon proof of the publication of service of the said notice as heretofore required, the said municipal judge shall issue his precept, directed to any constable of said city, commanding him to summon twelve persons having the qualifications required

What notice shall state.

Municipal judge shall issue precept for summoning of jurors to examine premises

for such jurors, said persons to be named in said precept, forthwith to appear before said municipal judge, to serve as such jurors. The said precept shall be immediately served by a constable, on the persons therein named, by reading the same to every one of them that can be found; and the said constable shall then make return of the service to said municipal judge, together with his doings therein; all the parties interested in the matter of said petition may appear for themselves or by attorney, shall be heard before said municipal judge, and said jury in all respects be tried and selected as jurors are tried and selected to try civil actions in the circuit courts of this state. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, or be challenged, others shall, in the same manner by virtue of endorsements to that effect on said precept, be summoned, tried and examined until a qualified and satisfactory jury of twelve persons is obtained. Said proceedings may be by said municipal judge adjourned from time to time until completed. The said municipal judge shall thereupon issue his precept, directed to said jurors so tried and selected, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in said petition, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as jurors in the premises, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath may be administered by any person authorized to administer oaths, and which shall be filed in the office of the city clerk. The said jurors shall cause another notice to be given in the manner above provided (except that it need only be for one week) to the occupants and owners of the lots or lands described in the petition, of the time they may fix to view said premises, and decide in regard thereto. At said time so fixed and notified, said jury shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be of-

Parties may appear and be heard.

Vacancies may be filled.

Shall issue precept to jurors.

Jurors shall take oath.

Shall give notice of time they will view premises.

Shall proceed in a body to view premises.

Shall make report.

ferred, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept, shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report.

Council shall appoint commissioners to appraise costs for proposed improvement.

SECTION 5. If upon such hearing the said jury shall decide that there is a necessity to take private property for public use, for the purposes prayed for in such petition, the common council shall thereupon, by an order, appoint three disinterested freeholders of the city, commissioners to view and examine the proposed highway, street, alley, lane or walk, or alteration thereof, and ascertain and appraise the just value of the property of the individuals necessary to be taken therefor. They shall also ascertain and appraise the necessary cost, expenses and damages for laying out, opening or altering the same, and make report thereof under oath, to the common council, within such time as may be limited by such order. If any of said commissioners refuse or neglect to act as such, or if said commissioners do not agree as to the amount of damages or benefits done to any person, then the said council shall appoint other commissioners in their places.

Commissioners shall report what property will be benefited, and to apportion costs, etc.

SECTION 6. The commissioners shall also view, ascertain, assess, determine and report to the common council what property, lots and parcels of land are or will be benefited by the laying out, opening or altering of any such highway, street, lane, alley or public walk, and assess, designate and apportion and determine the costs, expenses and damages of laying out, taking, opening or altering the same on the property, lots and parcels of land so benefited, in just proportion, so that the benefits shall as near as may be equal the damages costs and expenses, making out a list thereof, as they shall assess and apportion the same.

Shall strike balance between benefits and damages.

SECTION 7. The commissioners in all cases where property, lots or parts of lots shall be taken, shall assess the benefits thereof to the other parts of said property or lots, and make a list thereof, and shall strike the balance between the damages and benefits so assessed, and make out a list of the same and report the same to the common council.

How apportioned to different owners.

SECTION 8. If the lands or buildings belong to different persons, or if the land be subject to lease,

judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the proposed improvement.

SECTION 9. When the whole of any lot or tract of land or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts, or agreements between landlord and tenant or any other contracting party, touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

How, when lots are under lease or contract.

SECTION 10. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under any legal disability, the judge of the circuit court of Iowa county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

In case owners are infants or non-residents, how notice given.

SECTION 11. The commissioners shall immediately after their appointment, and before proceeding to discharge their duties as aforesaid, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them, and shall give notice in one or more newspapers of the city, of at least one week, of the time and place in which they will meet to hear any proofs or allegations of any person interested therein, and at the time and place so mentioned, they shall meet for that purpose, and may adjourn from time to time, as they may regard reasonable, but not beyond the time limited in the order for making their report, and either of said commissioners shall have the power to administer an oath to any witness offered.

Commissioners shall take oath.

Shall give notice of meeting to hear grievances.

SECTION 12. Any person whose property is taken, or against whom any assessment is made may, within ten days from the return of such commissioners to the council, appeal from said assessment of damages or benefits, to the circuit court of Iowa county: *provided*, such person or some one in his behalf, make affidavit that he believes himself injured by the award of said commissioners, and that the appeal is made in good faith, and not for the purpose of delay. The appellant shall give security for costs, and the appeal shall be tried by

Owners may appeal from assessment of damages.

the court and jury, as in ordinary cases. The council shall have the same right of appeal.

Council may confirm proceedings.

SECTION 13. If no appeal is taken, or if taken, and the report of the commissioners affirmed or modified, the council may order the proceedings of the commissioners, as reported or as modified by the court, confirmed.

Not to proceed with improvement till damages are paid.

SECTION 14. No such highway, street, lane, alley, walk or alteration thereof shall be laid out, opened or made, until the owners of property which has been taken against their consent, shall be paid the amount or balance so assessed or awarded in their favor, or the same shall have been deposited subject to their order with the city treasurer.

Assessments to be a lien upon lots.

SECTION 15. All sums so assessed and confirmed shall be a lien upon the property so assessed and apportioned, and for the payment of which, such property, lots or parcels of land shall be liable, and the same, if not paid at the time of making the first annual levy of city taxes, after said confirmation shall, at said time, be levied by the common council as a tax upon such lots or parcels of land, and the same shall be put in the tax roll, and be collected with, and as other taxes are collected in said city. When the money therefor shall be actually received by the city treasurer, he shall pay the same over to the person entitled thereto by the apportionment of the commissioners, or to the person or persons who may have advanced the same.

Damages to be paid over to owners.

May lay out street, etc., on petition and publication of notice.

SECTION 16. In all other cases, the council may lay out, alter or discontinue any highway, street, lane, alley or walk, whenever they deem the same proper and advisable, by an order entered in their proceedings, specifying and describing the same: *provided*, the same is applied for by petition, as mentioned in the second section of this act, and two weeks' notice of the same shall have previously been published in a newspaper in said city.

How estimate the value of buildings.

SECTION 17. If there should be any building standing in whole or in part, upon the lands to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to such owner or owners, aside from the value of the lands, and the injury to such owner or owners, in having such building taken from him or them, and, secondly, the value of such building to remove.

Shall give notice of determination.

SECTION 18. At least ten days' notice of such determination shall be given to such owner or his agent,

if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident of the city, notice to all persons interested shall be given by publication in the official paper three successive weeks. Such notice shall specify the building and the award or determination of the commissioners; said notice shall also require the parties interested to appear by a day to be therein named, or give notice of their acceptance of the award of the commissioners and allow such building with the land appropriated, to be taken, or their intention to remove such building at the rate set thereon by the commissioners. If the owner elects to remove such building, he shall have such time for that purpose as the council shall allow.

SECTION 19. If the owner refuses to remove the building, or to take the same at the valuation, or fails to give notice of his election as aforesaid, within the time prescribed, the council shall have power to direct the sale of such building at public auction, giving ten days' notice of the sale. The proceeds shall be paid to the owner, or deposited to his use, after deducting the costs of removal and sale.

Council may direct sale of the buildings.

SECTION 20. The damages assessed as aforesaid, together with the costs and expenses of opening, altering or laying out such highway, alley, street, lane or walk, shall be paid by the owners or holders of the property benefited thereby, or may be temporarily advanced by any person or persons interested in said improvements, and when so paid or deposited as aforesaid, by the owners, or by advancement as aforesaid, and having been confirmed by the council, the said land or private property may be taken and appropriated for the purposes required, and a map, plan or survey of such highway, street, lane, alley, walk or alteration thereof shall be recorded in the book where the ordinances of the city are recorded, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out.

Damages, costs and expenses to be paid by owners of property.

CHAPTER VI

IMPROVEMENT OF STREETS.

SECTION 1. Upon application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street on which the grade is proposed to be changed, accompanied with a map showing the lots in said street and the names of

Council may change grade, on application of owners.

the owners thereof, the common council shall have power to cause a survey to be made, and to alter such grade or establish a new one, in such street or part of street set out in such application, as the public good may seem to require.

Person not signing application, shall have right of action for damages.

SECTION 2. Any person not being a signer of such application, who shall claim to have sustained damage by such change of grade, shall have his right of action against the city for the recovery of the same: *provided*, that no suit shall be brought against the city for the recovery of such damage until a claim therefor has been made to the common council and said council shall have refused or neglected for three months to settle the same. The signing of such application for change of grade shall be taken and construed as a release of all claims for damages of every such signer.

Street commissioners, to supervise streets.

SECTION 3. It shall be the duty of the street commissioners to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and water courses are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all work let by contract for the improvement of streets or sidewalks, unless the common council shall otherwise provide.

How sidewalks shall be constructed.

SECTION 4. Sidewalks shall be constructed upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may direct the street commissioner to cause the same to be constructed at the expense of such owner or owners.

How contracts shall be let.

The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days, of the time, place and manner of

Not to be let till public notice is given.

receiving and opening said bids: *provided*, that no such contract shall be let until sixty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city: *provided, also*, that said ordinance, resolution or order may also, in the discretion of the common council, require said owner

or owners to do such filling and cutting opposite their said lots as may be necessary to bring them to grade, and enable them to construct said sidewalk.

SECTION 5. The street commissioner shall, with his annual report of delinquent street taxes, report to the city clerk, a description of any lot or lots in front of which he shall have so caused any sidewalk to be constructed, together with the cost thereof, giving the items, and the common council shall at the time they next thereafter levy the annual city taxes, levy the said cost thereof, as a tax upon such lot or lots, and the city clerk shall put the same in the tax roll, and it shall be collected with and in the same manner as other city taxes.

Shall make annual report of delinquent street taxes.

SECTION 6. All moneys expended by the common council, in the improvement of streets (sidewalks excepted) shall be expended upon the streets in the several wards in proportion to the relative value of the taxable property, and poll tax assessed and collected in the several wards, unless the common council shall otherwise unanimously direct.

Street improvements to be proportionate to value of property.

SECTION 7. The common council of said city shall have power to levy an annual tax, not exceeding five mills on the dollar, of the assessed value of property in said city, for the improvement of streets; and may by resolution determine the time and manner of collecting and paying the same; the delinquent returns of unpaid street taxes shall be made by the city treasurer or by the person collecting the same, and the same shall be put in the annual tax roll by the city clerk, and be collected in all respects as is provided by law for the return and collection of delinquent road taxes, in the towns of Iowa county.

Council may levy annual tax for street improvements.

CHAPTER VII

FINANCES AND TAXATION.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority, or by order,

All city funds to be under control of council.

or resolution of the common council except taxes levied for school purposes; but the common council shall not issue in any one year a greater amount of city orders (for purposes other than building school houses or on account of railroad bond claims) than the amount of the tax authorized to be levied for the general expenses of the city for such year; and no interest shall ever be paid by said city, on any city order, except on orders issued for the purpose of building school houses, or on account of the railroad bond claims.

How city debt to be authorized.

SECTION 2. No debt shall be contracted against the city, or order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered upon the record of the proceedings of the common council, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Fines and license moneys payable into general fund.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act or of any of the ordinances, by-laws, orders, resolutions and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the common council.

How penalty remitted.

All property subject to taxation.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers, and be subject to the same duties and liabilities that are or may hereafter be conferred or imposed upon township assessors: *provided, however*, that the common council may prescribe the form of assessment and tax rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls, as they may from time to time deem advisable.

Powers, duties and liability of the assessor.

City clerk to make assessment upon certificate of county clerk.

SECTION 5. Upon receiving the certificate of the county clerk, of the amount of taxes levied upon the city by the county board of supervisors, as prescribed by law, the city clerk shall calculate and carry out such taxes in the tax roll, as is or may be provided by law and this charter, without any order from, or levy of the

same, and the city clerk shall then enter in the proceedings of the common council with the record of said levy, the substance of said certificate so received from the county clerk by the common council; and within ten days after the receipt by the city clerk of said statement of the amount of taxes levied by the county board of supervisors, as provided by law, the common council shall determine the amount of taxes to be levied for general and special city purposes, and also the amount of money necessary or required to be levied for school purposes, and shall by resolution, levy the same, but no such resolution shall be adopted except by a two-thirds vote of the common council, which shall appear in the proceedings of the common council: *provided*, that the amount of tax levied for the general expenses of the city, shall not exceed the sum of twelve hundred dollars in any one year.

Council determine amount of general and special city taxes, by two-thirds' vote.

SECTION 6. All taxes or assessments, general or special, levied under this act shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person, or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid; and no sale or transfer of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property; but shall not be taken or sold for taxes on real estate. The real estate shall be returned delinquent, and be sold for any unpaid taxes, as is provided by law.

All taxes to be and remain a lien upon property, till paid.

Personal property may be sold only for personal tax.

SECTION 7. The board of supervisors of the county of Iowa shall have the right to regard the city of Mineral Point as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of different wards.

County board may regard city as a town, in equalizing taxes.

SECTION 8. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law, in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town except as herein otherwise provided.

May levy tax same as upon towns, without regard to wards.

City clerk to deliver certified statement to treasurer, and tax roll.

SECTION 9. Whenever any tax roll, either general or special, shall be issued in said city, the city clerk shall, as soon as he knows the amount thereof, deliver to the city treasurer a certified statement, showing the amount of taxes so levied upon said city, and for what purpose; and so soon as said treasurer shall deliver to said city clerk the receipt of the county treasurer for the bond required of him by the laws of this state, or he shall have given and filed his bond as may be required by the order or resolution of the common council, the said city clerk shall deliver to the said city treasurer the tax roll, with a warrant in manner and form as required of town clerks by the laws of this state, and shall otherwise be subject to the same duties and liabilities in the premises. He shall also preserve a duplicate of said certified statement, and file the same among the records of his office.

If tax is extraordinary, council may require additional bond of treasurer.

SECTION 10. Whenever any general, annual or special tax roll issued by the city, shall have in it an extra or unusual amount of special or different taxes from those usually collected annually in said city, the common council shall, by order or resolution, require the city treasurer to give an additional bond in the ordinary form, to the city, in double the amount of said special or different taxes, and in no event shall any tax roll be delivered to said city treasurer until he shall have filed the bond required by the common council, or shall have delivered to the city clerk the receipt of the county treasurer for his bond, as required by the laws of this state.

City treasurer to collect tax as town treasurers do—his fees.

SECTION 11. The city treasurer shall proceed to collect under the warrant so issued, in like manner and shall have like powers, and be subject to like duties, liabilities and restrictions as town treasurers, except as herein otherwise provided. The city treasurer shall receive two per cent fees upon all taxes paid to him before the first day of January, and five per cent fees upon taxes collected after that time, to be added to the amount of taxes and collected with the same, and two per cent upon all other moneys paid into the treasury (except on the amount he may receive from his predecessor in office), in full for all services performed by said treasurer under this act or the ordinances of the city. The said treasurer shall also, at the time of making his return to the county treasurer, make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalties or fees, to such delinquent returns as

Shall make list of delinquent taxes.

allowed or required by law, upon delinquent returns from the several towns.

SECTION 12. The county treasurer shall sell all delinquent lands or lots returned from the city of Mineral Point, at the same time and in the same manner as other delinquent lands are sold in said county, and shall proceed to collect all delinquent personal property taxes returned from the city, in the same manner as is or may be provided by law for the collection of such taxes, when returned from towns in said county.

County treasurer to sell delinquent lots.

SECTION 13. All real estate exempt from taxation by the laws of this state shall be subject to special taxes for the building of sidewalks and improvement of streets in front of the same.

Exempt property liable to special taxes.

SECTION 14. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the limits of the city of Mineral Point, held or claimed by virtue of any deed purporting upon its face to be executed on account of any sale for taxes or assessments 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 on all sums, 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: *provided*, that if said tax or any part thereof is for, or in any way based upon claims growing out of or from bonds heretofore issued by the county of Iowa, or town of Mineral Point, to or in aid of the Mineral Point Railroad Company, then for that tax or part thereof, no such deposit need be made, either for that tax or the interest or cost thereon.

Suits to recover possession not to be commenced till amount of taxes, costs and charges are deposited with the court.

In the trials, deed to be read in evidence, except for railroad bond debt.

Private property not to be levied on to satisfy public debt.

SECTION 15. No real or personal property of any inhabitant of said city, or of any individual or corporation, therein, shall be levied upon or sold by virtue of any execution, order or decree issued or made to satisfy or collect any debt, obligation or contract of said city, or of any individual therein, upon any pretense whatever, if said execution, order or decree is founded upon any claim for, or in any way whatever grows out of any debt or contract which said city ought to pay, either in whole or in part.

No execution to be issued on judgments against city officers, entered in their name of office.

SECTION 16. When a judgment shall be recovered, or an order or decree be rendered against said city or any ward thereof, or against any officer of said city or any ward thereof, or against any individual therein, in any action or proceeding whatever, prosecuted by or against him, either in his name of office or individually, where the same should be paid by the city or any ward thereof, or where the same is founded upon or based on any claim for or in any way whatever grows out of any debt or contract, which said city ought to pay in whole or in part, no execution shall be issued or awarded upon such judgment, order or decree, nor shall any action be brought thereon, but the same, unless reversed, shall be levied and collected as herein provided, 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.

Such judgments to be paid by levying tax upon all the taxable property of the city.

SECTION 17. Whenever any exemplified copy of any final judgment, order or decree as is mentioned in the preceding sections, together with the affidavit of the plaintiff or complainant in any such cause or proceeding, his assignee or attorney, stating that said judgment, order or decree has not been reversed, appealed from or removed to any other court, or paid or satisfied in whole or in part, shall be filed in the office of the city clerk, it shall be the duty of said clerk to immediately notify the mayor thereof, and the mayor shall soon thereafter as may be, call a meeting of the common council, at which meeting the council shall proceed to assess and levy the amount thereof, with the interest thereon from the date of such judgment, order or decree, to the time when the warrant for the collection thereof will expire, as a tax upon all the taxable property of said city, as shown by the last assessment roll; the city clerk shall, within thirty days thereafter, issue a tax roll therefor with warrant annexed in the usual form, and the same proceedings shall be had thereon, and the same shall be collected and returned in the same manner as other city taxes, but in no case or way

whatever shall said tax be mixed or mingled with any other tax.

SECTION 18. 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 whenever the same may be settled by the city and town of Mineral Point, in the proportion heretofore settled and agreed upon according to law, by and between the said town and city, 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 an action on the case, brought by the party so paying for the same.

How and when principal and interest on railroad bonds to be paid.

SECTION 19. For the purpose of compromising and settling the claims for railroad indebtedness against the town and city of Mineral Point, based and founded upon bonds heretofore issued by the town of Mineral Point, to aid in the construction of the Mineral Point railroad by authority of "an act to authorize the counties and towns through which the Mineral Point railroad passes, to aid in its construction, approved March 23, 1853," and which indebtedness may, at the time of compromising or settling the same, be represented by bonds, coupons, judgments, orders or decrees rendered or made upon the same, it shall be lawful for the common council of said city, in concert with the board of supervisors of the town of Mineral Point, to compromise or settle the said claims or indebtedness, upon such terms and conditions as to them shall seem most advantageous and beneficial to said city and town, proceeding therein as is hereinafter provided.

Council and board of supervisors may compromise and settle railroad indebtedness.

SECTION 20. At the first meeting after the annual meeting in A. D. 1873, or as soon thereafter as may be, the common council shall, by an order or resolution to be entered upon its record, appoint a railroad bond committee, consisting of seven persons, who shall be selected from, and be principal freeholders, tax-payers, voters and residents of said city; the said committee may be, by the common council in its discretion, changed from time to time, either in whole or in part, and said council shall fill any vacancies which may occur in said committee by death, resignation or removal from the city, record thereof being always kept, so as to show what persons compose said committee.

Shall appoint a railroad bond committee.

SECTION 21. Whenever the holder of any of said indebtedness or claims shall have agreed with the common council and the board of supervisors of the town of Mineral Point to settle any of said indebtedness, an

Shall make agreement for terms of settlement in writing, for approval of council.

article in writing shall be made, and signed by the parties making said agreement, which shall distinctly state what is agreed to be settled, the terms of settlement agreed upon, both as to amount, mode and manner of payment; the said agreement shall then be submitted to said railroad bond committee appointed as aforesaid, acting with a similar committee of four from the town of Mineral Point for approval; the said committees shall meet together to consider the same, and they shall endorse on the said agreement in writing over their signatures, their approval or disapproval thereof, and return the same to the common council. If the said agreement be approved by a majority of the whole of said committees, the same shall be carried out and fulfilled by the parties making the same, but if said agreement shall be disapproved by a majority of the whole of said committees, it shall not be carried out or fulfilled, but shall be null and void.

Council may issue bonds to fulfill said agreement, or may stipulate to pay certain sum into court.

SECTION 22. For the purpose of fulfilling and consummating an agreement so made and so approved for the purpose of raising or borrowing money to fulfill and consummate the same, the common council of said city of Mineral Point shall, for the share and proportion of said city of any such settlement and agreement, have power to issue bonds, with interest coupons attached, promissory notes, orders or drafts for such sum or sums, to such person or persons or corporation, bearing such rate or rates or interest, payable both as to principal or interest, at such time or times, place or places, to order or bearer, as may be necessary to fulfill said agreement, or shall have power to stipulate and agree with the holder of any of said indebtedness, who may have the same in judgment, to pay a certain sum and interest thereon, into the court where the judgment or decree may be, in satisfaction of the same, the creditor being permitted to hold the judgment as security for the fulfillment of the stipulation; the said stipulation must be placed on record in said court, and must also first have been agreed to, and approved as aforesaid; all bonds, notes, orders, drafts or stipulations issued or made under the provisions of this act, by said city, shall be signed by the mayor, and countersigned by the city clerk, and sealed with the seal of said city, and the said clerk is required before the delivery of any such bond, note, order, draft or stipulation, to make and keep a full and fair record thereof, which record may be written or printed, or partly written and partly printed in a book to be furnished for that purpose.

How bonds, stipulations, etc., to be executed.

SECTION 23. For the prompt payment and fulfillment of all the bonds, promissory notes, orders, drafts or stipulations which may be issued under the authority of this [act], or for the payment of necessary expenses incurred in regard to said indebtedness, the common council of said city are hereby authorized and required, at the time of levying their usual regular annual taxes, to assess and levy a tax upon all the taxable property of said city and town, from year to year, sufficient to promptly and faithfully pay, as the same may become due, all sums agreed to be paid by the said bonds, notes, orders, drafts or stipulations aforesaid, the interest thereon and the expenses aforesaid, and the sums so levied shall be collected with, and in the same manner as are other city and town annual taxes, and all laws and provisions of this act applicable to such other taxes, shall be applicable to taxes levied by virtue hereof, and the moneys so raised or borrowed, and the taxes that may be levied and collected to pay the same shall not be diverted or used for any other purpose or be subject to any legal process whatever.

Council shall levy tax to pay bonds, stipulations, etc., with interest, expenses, etc.

SECTION 24. The common council of said city and each of the officers of said city, and the attorneys and agents of each, and of said city are hereby expressly prohibited from issuing or delivering any of the bonds, promissory notes, orders, drafts or stipulations authorized by this chapter, except for the purpose of settling said indebtedness, or unless the same shall have been first agreed for, and approved as herein provided, and any such issue or delivery of any such bonds, promissory notes, orders, drafts or stipulations, or either of them, except as herein provided, by any officer, attorney or agent or said officers or of said city, shall be deemed an embezzlement, and the person, officer, attorney or agent so offending, shall, upon conviction thereof, be punished by fine or imprisonment, or both, at the discretion of the court.

No bonds to be issued except for the purpose of settling said indebtedness.

SECTION 25. Any member of said common council who shall neglect, refuse, or in any way avoid levying the taxes provided for in this chapter as therein required to be levied, or if they or any of the officers of said city shall neglect, refuse or avoid carrying out any of the provisions hereof for the payment of said bonds, promissory notes, orders, drafts or stipulations, not made the subject of a special penalty, such person or officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in the common jail of Iowa county not more than six months, or both.

Penalty for neglect or refusal to levy tax.

at the discretion of the court, all fines imposed and collected for a violation hereof shall be used exclusively to pay the obligations authorized by this act.

CHAPTER VIII.

COMMON SCHOOLS.

City shall constitute one school district, and be under control of the commissioners.

SECTION 1. The city of Mineral Point shall constitute one school district, under the control and management of a board of education, to be composed of the city superintendent, *ex officio*, [who] shall be president of the board, and one commissioner from each ward, to be elected by ballot by the common council at its first meeting after the annual election, or as soon thereafter as may be, one of whom shall be elected and designated to hold his office for the term of one year; and the other shall hold his office for the term of two years, and thereafter every year the common council shall elect one commissioner from the ward of the commissioner then going out of office, and said commissioner so elected shall hold his office for the term of two years. Said commissioners may be removed from office for official misconduct or wilful neglect of duty, by the common council, by a vote of two-thirds of the members thereof, a fair hearing having been granted before removal.

Commissioners shall take oath, and appoint clerk.

SECTION 2. Said commissioners shall, within ten days after their appointment, take the oath of office prescribed by the constitution of this state, and file the same with the city clerk. At their first meeting, they may appoint one of their number clerk, or, if advisable, some other person, to hold his office during the pleasure of said board, who shall receive such compensation as said board may determine. The said commissioners shall receive no compensation for their services.

Duties of the said clerk.

SECTION 3. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe; which record, or transcript thereof, certified by the president and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth; and such record, and all the books and accounts of the said board shall at all times be subject to the inspection of any member thereof, officer of said city, or of any person or committee appointed by the common council to examine the same.

SECTION 4. The common council of the said city of Mineral Point shall have the power and it shall be their duty to raise from time to time by tax, upon the real and personal estate of said city subject to taxation, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sums as may be determined and certified by the said board of education to be necessary and proper for any or all of the following purposes, the said certificate to be sent in to the common council immediately preceding the time fixed for the annual levy of taxes:

Council shall raise by tax any additional sum necessary for the following purposes.

1st. To purchase, lease or improve sites for school houses. Purchase sites.

2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out-houses and appurtenances. Build school houses.

3d. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall not be deemed to extend to the furnishing of class or text books for any scholar whose parents or guardian shall be able to furnish the same. Purchase apparatus, books, etc.

4th. To procure fuel and defray the contingent expenses of the common schools and the expenses of the school library of said city. For fuel and contingent expenses.

5th. To pay the wages of teachers due after the application of the public moneys which may by law be appropriated and provided for that purpose: *provided, however*, that no tax shall be levied for said purposes oftener than once a year: *provided, also*, that if from any cause whatever, the school tax levied for any one year shall remain uncollected, the common council may, if it deems it best, direct the same, or any part or portion of it, to be added to and collected with the school taxes for the ensuing year. To pay teachers' wages. Not to be levied but once a year.

SECTION 5. The common council shall cause the tax or taxes herein provided for, to be levied and collected annually, in the same manner as other annual taxes are levied and collected in said city, and all moneys so collected, and all school moneys appropriated by law to, or provided by law for said city, shall be paid to the treasurer of said city, who, together with the sureties on his bond, shall be accountable therefor in the same manner as for other moneys of said city. Council shall cause taxes to be levied annually.

SECTION 6. The treasurer of said city shall not pay out any money in his hands received by the said city, either as school moneys, or collected or received by virtue of any provision of this chapter, except upon an order of the board of education. Not to pay out money except upon order of the board of education.

order drawn upon him, signed by the president and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board.

May be prosecuted for default, etc.

SECTION 7. The said board may cause a suit or suits to be prosecuted in the name of the city of Mineral Point, upon the official bond of the treasurer, or of collector of said city, for any default, delinquency or official misconduct in relation to the collection, safe keeping, or payment of any moneys in this act mentioned.

Board may establish schools in the different wards.

SECTION 8. The said board shall have the power and it shall be their duty :

1st. To establish and organize such and so many schools in the several wards of said city as they shall deem requisite and expedient, and to alter and discontinue the same : *provided*, that the system of graded, or union schools shall be adopted as the foundation of all such schools.

May purchase or hire school houses.

2d. To purchase or hire school houses and rooms, and lots or sites for school houses, and to fence or improve them as they may deem proper.

May build, alter or improve school houses.

3d. Upon such lots and upon any sites now owned by the city, either by purchase or as the successor of the village of Mineral Point, to build, enlarge, alter, improve and repair school houses, out-houses and appendances as they may deem advisable.

May purchase books, apparatus, etc.

4th. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for schools, and defray their contingent expenses, and the expenses of the district library.

Shall have custody of all school property.

5th. To have the custody and safe keeping of the school houses and out houses, books, furniture and appendages, and to see that the ordinances, rules, orders, resolutions or by-laws of the common council in relation thereto are observed.

Employ teachers.

6th. To contract with and employ all teachers in the common schools, and the high schools who shall have been licensed by the superintendents, and at their pleasure to remove them.

Pay their wages.

7th. To pay the wages of said teachers out of such funds provided for that purpose as may be in the treasury of the city.

Defray 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 common council.

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.

Have supervision of schools.

10th. Whenever said board shall deem it advisable to sell any of the school houses, lots or sites, or any of the school property, now or hereafter belonging to the city, to report and recommend the same to the common council.

May sell all school property.

11th. To recommend to the common council any matter in which its action is desirable, and to certify the amount of money necessary to be raised under the fourth section of this chapter, and the reasons therefor.

Certify to council the amount of money to be raised.

12th. If from any cause whatever, the officers of the city, or any or either of them whose duty it is to aid in or collect the taxes provided for in this chapter, shall neglect or be unable to collect said taxes up to the first day of February of any year, the said board of education shall, if it deems it for the interest and benefit of the people of said city, by resolution to be entered in their records, and a certified copy whereof shall be furnished to the city clerk, assess and re-levy such taxes upon all the taxable property of said city according to the last assessment roll, and in said resolution shall direct the city clerk to issue a tax roll for taxes, with warrants annexed, in the usual form, and to place the same in the hands of the city treasurer for collection, and the said re-levy of said taxes shall be of the same force and effect in the law as the original levy thereof by the common council.

If city officers fail to levy and collect tax, board may re-levy and direct collection.

SECTION 9. Upon receiving the said certified copy of said resolution, the city clerk shall file the same in his office, and immediately make out a tax roll for said taxes, with a warrant annexed in the usual form, returnable in forty days, and shall, in regard thereto, conform and do in all respects, as near as may be, the same as though he was making and issuing a regular annual tax roll.

City clerk shall make tax roll, and annex warrant.

SECTION 10. The city treasurer shall give bond therefor as may be required by the common council, and shall then take and receive the said tax roll from the city clerk, and shall proceed to execute said warrant in all respects as soon as may be, as if it were the regular annual tax roll, except that he shall make his delinquent return of such taxes in said roll, as may be unpaid, to the city clerk, who shall, upon making the next regular annual tax roll thereafter, enter such unpaid taxes in a separate column therein, opposite the

City treasurer shall give bond and proceed to collect tax as in other cases.

description of property upon which the taxes so remain unpaid, and such taxes shall be collected in the same manner as other city and county taxes are collected.

May allow non-resident children to attend school.

SECTION 11. 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 prescribe, fixing the rate of tuition therefor.

Board shall make report of receipts and disbursements.

SECTION 12. It shall be the duty of the said board, on or before the last Monday of March in each year, to prepare and report to the common council a true and correct account 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 fourth section of this chapter; 2d. The moneys received by the city under the twelfth sub-division of the eighth section of this chapter; 3d. The school moneys received by the treasurer of the city from the county treasurer; 4th. The moneys received from direct tax; 5th. All other moneys received by the treasurer, subject to the order of the board, specifying the sources, and the common council shall cause the same to be published.

Shall be subject to rules of state superintendent.

SECTION 13. The said board shall be subject, from 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.

Duties of the city superintendent.

SECTION 14. The city superintendent shall be the executive officer of the board of education, shall examine 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 school houses ordered to be erected or repaired by them unless otherwise directed. In addition to the foregoing duties, he shall visit the common schools of the city at least twice during each term and report their condition to the board with such suggestions for their improvement as he may deem proper. His compensation shall be fixed by the common council of the city, and shall be paid out of the contingent school fund of the city.

Additional duties.

SECTION 15. It shall be the duty of the city superintendent, between the first and fifteenth days of October in each year, to make out 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.

He shall make annual report.

SECTION 16. It shall be the duty of the common 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, and to be paid to the city treasurer, subject to the order of the board of education.

Council shall pass ordinances for protection of school property.

SECTION 17. The title of the school houses, lots, sites, furniture, books, apparatus, 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 education, upon such terms as said common 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.

Title to all school property shall be and remain vested in city.

Shall be exempt from taxation and execution.

SECTION 18. 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.

All school moneys to be under control of board of education.

SECTION 19. The common council of said city shall have no power or authority to borrow any sum of

Council prohibited from borrowing money.

money for the purpose of procuring sites and erecting a suitable edifice or edifices for the use of the schools thereof, [except] as hereinafter provided.

May authorize special election to vote on question of loan.

SECTION 20. 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 common council of said city shall have power to borrow a sum of money not exceeding ten thousand dollars, for the purpose of procuring sites and erecting a suitable edifice or edifices for the use of the schools thereof, to be expended under the direction of the board of education, and to execute bonds therefor, under the common seal of the city, and the signature of the mayor and clerk thereof. The loan of the sum hereby authorized shall be for a term not exceeding fifteen years, and shall be paid in manner stipulated by said common council, and the interest thereon shall be paid annually, and the common council are hereby authorized, and it shall be their duty to raise by tax, in the manner specified in the fourth section of this chapter, the annual interest of said loan, and to pay over the same in discharge of such interest; and also to raise in the same manner any sum necessary to meet the conditions of said loan, and to pay over the same in discharge thereof: *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.

When and how to be paid.

City clerk shall notify superintendent and commissioners of their election.

SECTION 21. It shall be the duty of the city clerk, immediately after the appointment of any person as commissioner of common schools or election as 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 common council may consider it a refusal to serve, and proceed to supply the vacancy occasioned by such refusal, by electing some one by ballot to hold said office for the balance of the term.

CHAPTER IX.

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 of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any building within the limits prescribed shall be made and constructed 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.

The council may prescribe fire limits.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimnies, fire-places, furnaces, ranges, hearths, stoves, stove-pipes, 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 and occupants of buildings to have scuttles in the roofs, and stairs and ladders leading to the same; to authorize the mayor, 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 prevention and extinguishment of fires as the common council may deem expedient.

May take other precautionary measures to prevent and extinguish fires.

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

May purchase engines and authorize formation of fire companies.

Number limited.

- 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.**
- Meeting to nominate officers.**
- SECTION 4.** There shall be a meeting of the members of said companies on the third Monday of 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 engineer, and their 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.
- Shall nominate fire wardens.**
- SECTION 5.** At the same time the members of said company shall nominate, and the common council shall appoint the same, four 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, storeroom or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire.
- One half of fines payable to fire department.**
- SECTION 6.** One-half of the net proceeds of all the fines or penalties recovered for the breach of any ordinance, by-law, regulation, rule or order made in pursuance of this chapter, shall be paid to the fire department.
- Persons disobeying orders may be arrested.**
- SECTION 7.** When any person shall refuse to obey any lawful order of an engineer, fire-warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally any constable, policeman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until the 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 shall prescribe, not exceeding fifteen dollars.
- The penalty.**
- SECTION 8.** The common council shall have power to organize a sack company, which shall be known as sack company number one, to consist of not more than twenty members. Such company shall constitute a
- May organize sack company.**

part of the fire department, and at fires shall be subject to 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 other 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 take charge of all property which may be exposed or endangered, and shall, as 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. 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 and 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.

Shall act as special police.

At fires shall take charge of property.

Shall take oath of office.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city of Mineral Point shall continue to be and is hereby again 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.

City to be successor of village.

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.

All work to be let to lowest bidder.

SECTION 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, rules, orders, resolutions or 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 forfeit-

How actions to recover penalties to be brought.

ure, stating the clause of this act, or the ordinance, rule, order, resolution or by-laws, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Shall issue execution.

SECTION 4. In all such cases as is mentioned in section three of this chapter, execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed according to the provisions hereof and the laws of this state. The execution, except in cases of *ex contractu*, shall require the defendant in any such action, in case no goods or chattels, lands or tenements, whereof the judgment can be found, to be imprisoned in the jail of Iowa county, or in the jail of the city, for a term not exceeding three months, in the discretion of the municipal judge or justice of the peace rendering judgment, unless the same be sooner paid or discharged by the common council.

What execution shall require.

Not to make incompetent.

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.

How process to be served against city.

SECTION 6. 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, rules, orders, resolutions or by-laws of the council may provide.

May hold and dispose of real estate.

SECTION 7. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Effect of general laws.

SECTION 8. 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.

No salary to mayor or aldermen.

SECTION 9. 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.

Place of confinement for offenders.

SECTION 10. 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, unless sentenced to the city jail, 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, rule, order, resolution or by-law of said city, but such expenses shall be paid by the city.

SECTION 11. This act shall be considered a public ^{A public act.} act, and shall be construed favorably in all courts and places, and whenever in the same, any act or thing is directed or provided to be done, it shall be lawful to do and perform said act or thing, the same as though it were therein specifically authorized and declared to be lawful.

SECTION 12. An act entitled an act to amend an ^{Repealed.} act entitled an act to incorporate the city of Mineral Point, approved March 2, 1857, and also, acts amendatory thereof, approved March 25, 1858, March 17, 1859, and March 2, 1860, approved March 16, 1861, and all acts amendatory thereof are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 238.

[Published March 27, 1873.]

AN ACT to prescribe the powers, rights and duties of towns and cities holding stock in railway companies.

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

SECTION 1. Section seven of chapter one hundred and eighty-two of the general laws of 1872 is amended <sup>Amended—
how provisions
to apply.</sup> by adding to said section the following: The provisions of this section shall be held and deemed to apply to all cases where aid has been or hereafter may be voted and stock subscribed towards the construction of any railroad in this state, whether under the provisions of this act or any other law of a general or private nature.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.