

[No. 104, S.]

[Published April 2, 1878.]

## CHAPTER 263.

AN ACT to incorporate the city of Jefferson.

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

## CHAPTER I.

## INCORPORATION.

SECTION 1. All that district of country contained with- **Incorporated.**  
 in the limits and boundaries hereinafter described, shall be a city by the name of Jefferson and the people now inhabiting, and who shall hereafter inhabit the said district of country shall be a municipal corporation by the name of the city of Jefferson, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

## CHAPTER II.

## CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the town **City boundary.**  
 and county of Jefferson, in the state of Wisconsin, included within the following lines and boundaries, to wit: beginning at the north quarter post of section number one, in township number six north, of range number fourteen east, thence running west on the section line two miles to the north quarter post of section number three, thence south on the subdivision line two miles to the south quarter post of section ten; then east on the section line to the south quarter post of section twelve; thence north on the subdivision line to the place of beginning: shall be included in and constitute the limits of the city of Jefferson.

SECTION 2. The said city is hereby divided into **Ward boundaries.**  
 three wards to be called and known as the first, second and third wards, and limited and bounded as follows, to-wit: All that portion of said city west of

Rock river shall be and constitute the first ward; all that portion of said city east of Rock river and north of the centre of Racine street as designated on the recorded plat of the village of Jefferson, Jefferson county, Wisconsin, shall be and constitute the second ward; and all that portion of said city east of Rock river and south of said Racine street shall be and constitute the third ward.

### CHAPTER III.

#### CORPORATE AUTHORITY.

Corporate authority.

SECTION 1. The corporate authority of said city, and the exercise of its corporate powers and management of its financial, prudential and municipal concerns, shall be vested in one principal officer, styled the mayor, and one board of aldermen, consisting of two members from each ward, who with the mayor, shall be denominated the common council, and in such other officers as are hereinafter mentioned or may be created under this act.

### CHAPTER IV.

#### ELECTIONS.

Elections.

SECTION 1. The annual election for ward and city officers shall be held on the second Tuesday of April in each and every year, at the city hall in said city or at such other convenient place as the common council shall direct. The polls of every election under this act shall be kept open from ten o'clock in the forenoon until four o'clock in the afternoon of the same day, but the judges or inspectors of election may close the polls at twelve o'clock noon for one hour, giving notice thereof.

Notice of election.

SECTION 2. The common council shall give at least ten days' notice of the time and place of holding every such election, and of the city and ward officers to be elected thereat, and shall cause such notice to be published at least ten days before every such election, in a newspaper published in said city, if one be published therein, and if there be no newspaper published therein, then said common council shall cause such notice to be posted up in at least five conspicuous places in said city: *provided, however,* that a failure to give such notice shall not invalidate any annual election otherwise duly held in said city on the second Tuesday of April in any year.

SECTION 3. The mayor and any two aldermen of said city shall preside at and be the judges and inspectors of every election held under this act. The clerk of said city, hereinafter provided for, shall be the clerk of every such election. In case of the failure of the mayor and clerk, or either of them, for any cause to be present in time to properly open the polls, the aldermen present may appoint a person or persons to act in their or his place as such inspector or clerk, and in case no two aldermen attend, the bystanders may select one or more persons, as the case may be, to act as inspectors in the place of the absent alderman or aldermen. The clerks and inspectors shall take and subscribe an oath, in the same form and to the same effect, as near as may be, as the oath required to be taken and subscribed by clerks and inspectors of general elections under the laws of this state. The clerk shall keep a list of the names of persons voting, as hereinafter provided, and all elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state, and the plurality of votes shall in all cases decide the election.

Officers of election.

SECTION 4. The common council of said city shall provide three ballot boxes, numbered one, two and three, to correspond with the three wards aforesaid, to be used at all elections under this act.

Ballot-boxes.

SECTION 5. All persons qualified to vote at general elections for state officers and who shall have been residents of said city for at least twenty days next preceding any election, shall be legal voters for any officer required to be elected by this act; and if any person's right to vote be challenged, or if the inspectors of election shall have reason to believe that any person presenting himself to vote, does not possess the qualifications of an elector under this act, the inspectors shall decide upon the challenge, or upon the qualifications of the person as an elector, in the same manner as is required by law at general elections: *provided, however*, that the proper questions shall be propounded to and answered by such person to enable said inspectors to determine whether he has resided in said city for twenty days prior to offering his vote.

Elections.

SECTION 6. The elective officers of said city shall be a mayor and police justice, to be elected by and for the city at large; and two aldermen, and one supervisor to represent his ward in the county board of supervisors of Jefferson county, to be elected by and

Elective officers.

from each ward. The mayor, and police justice, shall be qualified voters of said city, and the aldermen and supervisors shall be qualified voters of said city and residents of the ward for which they shall be respectively elected. The mayor, aldermen and supervisors shall hold their respective offices for the term of one year and until their successors shall be elected and qualified. The police justice shall hold his office for the term of three years and until his successor shall be elected and qualified.

Manner of conducting elections.

SECTION 7. The elective officers shall be elected at the annual election to be held on the second Tuesday in April of each year. Each elector, in addition to voting for mayor and police justice to be elected by and for the city at large, shall vote only for the two aldermen and one supervisor to be elected by and for the ward in which the elector voting resides, and no elector shall vote for more than two aldermen nor more than one supervisor, and the two aldermen and one supervisor voted for, must be residents of the same ward with the elector. The electors shall vote by ballot, written or printed, or partly written and partly printed. Each ballot shall contain the names of five persons only, in addition to the proper designation of the office for which each is named, to-wit: the name of one person for mayor, the name of one person for police justice, the names of two persons for aldermen, and the name of one person for supervisor; the mayor and police justice to be chosen from the city at large, and the aldermen and supervisors from the several wards as aforesaid wherein they reside; and if any ballot has more than two persons named thereon for aldermen, it shall not be counted as a ballot for aldermen, but shall for the other persons properly named thereon; and if any ballot shall have more than one person named thereon for supervisor, it shall not be counted as a ballot for supervisor, but shall for the other persons properly named thereon. The ballot of each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box other than the one corresponding in number to the ward wherein the person named in such ballot for alderman and supervisor resides, shall be counted. Immediately after the closing of the polls, the ballots in each box shall be counted separately by the inspectors and clerk, and the two persons named on the ballots in any box for aldermen, and the one named thereon for supervisor, who

shall have received the largest number or a plurality of all the votes cast by the electors of the ward, corresponding in number with the box, shall be declared elected aldermen and supervisor of such ward, and the two persons named on the ballots for mayor and police justice, who shall receive the largest number or a plurality of all the votes of the electors of said city, cast for these offices, shall be declared elected mayor and police justice respectively. If any alderman or supervisor shall change his residence from the ward for which he shall have been elected, his office as alderman or supervisor shall become vacant, and the common council of said city shall, by resolution, so declare, and appoint a suitable person to fill the vacancy. For the purpose of carrying out this act, a person's residence shall be deemed to be in that ward where his family resides, or where he has his lodgings and sleeps at night.

SECTION 8. At each annual election, the inspectors <sup>Illegal voting.</sup> of election shall cause three poll lists to be made and numbered one, two and three, to correspond with the three wards hereinbefore provided for, and every person when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerk of election shall enter his name on the list numbered so as to correspond with the ward in which he resides. If any person is not a qualified voter in the ward in which he gives his name, and willfully and knowingly gives his name as belonging to a ward in which he does not reside, under the provisions of this act, and shall willfully and knowingly deposit his ballot in a box not corresponding in number to the number of the ward in which he resides, or if any person duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars and not less than twenty-five dollars, to be recovered in the same manner as other fines and penalties are recovered under this act, and shall also incur all the pains and penalties provided by any general law of this state for illegal or fraudulent voting.

SECTION 9. Immediately after the counting of the ballots at any election under this act, the inspectors and clerk of election shall, under their hands and the seal of said city, make a written statement of the result of such election, and attach thereto the oaths of the inspectors and clerk, and the three poll lists kept at such elections, and shall cause the same to be filed in the <sup>Returns of election.</sup>

city clerk's office, and the said statement to be recorded in the records of said city; and the said statement shall be *prima facie* evidence, in all courts and before all tribunals, of the statements therein contained. Immediately after filing such statement, the clerk shall make out and deliver to each person who appears by such statement to have been elected to any office, a certificate of his election, under his hand and the seal of said city.

**Appointive officers.**

SECTION 10. All other officers necessary for the management of said city shall be appointed by the common council thereof, and the said common council shall, at its first regular meeting in each year, appoint one clerk, one treasurer, one marshal, one attorney, one or more street commissioners, and such other officers as the council shall deem it necessary to appoint at that time. In case the council shall for any reason fail or neglect to elect a clerk, a treasurer, a marshal, an attorney, one or more street commissioners, or either of them, at its first regular meeting in each year, the mayor shall call a special meeting of the common council, to be held within fifteen days after such regular meeting, at which special meeting the common council shall appoint such of said officers as it neglected or failed to appoint at its first regular meeting. Notice of the time and place of holding such special meeting, and of the officers to be appointed thereat, shall be published at least ten days before such meeting in some newspaper published in said city, or in case no newspaper is published therein, then by posting such notice up in at least five conspicuous places in said city, at least ten days before such special meeting.

**Village officers.**

SECTION 11. All the village officers of the village of Jefferson shall hold their respective offices until their successors shall be elected and qualified, or appointed and qualified under this act; and the term of every officer elected under this act shall commence the third Tuesday in April of the year for which he shall have been elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified.

**Duties of officers.**

SECTION 12. All duties herein required of the mayor, aldermen, common council, or clerk, in regard to elections, shall be performed, so far as may be necessary, by the present president, trustees, board of trustees, and clerk of the village of Jefferson, in regard to the first election and the organization of the city government under this act.

SECTION 13. The first election of officers under the provisions of this act shall be held on the second Tuesday in April, A. D. 1878, and the president and any two trustees of the village of Jefferson shall be the inspectors, and the clerk of said village shall be the clerk of such election. First election.

SECTION 14. Should there be a failure of the people to elect any officer herein required to be elected on a day designated, the common council may order a new election to be held, and in such case the common council shall cause at least ten days' notice of the time and place of holding such election, and of the officers to be elected thereat, to be given by publishing such notice for at least ten days in a newspaper published in said city, or if no newspaper be published in said city, then by posting said notice in at least five conspicuous places in said city, at least ten days before said election. Failure to elect

SECTION 15. The common council may at any time, when in its judgment the interests of the city require it, appoint an assistant marshal or assistant marshals, and may remove the same at pleasure; and such assistant marshal or marshals, when so appointed, shall have the same power and authority, rights and privileges, and be subject to the same duties as the marshal of said city. Assistant marshal.

SECTION 16. Immediately after any corporation officer shall be elected or appointed and qualified, the clerk of said city shall, under his signature and the corporate seal of said city, make out two statements containing the names of the persons so elected or appointed and qualified, and the office to which each shall have been elected or appointed and qualified, and he shall transmit said statements, the one to the county clerk, and the other to the clerk of the circuit court of Jefferson county; and said clerks shall file and preserve the same in the same manner as they file and preserve like certificates of the election or appointment and qualification of town officers. City clerk to make statement of result of election.

## CHAPTER V.

### VACANCIES AND REMOVALS.

SECTION 1. The death, neglect to qualify, refusal to serve, or removal from said city, of any officer elected or appointed under this act, or his inability for any cause to discharge the duties of his office, or his removal by the common council as hereinafter provided, shall create a vacancy in such office, and the removal Vacancies.

of any alderman or supervisor from the ward for which he shall have been elected shall create a vacancy in the office held by him.

**Removals.**

**SECTION 2.** For good cause shown, the common council may remove any officer elected under this act, except mayor but before any officer shall be so removed, written charges shall be made against him and filed in the city clerk's office, and a copy of such charges, together with a written notice of the time and place, when and where the council will hear testimony to prove or disprove the same, shall be served upon such officer at least ten days before the time appointed for such hearing; and the officer against whom charges shall be so filed shall have the right to appear in person or by attorney, or both, at such hearing, and to examine witnesses, and present other pertinent evidence in his own behalf, and to cross-examine any witness that may be produced against him.

**Vacancies.**

**SECTION 3.** Whenever a vacancy shall occur in the office of mayor or police justice, the common council shall call and cause to be held a special election to fill such vacancy. Every special election shall be held in the same manner as annual elections, and the same notice shall be given as is required to be given of annual elections. Whenever a vacancy shall occur in any office other than that of mayor or police justice, the common council shall fill such vacancy by appointment at its next regular meeting after such vacancy occurs, or at a special meeting to be called for that purpose. Every person elected or appointed to fill a vacancy shall hold the office to which he shall have been elected or appointed for the unexpired term of his predecessor, and until his successor shall be elected or appointed and qualified.

**CHAPTER VI****OFFICERS — THEIR POWERS AND DUTIES.****Oath and bond of officials.**

**SECTION 1.** Every person elected or appointed to fill any office under this act shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath of office, to the effect that he will faithfully discharge the duties of his office, and will support the constitution of the United States and the constitution of the state of Wisconsin and the laws thereof, which oath shall be duly certified by the officer administering the same, and filed with the city clerk; and the treasurer, police justice, marshal 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 Jefferson a bond in such sum and with such sureties and conditions as the common council may direct, and the common council may from time to time require new or additional bonds and remove from office any officer neglecting or refusing to give the same.

SECTION 2. The mayor, when present, shall preside over all meetings of the common council, sign all orders upon the treasurer for the payment of money, all ordinances passed, and all commissions, licenses and permits granted by the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall from time to time communicate to the common council such information and recommend such measures as he may deem advantageous to the city, and at all times give such information respecting city officers as the common council may require. In case of a riot or other disturbance or apparent necessity, he may appoint as many temporary assistant marshals as he may deem necessary. He shall have power to administer oaths or affirmations, and to take the acknowledgment of deeds, and other instruments in writing, and when presiding over any meeting of the common council shall have a vote only in case of a tie.

Duties of  
mayor.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, it shall proceed to elect by ballot one of its 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 temporary 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. The common council, in case the mayor and president shall both be absent from any meeting thereof, shall proceed to elect a temporary presiding officer, 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 as acting mayor shall have the same force and validity as if performed by the mayor.

President.

SECTION 4. The city clerk, appointed by the common council, as hereinbefore provided, shall keep the corpo-

Clerk.

rate seal and all the papers and records of the city. He shall attend the meetings and keep in a book, to be provided by the common council for the purpose, a correct record of the proceedings of the common council, and of the doings and votes of the inhabitants of said city at their annual and other elections. He shall keep a full and accurate account of all orders drawn on the treasurer, in a book to be provided for that purpose, and shall keep all accounts of the city with individuals, and shall also keep an accurate account with the treasurer, and charge him with the amount of all tax lists delivered to him for collection and all sums of money paid into the treasury. He shall, within fifteen days after its publication, record in a book to be provided for that purpose, each ordinance passed by the common council, and the proof of publication of such ordinance. The records so kept by him, and the papers filed in his office, and copies of said records and papers duly certified by said clerk under the corporate seal, shall be received in evidence of the statements therein contained in all courts and tribunals.

**Treasurer.**

**SECTION 5.** The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances or resolutions of said city, or by the laws of this state. All moneys received, raised, recovered or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise under the authority of this act, shall be paid to and received by him, and he shall pay the same out only upon a written or printed order signed by the mayor and countersigned by the clerk, by order of the common council. Such order shall specify the amount of money to be paid thereon, the name of the person to whom, and the purpose for which, it is to be paid. He shall keep a just and accurate account of all his receipts and disbursements in a book to be provided by the common council for that purpose, which book shall remain the property of the city, and in which he shall note the several sums received by him, the time when, the persons from whom, and the source from which each sum was received; and said book shall, at all seasonable times, be open to the inspection of the electors of said village. He shall, as often as the common council shall require, render to the common council a minute account of his receipts and disbursements, and at the expiration of his term of office, pay over and deliver to his successor all moneys, books, papers and vouchers in his possession belonging to said city.

SECTION 6. The marshal of said city shall attend <sup>Marshal.</sup> all the meetings of the common council, and, in addition to the duties herein specifically named, shall perform such other duties as shall be prescribed by the common council for the preservation of the public peace and the collection of license money, fines, penalties and forfeitures. He shall possess all the powers of constables of towns, and be subject to the same liabilities. He may serve any process directed to him or to the sheriff or any constable of Jefferson county. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions from the streets and alleys of said city, to abate all nuisances in said city, and to arrest with or without process any person whom he shall find in any public place of said city in a state of intoxication, or making a loud or boisterous noise, or guilty of any act of lewdness or obscenity, or whom he may find in any place in said city engaged in any affrays or fights, or violating any ordinance, rule, regulation or resolution of said city made for the preservation of the peace and the good order thereof, or violating any law of this state, and having so arrested any such person, he shall, within a reasonable time thereafter, take him before competent authority to be dealt with according to law; it shall also be his duty to obey all written orders of the common council; and for all such services as are usually rendered by constables he shall receive the same fees as constables, and for other services rendered to said city he shall receive such compensation as the common council shall fix by order, ordinance or otherwise.

SECTION 7. It shall be the duty of the street commissioner or commissioners of said city to build, construct, maintain and repair all such sidewalks, crosswalks, streets and alleys of said city as the common council shall direct him or them to build, construct, maintain or repair; and for all services rendered by him by direction of the common council, he shall receive such compensation as the common council shall fix by order, ordinance or otherwise. <sup>Street commissioners.</sup>

SECTION 8. It shall be the duty of the supervisors <sup>Supervisors.</sup> elected for the several wards of said city to attend the meetings of the county board of supervisors of Jefferson county, as members thereof. They shall receive no compensation for their services from said city.

SECTION 9. It shall be the duty of the city attorney <sup>Attorney.</sup> to attend to all legal business of the city, and to advise the officers of said city as to their official duties when-

ever his advice may be requested by them or either of them. He shall receive for his services such compensation as the common council shall fix by order, ordinance or otherwise.

Refusal to sur-  
render.

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

Peace officers.

SECTION 11. The mayor, sheriff of Jefferson county, each and every alderman, police justice and marshal, shall be officers of the peace, and shall suppress in a summary manner all rioting and disorderly behavior within the limits of said city, and for such purpose may command the assistance of the bystanders, and if need be, of all citizens, and military companies; and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine of not exceeding fifty dollars; and in case when 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 proceeding.

Additional du-  
ties of council.

SECTION 12. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers or assistants as they may deem proper or necessary to carry into effect the provisions of this act, or to protect the rights of the city, and to prescribe the duties and fix the compensation of all such other officers.

## CHAPTER VII

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

Common coun-  
cil.

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 Jefferson do ordain," etc. A majority of the aldermen shall constitute a quorum; but no business,

except adjourning, shall be done, either at regular or special meetings, unless four of the common council vote in the affirmative.

SECTION 2. The common council shall hold stated Meetings. meetings at such times and place as it shall by resolution direct: *provided, however,* that its first regular meeting shall be held the third Tuesday of April in each year; and the mayor may call, and upon the written request of not less than three aldermen, it shall be his duty to call, special meetings by notice to each of the aldermen, to be served personally, or left at their usual place of his abode, and all their meetings shall be open to the public. The common council shall determine the rules of its own proceedings, and keep a journal thereof, and be the judge of the election and qualification of its own members, and shall have power to preserve order and propriety in its proceedings, and to compel the attendance of its members and may adopt such by-laws, rules and regulations for its government as are not inconsistent with this act.

SECTION 3. The common council shall have the Finances. management and control of the finances, and of all the property, concerns and effects of the city, and shall, in addition to the powers herein specifically vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, change, amend, and repeal all such ordinances, rules, resolutions, orders, and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, for the protection against fires, and for the benefit of trade and commerce and the public health, as it 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 ordinances, rules, resolutions, orders or by-laws; and such ordinances, rules, resolutions, orders and by-laws are hereby declared to be and have the force of laws; and the municipal court of said city, and all other courts of this state, shall take judicial knowledge of all such ordinances, the same as of general laws of this state: *provided,* they be not repugnant to the constitution or laws of the United States or the constitution of this state.

SECTION 4. The common council shall have power Fire companies and precaution against fire. to organize, support and maintain fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise; to provide all necessary engines, hose and hose

carts, hooks and ladders and trucks, and all other necessary apparatus for the extinguishment of fires; to provide the necessary buildings for the safe and proper keeping of all such engines, hose and hose carts hooks and ladders and trucks and other apparatus; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared appurtenances to the real estate exempt from seizure, distress or sale, in any manner for debt, separate from the real estate, and if the owner shall neglect, after reasonable notice, to provide suitable ladders or fire buckets, the common council may procure and deliver the same to him, and in default of payment therefor, the city may recover of such owner the cost of such ladder or fire buckets, or both together, with the cost of procuring and delivering them to him, and the costs of suit and the amount of such money shall be a lien on such real estate; to regulate the sale and storage of gunpowder and other dangerous substances; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens, to enter into, at all reasonable times, and examine all dwelling houses, lots, yards, inclosures, and buildings of every description, in order to discover if any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stovepipes; to prevent fires, and the use of fire-works and firearms in said city, or such part thereof as it may think proper; to compel the inhabitants of such city, and all others who may be therein at the time a fire occurs, to aid in the extinguishment of fires, and to pull, break down and raze such buildings and structures, and to remove such goods or materials in the vicinity of the fire as it shall deem necessary for the purpose of preventing its communication to other buildings; to construct, maintain and preserve reservoirs, pumps, cisterns, wells and other water works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention and extinguishment of fires as it may deem proper.

Further powers  
of council.

SECTION 5. The common council shall have power, by order, ordinance, rule, resolution, regulation or by-law:

Taxes.

1st. To adopt all requisite measures for levying and collecting taxes and assessments, in manner hereinafter provided.

License of  
showmen, etc.

2d. To license and regulate the exhibition of com-

mon showmen, caravans, circuses, theatrical performances, or shows of any kind; to restrain, license or prohibit the keeping of or playing upon billiard tables, pigeon-hole tables, or other tables for gaming.

3d. 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 authorize the destruction of all instruments and devices used for the purpose of gaming. Gaming.

4th. To prevent any riots, noises, disturbances, disorderly conduct or disorderly assemblages, suppress and restrain disorderly houses, groceries and houses of ill-fame, and to provide for the abatement of all nuisances under the ordinances, or laws of this state, or at common law. Riots, etc.

5th. To compel the owner or occupant of any grocery, cellar, slaughter house, tallow chandler's shop, soap factory, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, or the inhabitants of any part thereof. Nauseous places.

6th. To direct the location and management of slaughter houses, and to prevent the erection, use or occupation of the same within the limits of said city, and to establish rates for and license vendors of gunpowder, and to regulate the storage, keeping and storing of the same, or other combustible materials. Slaughter-houses and gunpowder.

7th. To prevent the encumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, wagons, boxes, lumber, firewood, or any other materials or substances whatever. Encumbering of streets, etc.

8th. To prevent horse racing, fast or immoderate riding or driving on the streets. Fast driving, etc.

9th. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same. Running at large of animals

10th. 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 ordinances. Dogs.

11th. To make and establish a pound, purchase the necessary grounds and materials for the same, and appoint a poundmaster. Pound.

12th. To prevent any person from bringing, depositing or leaving within said city any putrid carcasses, or Putrid substances.

other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substances, and in default of such person removing the same, to authorize the removal thereof by some competent officer, at the expense of such person.

**Stagnant water** 13th. To require the owner of any lot or lots upon which there shall be any stagnant water, if deemed necessary for the health or welfare of the inhabitants of the city or of any part thereof, to fill up such lots, so as to prevent water from standing thereon, and in case any owner shall neglect so to fill up said lot or lots, after thirty days notice being served upon him personally, or posted at some public place in the vicinity of said lot or lots, or at the postoffice in said city, the said common council may cause the same to be done, and may levy and collect a tax on such lot or lots sufficient to pay the expense of so filling such lot or lots and the costs of giving such notice, in like manner as other corporation taxes are levied and collected.

**Obstruction of sidewalks.** 14th. To compel the owners or occupants of lots or parts of lots or lands to remove snow, ice, dirt, or rubbish from sidewalks, streets or alleys opposite to such lots or parts of lots or lands, and in default of such owners or occupants removing of the same, to authorize the removal thereof by some officer of the city, at the expense of such owner or occupants, and to levy and collect tax upon such lots or parts of lots or lands to pay such expense, in like manner as other corporation taxes are levied and collected.

**Boards of health, cemeteries, etc.** 15th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the returns of bills of mortality, and to exempt burying grounds set apart for public use from taxation.

**Improvement of streets.** 16th. To make, lay out, open, keep in repair, grade, improve, alter, widen, vacate or discontinue streets, lanes, alleys, public squares, sewers and sidewalks, to keep them free from incumbrance, and to protect them from injury; and also to protect, maintain and regulate the setting out of shade or ornamental trees on the public squares or in the streets of said city.

**Protection of sidewalks.** 17th. To prevent all persons riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing damage to such sidewalks.

**Police.** 18th. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties, fix their compensations and punish their delinquencies.



19th. To provide for the cleaning out of the rivers in **Rivers.** said city, of driftwood, and other obstructions, in said city, and to prevent any person placing in either of said rivers, within the boundaries of the city, any article of wood, stone, earth, or other substance which may retard the flow of water, or fill up or contract the bed of either of said rivers, or which may be prejudicial to the health of said city.

20th. To regulate the taking of ice from the rivers **Ice.** in said city, to designate the localities therein from which ice may taken, and to prohibit the taking of ice from any other localities therein than such as are thus designated.

21st. To provide for the exemption from highway **Exemption of** and poll taxes, of all persons belonging to any fire **firemen.** company, hose company or hook and ladder company organized in said city or under this act.

22d. To call regular and special meetings of the **Meetings, com-** voters of said city, prescribe the compensation of the **penation, etc.** clerk and other officers whose compensation is not herein fixed; to examine, audit and adjust the accounts of all persons; but the members of the common council shall receive no compensation whatever for their services as officers of said city.

23d. To prohibit the erection or construction of **Wooden build-** wooden buildings on such streets, alleys or blocks, or **ings.** parts of streets, alleys or blocks, as the public safety may, in its judgment, seem to require.

24th. To insure the public property of said city. **Insurance.**

25th. To direct in the prosecution and defense of **Actions in** actions in which said city may be a party, or otherwise **court.** interested, and employ council for that purpose to assist the city attorney.

26th. To procure the necessary blank books for **Blank books,** records, accounts, orders, etc., and such stationery as **etc.** may be required for city purposes.

27th. To regulate and control the running of engines **Relation to** and cars through said city, and the rate and speed of **railways.** the same, and to prevent the encumbering of streets, lanes, alleys, highways, sidewalks and crosswalks with railway cars or engines, or any other substance or materials pertaining to railways.

28th. To restrain drunkards, immoderate drinking or **Disturbance of** obscenity in the streets or other place in said city, and **the peace.** to provide for the arresting, removing and punishing of any person who may be guilty of the same, and to restrain and punish vagrants.

29th. The common council shall have exclusive au- **License of liq-**

nor selling and  
relating thereto

thority within the corporate limits of the city, to grant licenses for selling wine, beer, cider or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks, regulate and license groceries, taverns, hotels, victualing-houses and saloons; and all persons vending or dealing in such liquors, liquids or drinks, and to revoke the same; and no person shall vend, sell, deal in, or for the purpose of evading the provisions of law or of this act, or the ordinances, rules or regulations of said city, give away any such wine, beer, cider, or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors or drinks, within such corporate limits without having first obtained a license therefor as provided by this act, the laws of this state and the ordinances of said city. Any person who shall in any manner violate any of the provisions of this section or of the ordinances or the laws herein referred to shall, on conviction thereof, be punished as provided by the laws of this state, and the ordinances of this city on that subject, and all such offenses may be prosecuted as provided by such laws and ordinances. All moneys received from such licenses shall be paid to the treasurer of said city for its use. The sum to be paid for any such license, shall not be less than fifty dollars, for a retail license, nor less than twenty-five dollars for a wholesale license. In all prosecutions for any violation of this section, or the laws or ordinances herein referred to, it shall be sufficient to allege in general terms the selling, vending, dealing in or giving away without such license of any such inhibited liquors, liquids or drinks, and the proof on the trial, of such selling, vending, dealing in or giving away to any person of any such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction; proof that the person charged kept a bar, side-board or any thing or fixtures with bar furniture, usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, and that any persons obtained or had such inhibited liquors, liquids or drinks in the room containing such bar, side-board or other furniture or fixtures, shall be *prima facie* evidence sufficient to warrant and sustain a conviction; proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence, sufficient to warrant and sustain a conviction for any such violation.

Restraints.

30th. The common council shall have power to prohibit any person from selling, giving or delivering to

any such person, as the council may designate, any of the liquors, liquids or drinks mentioned in the preceding subdivision of this section. A notice in writing under the hand of the mayor or any alderman, or of the clerk, shall be a sufficient notice to all persons of such prohibition. A duplicate of such notice shall be filed in the office of the city clerk, and such duplicate shall be *prima facie* evidence of the contents of the same. In all prosecutions under this subdivision, proof that the person charged delivered or caused to be delivered any such inhibited liquors, liquids or drinks to the person prohibited, shall also be *prima facie* evidence, sufficient to warrant and sustain a conviction in all cases.

31st. To license, regulate, restrain, or suppress hawk- Hawkers and peddlers.  
 ers, peddlers, auctioneers, so-called Cheap Johns, transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by hawkers, peddlers, auctioneers, so-called Cheap Johns and transient dealers and persons who travel from place to place to sell goods, wares or merchandise, within the limits of said city, and when licensed, to fix the amount to be paid for such license. And no hawker, peddler, auctioneer, so-called Cheap John, transient dealer or person who travels from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery and greenhouse products, without having first obtained a license therefor according to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this subdivision, or of the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided in the laws of this state, and the ordinances of said city, on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the license therein named, or the holder thereof, to make any of the sales herein inhibited: *provided, however,* that traveling peddlers who deal solely with merchants and tradesmen by wholesale shall be exempt from the provisions of this subdivision, and shall not be required to take out any license thereunder, or by any ordinance passed pursuant thereto.

32d. To provide by ordinance for the measuring or Wood, lime, etc  
 weighing of wood, lime and other articles sold in said city.

**Contracts.** 33d. To let by contract, to the lowest bidder, all work to be done for said city.

**Removal of officers.** 34th. To remove, for good cause shown, any officer of said city, except mayor.

**Number of liquor licenses to be limited.** SECTION 6. The common council shall, at its first regular meeting after the annual election in April of each year, by resolution to be entered on the records, limit and determine the number of licenses for the sale of wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks during the ensuing year, and shall in said resolution fix the amount to be paid for each such license, which shall in no case be less than fifty dollars for a retail license, and twenty-five dollars for a wholesale license. Every license granted by the common council in such year, in excess of the number limited and determined in such resolution, or for less than the amount so fixed in said resolution, to be paid for each such license, shall be absolutely void, and shall confer no rights or privileges upon any one, and shall not be received as evidence for any purpose in any prosecution for selling, giving away or dealing in any such inhibited liquors, liquids or drinks without license.

**Provision for penalties.** SECTION 7. In all cases in relation to which, by the provisions of this act, the common council has power to enact or pass ordinances, resolutions or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinance, resolution or by-law, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the person charged shall be imprisoned in the county jail of Jefferson county for such time as the council may by such ordinance direct, not exceeding forty days for any one offense, for which purpose the said city shall have the use of the common jail of Jefferson county, and all persons committed to jail by virtue of this act or pursuant to the ordinances, resolutions or by-laws of said common council, shall be under the charge of the sheriff of said county for the time for which they shall have been so committed.

## CHAPTER VIII.

### ORDINANCES.

**Style of ordinances.** SECTION 1. The style of all ordinances shall be: "The common council of the city of Jefferson do or-

tain," etc. Every ordinance passed by the common council shall be signed by the mayor and countersigned by the clerk, but the failure of either or both of said officers to so sign or countersign any ordinance, which shall have been duly passed by the council, shall not invalidate any such ordinance.

SECTION 2. All ordinances, rules, resolutions, regulations, orders or by-laws imposing any penalty or forfeiture for the violation of their provisions, appropriating money, creating a debt or levying or assessing a tax, shall be published in a newspaper published in said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book to be provided for that purpose, but before any of said ordinances, rules, resolutions, orders or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the printer or publisher of such paper, and such affidavit shall be recorded therewith, and the said record, as well as copies thereof duly certified by the clerk under the seal of the city, shall be received and considered in all courts and before all tribunals as sufficient evidence of the passage and publication of such ordinances, rules, resolutions, regulations, orders and by-laws.

Publication of ordinances.

SECTION 3. All ordinances, by-laws, rules, regulations and resolutions now in force in the village of Jefferson, Jefferson county, Wisconsin, not inconsistent with this act, shall remain in force under this act, until altered, modified, changed, amended or repealed by the common council, after this act shall take effect; and all such ordinances, by-laws, rules, regulations and resolutions shall, after this act shall take effect, and before the same shall be so altered, modified, changed, amended or repealed, be taken, held, considered and declared on, as and to be ordinances, by-laws, rules, regulations and resolutions of said city, the same as if they had been duly passed and published, as provided in this act.

Regulations of village to apply

## CHAPTER IX.

### FINANCES AND EXPENDITURES.

SECTION 1. All moneys, credits and demands be-  
 longing to said city shall be kept by and deposited  
 with the city treasurer, and be under the control of the  
 common council, and shall be drawn out only upon the  
 order of the mayor and clerk, authorized by a vote of  
 the said council, as herein provided, and in no other  
 manner.

Funds.

**Fines.** SECTION 2. All fines, forfeitures and penalties accruing to said city for the violation of this act, or any ordinance, by-law, rule or regulation of said city, and all moneys received from licenses, shall be paid into the city treasury for the use of the city, and shall become a part of the general fund.

**Accounts.** SECTION 3. All accounts and demands against the city, before the same shall be acted upon, shall be verified by affidavit to the effect that the said account or demand is just, correct and true, and that the same has not been paid, nor any part thereof. Before the final disposition of any such account or claim, the same shall be indorsed as follows: If allowed in part or in whole the word "allowed," and the amount allowed shall be endorsed thereon, and if disallowed, the word "disallowed" shall be endorsed thereon, which indorsement shall be made and signed by the clerk. A memorandum of each and every account or claim allowed by said common council, shall be entered upon the minutes of the proceedings thereof, setting forth to whom the account or claim was allowed, for what purpose, and the amount; and no account or claim against said city shall be paid until it shall have been presented to and allowed by the common council, as provided by this act, and every account or claim duly allowed in any amount, shall be filed in the clerk's office, together with the affidavit thereto attached; and every account or claim presented in any year, shall be numbered from one and upwards, and filed by the clerk in the order in which they were received.

**Funds for extraordinary purposes—how appropriated.** SECTION 4. No money shall be expended for any special or extraordinary purpose, unless said expenditure shall have been authorized by a vote in favor thereof of a majority of the qualified electors of said city voting at a general or special election. The ballots cast upon such question shall contain the words "for the appropriation," or "against the appropriation," either written or printed, or partly written and partly printed, and shall be deposited in a separate box. Said ballots shall be canvassed, and a statement made and the result declared in the same manner as is provided in this act for the canvass of votes upon the election of officers of said city.

## CHAPTER X.

### ASSESSMENT AND COLLECTION OF TAXES.

**Poll tax.** SECTION 1. The common council of said city shall have, and is hereby granted, power to tax annually,

each male person or inhabitant within the corporate limits of said city, between the ages of twenty-one and sixty years, a sum not to exceed two dollars to be appropriated to the improvement of streets, roads and crosswalks within the corporate limits of said city, which amount shall be collected by and paid to the city treasurer as hereinafter provided, and when so collected and paid, shall be expended and paid out by and under the direction of the common council, or such person or persons as the common council may appoint.

SECTION 2. The clerk of said city shall, on or before the first Monday in June of each and every year, make and present to the common council, a list of the names of all male persons between the ages of twenty-one and sixty years, who may be residents of said city on such first day of June. The names on said list shall be arranged by wards, so as to conform to the wards provided for in this act, and so that the names of the residents of each ward shall appear in said list in a group by themselves; but any mistake in grouping said names shall in no respect interfere with or prejudice the collection of the amount which the common council may have directed to be collected. The common council shall thereupon correct such list if it shall be necessary, by adding or striking out names, so that the said list shall contain the name of every male person between the ages of twenty-one and sixty years, who are residents of said city, and may also strike from said list the name of any person who, in its judgment, may not be able bodied, or who may be unable to pay the said tax. When said list shall have been corrected as herein provided, the clerk of said city shall affix thereto the ordinance or resolution fixing the amount to be paid, and shall carry out the amount to be paid, opposite to each person's name on said list, and shall thereupon deliver said corrected list, with said ordinance or resolution thereto affixed, to the treasurer of said city for collection. Poll tax list.

SECTION 3. As soon as the city treasurer receives said corrected list, as provided in the preceding section, he shall proceed to collect the same. He shall demand of each person named in said list the amount set opposite his name therein, and if any such person neglects to pay the same for ten days after such demand, an action may be brought against such person for the amount of said tax, with damages, as hereinafter provided. If the treasurer finds that any person or per- Collection of  
poll tax.

sons' name has been left off the list that should appear thereon, under the provisions of this act, he shall put the name of such person or persons on the list, and the proper amount opposite thereto, and demand the same of such person or persons; and the money may be collected of such person or persons, the same as if his or their names had originally been placed on said list by the clerk.

May sue for  
poll tax.

SECTION 4. If any person, upon whom a tax not to exceed two dollars for highway, road, or cross-walk purposes, is assessed or required, as appears by said list, shall for the space of ten days after demand shall have been made of him by the treasurer, as hereinbefore provided, neglect or refuse to pay the same as required by ordinance or resolution of the common council, the said city, in its corporate name, may sue for and collect of such persons the amount of such tax, with fifty per cent. damages on the same, together with costs of suit, before the police justice herein provided for, or before any justice of the peace of Jefferson county; and in case the judgment rendered in such action is not paid, execution shall issue thereon against the body of the defendant in such action.

Return of list.

SECTION 5. On the first Monday in October in each and every year, or sooner, if required by the common council, the treasurer shall return said list to the common council, with a statement under his oath thereto attached, which statement shall contain the names of all persons on said list from whom he has received the tax, the amount received from each, the total amount received from all, the names of all persons on said list from whom he has not received such tax, and the date of demanding such tax from each of such delinquent persons: *provided, however*, that in case any person be named on said list of whom a demand has not been made, the treasurer shall state the reason why the demand was not made.

Additional tax  
for highways.

SECTION 6. In case the highway tax provided for in the preceding section of this chapter, shall not, in the judgment of the common council, be sufficient to improve and keep in repair the streets, roads, highways and crosswalks of said city, the common council shall have full power to levy and collect on all the taxable property of said city an additional tax for that purpose.

Improvement  
of streets.

SECTION 7. All highway taxes assessed or payable on property or persons resident or living within said city, shall be assessed, collected and expended by the



order of the common council of said city, or under its directions, and the said council may expend the same on any street, road, highway or crosswalk therein. The said common council shall also have the power to expend and lay out upon any highway in the town of Jefferson which leads into said city, a portion of the tax assessed, not to exceed one-third thereof in any one year, when in the judgment of the common council it will be for the interest of said city so to do.

SECTION 8. No overseer of highways shall be elected for the town of Jefferson or any highway tax be levied or assessed by said town, within the limits of said city, and the said town shall have no jurisdiction or control over the streets or highways within said city, except for the purpose of building and keeping in repair the bridges therein; and it shall be the duty of said town to build and keep in repair the bridges within said city the same as it has heretofore built and kept in repair the bridges within the village of Jefferson.

Overseer of highways.

SECTION 9. All taxes raised and collected in said city of Jefferson, either general or special, for any purpose authorized by this act, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of said city, as taxes for town, county and state purposes are levied and assessed.

Levy of taxes.

SECTION 10. The common council of said city shall on or before the first Monday of November in each year by resolution, to be entered on the records, determine the amount of corporation tax for all purposes to be levied and assessed on the taxable property within the corporation limits of said city for that year: *provided, however,* that the total amount of such tax shall not in any one year exceed one mill on the dollar of the assessed valuation of the taxable property in said city as it appears upon the assessment roll for that year, unless a greater sum shall have been authorized to be raised by a vote in favor of such greater sum, of a majority of the qualified electors of said city, had and taken in the manner provided in section four of chapter nine of this act. The clerk of said city shall, on or before the third Monday of the said month of November, in each year, deliver to the town clerk of the town in which said city is situated, a certified copy, under his signature and the corporate seal of said city, of all resolutions of said common council, determining the amount of taxes, general and special, to be levied and assessed

Levy of tax and tax-roll.

in said city for that year, together with a description of the territory included within the corporate limits of said city.

Tax roll and  
warrant.

SECTION 11. The town clerk or other proper officer, as the case may be, of the town in which said city is situated, shall assess, apportion and carry out such corporation, tax, pro rata, according to the dollar valuation upon all the real and personal property in said city liable therefor, in a separate column, in the tax and assessment roll and warrant of his town next thereafter issued and delivered to the town treasurer of his town for collection, in the same manner as he shall assess, apportion and carry out the town, county and state taxes; and if for any reason such corporation taxes shall not be assessed, apportioned and carried out in the next assessment roll and warrant, as herein provided, it shall, or may be, assessed, apportioned, carried out and collected in that of any succeeding year. The said corporation taxes shall be in all respects collected or returned delinquent, in the same manner as town, county and state taxes are collected or returned delinquent by law, and when collected shall be paid over by every officer collecting or receiving the same to the treasurer of said city. Any officer or person who shall neglect or refuse on demand, to pay over to the treasurer of said city, any such corporation taxes, when collected or received by him in any manner, shall be liable to an action therefor, with twenty-five per cent damages, to be added thereto, to be sued for and recovered by said city in its corporate name, both against such defaulting or other person and his sureties.

Assessment.

SECTION 12. The town assessor of the town in which said city is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real and personal, within the corporate limits of said city, in one continuous part of his assessment roll, and foot up the valuation of all the items of property assessed and valued by him within said limits.

## CHAPTER XI

### LAYING OUT, OPENING, ENLARGEMENT, ETC., OF STREETS, ETC.

Application for  
opening of  
streets, etc.

SECTION 1. The common council shall have the power to lay out, open, widen and enlarge public squares, grounds, streets and alleys, as follows: Whenever ten or more freeholders, residing in said city, shall, by peti-

tion, represent to the common council that it is necessary to take certain lands, within said city, for the purpose of laying out any public square, grounds, street or alley, or the enlargement or widening of the same, and shall state, in such petition, the courses and distances, routes and bounds of the land proposed to be taken, together with the names and residences of the owners of such lands, if the same shall be known to the petitioners, the common council shall thereupon cause notice of such application to be given to such owners as well as to the occupant or occupants of said land, if any there be, by causing notice thereof to be published for four weeks, at least once in each week, in a newspaper published in said city.

SECTION 2. Such notice shall describe, as near as may be, the land proposed to be taken, and shall state that at a time and place therein to be named, not less than ten days from the expiration of the four weeks' publication of such notice, application will be made to the judge of the circuit or county court of Jefferson county for the appointment of six jurors to view said land, and to determine whether it will be necessary to take the same for the purpose specified in said petition. Such notice shall be signed by the mayor and countersigned by the clerk.

Application for  
appointment of  
jurors.

SECTION 3. Upon presentation to such judge, of certified copies of such petition and notice, duly certified under the hand of the clerk and the corporate seal of said city, together with the proof of the publication of such notice, as hereinbefore required, the said judge shall thereupon select six reputable freeholders, residents of the town of Jefferson, Jefferson county, Wisconsin, but not of said city, not interested in the result of such application, as jurors, for the purpose aforesaid, and shall issue his precept, directed to said jurors, and requiring them, within thirty days, to view said land, which shall be described in said precept, and to make return under their hands to the common council of said city whether, in their judgment, it is necessary to take said land for the purpose specified in said petition.

Appointment of  
jurors.

SECTION 4. If any of the jurors so selected shall be disqualified from acting, or shall refuse to act, the judge shall select others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Vacancies.

SECTION 5. The said jurors, before entering upon the discharge of their duties, shall severally take an

Oath of jurors.

oath before some competent officer to the effect that they are freeholders of the said town of Jefferson, and are not interested in the land proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, and they shall, at such times as they may agree upon, proceed in a body to view the land 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 jury, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

**Report of jurors** SECTION 6. After viewing the land, and hearing such testimony as may be offered, the jurors shall determine whether, in their judgment, it is necessary to take said land for the public use mentioned in said petition, and shall make a report of their proceedings which shall be signed by each of them, and in which they shall state, whether in their judgment it is necessary to take the land in question for the public use mentioned in said petition, which said report, testimony and precept, together with the certified copies of the petition and notice, and the proof of publication upon which said judge acted, shall be returned to the common council, within the time limited in said precept.

**Assessment of damages.** SECTION 7. Should the jurors report that it is necessary to take said land for the purpose mentioned in said petition, the common council shall enter an order among its proceedings, confirming said report, and directing the same jurors, on a day to be specified in said order, not later than sixty days from its date, again to view said land for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the land proposed to be taken, and to assess and return, within sixty days from the date of such order, such damages to the common council. And after the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the county judge of said county shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation as above, and the new jurors so appointed shall, before entering upon the discharge of their duties in the premises, severally take an oath before some competent officer, to the same effect as the oath hereinbefore required to be taken by the jurors first appointed.

**Of buildings on land to be taken for public use.** SECTION 8. If there should be any building, in whole or in part, upon the land to be taken the jurors,

before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove, and shall report such estimate and determination to the common council; whereupon the common council shall cause a notice to be given to the owner of such building, or his agent, to signify to the common council his election either to accept the award of the the jurors, and allow such building to be taken with the land appropriated, or his intention to remove such building. Such notice shall describe the building, specify the award of the jurors, and designate a day, not later than twenty days from the date of such notice, on or before which such election is to be signified, the time within which such building must be removed, in case the owner elects to remove the same, and shall be served personally on the owner of such building, or his agent, if known, and a resident of said city, or left at his usual place of abode; if not known, said notice shall be served by publishing the same in a newspaper published in said city, for two successive weeks.

SECTION 9. If the owner shall fail to take the building at its value to remove, as so determined by such jury, or fail to signify his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale, and the proceeds of such sale shall be paid to the owner or deposited to his use.

Council may  
sell buildings  
on land taken  
for public use.

SECTION 10. The said jurors shall, within the time limited, view and examine the lands proposed to be taken, and all such premises as will in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners, the actual value in money of the land so proposed to be taken, and the injury resulting to such owner or owners in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimates of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to re-

Damages and  
benefits.

move, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight of this chapter.

When belonging to different owners.

**SECTION 11.** If the lands or buildings belong to different persons, or if the land is 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 persons or interests respectively, shall be awarded to them by the jurors.

Award of jurors

**SECTION 12.** The award of said jurors shall be signed by them, and returned with the testimony taken and the order mentioned in section seven of this chapter, to the common council, within the time limited in such order.

Appeal.

**SECTION 13.** Any person whose property is proposed to be taken as hereinbefore provided, who shall feel himself aggrieved by the assessment of damages made by said jurors, may, within ten days after the return of said jurors is made to the common council appeal from such assessment of damages to the circuit court of Jefferson county, by causing a written notice of such appeal to be served on the clerk of said city, and by executing to said city and filing with said clerk a bond with two or more sufficient sureties in the penal sum of five hundred dollars, conditional that the appellant will pay to said city all costs that it may sustain by reason of such appeal, in case the assessment of damages appealed from shall not be raised on the trial of such appeal. The common council shall also have the right to appeal from any assessment of damages made by such jurors, by filing with the clerk a notice of such appeal within ten days aforesaid. Within ten days after any appeal shall have been perfected as herein provided, the clerk of said city shall transmit to the clerk of the circuit court of Jefferson county certified copies of the award of said jurors, and of the notice of appeal and of the bond, when a bond is required, which said copies shall be certified under his hand and the corporate seal of said city, and the clerk of said court shall, on receipt of said certified copies, file the same in his office, and upon the same being so filed by him, the said court shall have jurisdiction of said appeal, and said appeal shall be tried by said court and a jury, the same as if it were an appeal from the judgment of a justice of the peace. Within ten days after a judgment shall have been entered on such appeal, the clerk of said court shall cause a certified copy

of such judgment to be filed with the clerk of said city ; and upon the filing of a certified copy of such judgment with the clerk of said city, the amount of damages therein awarded to the appellant (or respondent in case the city appeals), shall be taken and considered as the amount of damages to be paid by the city to such appellant or respondent, the same as if said jurors had originally fixed such damages at that sum in their award.

SECTION 14. The land required to be taken for the purpose mentioned in this act shall not be appropriated until the damages awarded therefor or party entitled thereto, shall be paid or tendered to the owner or party entitled thereto, or his agent, or in case the said owner or party entitled thereto or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out.

SECTION 15. The damages assessed shall be paid or tendered or deposited as herein provided, within one year from the time the award of said jurors shall have been returned to the common council, or in case an appeal has been taken from said award, within one year from the time a certified copy of the judgment of the court shall have been filed with the city clerk as hereinbefore provided ; and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

SECTION 16. The city may, at any time within the said year, pay, tender or deposit, as herein required, the damages assessed in any such case ; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate the lands for the purposes required.

SECTION 17. When the whole of any tract or lot, or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such award, respectively cease and be absolutely discharged.

SECTION 18. When only part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the cove-

First to be paid for.

Damages must be tendered within one year

When lands may be appropriated.

Contracts, etc., annulled.

Contracts, etc., annulled.

nants, contracts or agreements respecting the same, upon the confirmation of such award, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be payable or recoverable for or in respect to the same.

**Guardian.**

**SECTION 19.** When any known owner of any lands or tenements affected by any proceeding under this chapter shall be an infant, or labor under any legal disability, the county judge of Jefferson county may, upon application of the common council, or of such party or his next friend, appoint a guardian of such party for the purposes of said proceeding, and all notices required by this act shall be served upon such guardian.

**Survey.**

**SECTION 20.** When any public grounds, streets or alleys shall be laid out, widened or enlarged under the provisions of this chapter; the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

**Expense to be borne by city.**

**SECTION 21.** The expense of laying out, opening, widening, enlarging, improving and repairing streets, alleys, roads, crosswalks and public grounds shall be paid from the general fund, or funds expressly appropriated for that purpose.

## CHAPTER XII

### CONSTRUCTION, REPAIR AND RECONSTRUCTION OF SIDEWALKS.

**Construction of sidewalks.**

**SECTION 1.** Sidewalks in said city shall be constructed only in the manner following, that is to say: Whenever the owners of two-thirds of the lots, or of the lands, on any street or part of street, or on one side of any block in said city, desire to have a sidewalk constructed along such street or part of street, or along the side of any block upon which their said lots or lands abut, they shall make and file with the city clerk a petition in writing, which petition shall describe the street or part of street or the side of the block along which they desire such sidewalk to be constructed, and shall give the names of the owners of the lots or lands on such street, part of street, or side of block, so far as they shall be known to the petitioners, and designate the lots or lands owned by each such owner.



SECTION 2. At its next regular meeting after such petition shall have been so filed, the common council shall enter an order among its records requiring a sidewalk to be constructed along such street, part of street, or side of block, as prayed for in such petition. The common council shall in such order designate and determine the street, part of street or side of block along which such sidewalk shall be so constructed, and the time within which the owner or owners of the lots or the lands along such street, part of street, or side of block shall construct the same, and shall further declare therein that in case the owner or owners of any such lot or lots, or of any such lands, shall fail to so construct such sidewalk along the lot or lots, or part of lot or lots, or along the lands so owned by him or them, within the time limited in said order, the city will construct such part thereof as such owner or owners have so failed to construct, and charge the cost thereof to the lot or lots, or part of lot or lots, or to the lands along which the city shall have so constructed such sidewalks.

Order for sidewalk.

SECTION 3. Within three days after said order shall have been entered as aforesaid, the marshal of said city shall serve the same upon all the owners of the lots or the lands, on the street or part of street, or side of block, along which such sidewalk is to be constructed, personally or by leaving a true copy thereof at the usual place of abode of such owners in said city. In case any owner or owners of any such lot or lots, or part of lot or lots, or of such lands, shall not reside in said city, or his or their name or names shall be unknown to the marshal, then such order shall be served on such non-resident or unknown owner or owners, by publishing the same in some newspaper published in said city, at least once, and at least fifteen days before the expiration of the time limited in said order for the construction of such sidewalks. As soon as the marshal shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof, and in case the said order shall have been published, as hereinbefore provided, he shall attach to his return, and file therewith the affidavit of the publication thereof, in the usual form, subscribed and sworn to by the printer or publisher of the newspaper in which such order shall have been so published.

Duty of marshal in premises.

SECTION 4. At any time after said order shall have

Owner may construct sidewalk

been so entered by the common council as hereinbefore provided, and within the time therein limited therefor, the owner or owners of the lots or lands on the street, part of street or side of block along which such sidewalk is to be constructed may, at their own expense and in the manner, and of the width and material designated in such order, construct such sidewalk along the said lot or lots, or part of lot or lots or along the said lands, owned by them respectively.

Report of street commissioner.

SECTION 5. Within three days after the expiration of the time limited in such order for constructing such sidewalk, the street commissioner of said city shall examine the street, part of street or side of block, along which such sidewalk shall have been ordered to be so constructed, and within said three days shall make and file with the city clerk a report in writing signed by him, as to the construction of the same. He shall state in such report what part of said sidewalk, if any, has been, and what part, if any, has not been, constructed in conformity with such order, and shall describe the lots or lands, if any, along which the sidewalk has been so constructed, as well as the lots or lands, if any, along which it has not been so constructed.

When city may construct sidewalk.

SECTION 6. If it shall appear by such report of the street commissioner that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council shall, at its next regular or special meeting after such report shall have been made and filed, direct the street commissioner to proceed at once to construct, in conformity with said order, such part of said sidewalk as said report shows has not been so constructed, and the said street commissioner shall thereupon proceed at once so to construct such part of such sidewalk.

Statement by street commissioner.

SECTION 7. Immediately upon completing his work, the street commissioner shall make and file with the city clerk a statement in writing, subscribed and sworn to by him, in which he shall state the total expenses actually incurred by him in so constructing that part of said sidewalk so constructed by him; and also the actual expense incurred by him in so constructing the part of such sidewalk in front of each lot, or part of lot, or land, along which it appears by his report, the owner or owners of such lot or part of lot, or land, had failed as aforesaid to construct such sidewalk.

Levy of special tax.

SECTION 8. At its next regular or special meeting after such statement shall have been so filed, the com-

mon council shall by resolution levy and assess upon each lot or part of lot, or lands, in front of which any sidewalk or part of sidewalk shall have been so constructed by said street commissioner, as appears by his said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same as appears by said statement; and said resolution shall describe each of such lots, or parts of lots or lands, state the names of the owners thereof, when known, and give the amount of such tax so levied and assessed upon each such lot, or parts of lots or lands.

SECTION 9. On the third Monday in November of each year the clerk of said city shall make and deliver to the town clerk of the town in which said city shall be situated a copy, under his hand and the corporate seal of said city, of every resolution levying any such special tax which shall have been passed by the common council during the year immediately preceding that day. List for special tax.

SECTION 10. The town clerk of said town shall insert in a separate column in the tax list of his town next thereafter to be delivered to the town treasurer of his town for collection, and opposite to the description therein of each of said lots or parts of lots, or lands, the amount of such special tax properly chargeable thereto as appears by the copy of such resolution or resolutions so delivered to him as aforesaid; and the said special taxes shall be collected or returned delinquent in the same manner as town, county and state taxes are collected or returned delinquent by law; and the lots, or parts of lots or lands upon which such special taxes may be so levied and assessed may be sold and conveyed for the nonpayment thereof, in the same manner and with the same effect as if said special tax had been a general town, county or state tax. Collection of special tax.

SECTION 11. Whenever it shall be necessary in the opinion of the common council to repair or reconstruct any sidewalk, the common council may cause such sidewalk to be repaired or reconstructed at the expense of the owners of the lots or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks, except that no petition of the lot or land owners, or of any one else, shall be necessary to authorize the council to cause such sidewalk to be repaired or reconstructed: *provided, however,* that when any sidewalk shall be in an immediately dangerous condition, and the cost of repairing the same opposite any one lot or piece of land shall not exceed one dol- Repair of sidewalks.

lar, the street commissioner shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk, if a resident of said city, to repair such sidewalk, and if such owner shall not at once proceed to repair the same, the street commissioner shall at once repair such dangerous sidewalk, and the costs of such repairs shall be levied upon and collected from the lots or lands abutting on such dangerous sidewalk, in the same manner as the cost of constructing new walks are levied and collected from the lots and lands abutting thereon.

## CHAPTER XIII.

### JUDICIAL.

Police justice.

SECTION 1. There is hereby created and established a municipal court in the said city of Jefferson, to be styled the police court of the city of Jefferson. The person elected police justice of or in said city, shall hold and preside over said police court, and he shall have power to administer oaths and affirmations, and to take and certify acknowledgments and proofs of the execution of deeds and other instruments in writing relating to real estate, or other matters required by law to be acknowledged or recorded, or both. As a judicial officer and court, the said police court and justice thereof, shall have and possess, within the corporate limits of said city, all the authority, jurisdiction, powers and rights of justices and justices' courts of this state, and the powers of said police justice, within said corporate limits, shall be co-equal and co-ordinate over and of all civil and criminal actions under the laws of the state, with that of the several justices of the peace of Jefferson county, and he shall have exclusive jurisdiction of all actions and causes for the violation of any ordinance, by-law, rule, resolution or regulation of said city under this act, and he shall receive the same fees as a justice of the peace under the laws of this state receives for his services, but the said city shall not be liable for his fees, except such as shall accrue in prosecutions or actions brought for the violation of the provisions of this act, or of the ordinances, by-laws, rules, or regulations of said city.

Appeals, etc.

SECTION 2. Appeals and writs of *certiorari* may be taken from the decisions or judgments of the said police justice, in the same manner and with the same effect and force as from judgments of justices of the peace under the laws of this state. In all actions and prose-

ctions in said police court, except as hereinafter provided, the practice and proceedings shall conform, so far as may be, to the practice and proceedings in like cases in justices' courts under the laws of this state: *provided, however*, that no action or prosecution brought to recover a fine or penalty for the violation of any ordinance, by-law, rule, resolution or regulation of said city, shall be removed from said police justice.

SECTION 3. The first police justice under the provisions of this act shall be elected on the second Tuesday of April, 1878, and shall hold his office for three years, and until his successor shall be elected and qualified. In case of the sickness, absence or other temporary inability of the police justice to discharge the duties of his office, the mayor of said city may, in writing, designate any justice of the peace in the town of Jefferson to act as such police justice, and the justice so designated shall, while such inability continues, possess all the powers, rights and authority of the police justice, and while so acting as such police justice, shall be styled acting police justice of the city of Jefferson. Terms.

SECTION 4. In case a vacancy shall occur in the office of police justice, the common council shall call a special election to fill such vacancy; and if any person who shall have been elected police justice and shall have qualified as such, shall fail to properly, efficiently and thoroughly discharge the duties of his office, as provided in this act, the common council of said city, by ordinance or resolution, may remove such person from the office of police justice, and declare the office vacant, and call a special election to fill such vacancy so caused; and such police justice so removed shall, within five days after his removal by the common council, deliver to the clerk of said city all books, dockets, records and papers in his possession or under his control, pertaining to said office of police justice, under a penalty of one hundred dollars in case of neglect or refusal so to deliver the same: *provided, however*, that no such removal shall take place unless the mayor and at least four aldermen shall concur, and vote in the affirmative upon the passage of such ordinance or resolution of removal. When any books, dockets, records or papers are delivered to the clerk as herein specified, he shall safely keep the same until they are demanded of him by the successor, duly elected and qualified, of the person removed, and then he shall deliver such books, dockets, records and papers to such successor. Vacancy.

SECTION 5. All offenses for which fines and penal- Prosecutions in name of state.

ties may be incurred for violating any of the provisions of this act, or of any ordinance, by-law, rule, resolution or regulation of said city, shall be treated as inferior crimes and misdemeanors, and shall be prosecuted in the name of the state of Wisconsin. The first process in all suits or prosecutions for such offenses shall be a warrant. Before any such warrant shall issue, a complaint under oath shall be filed with the police justice, which complaint shall be substantially in the following form, to-wit:

Form of complaint.

THE STATE OF WISCONSIN, }  
 County of Jefferson, city of Jefferson. } ss.  
 The State of Wisconsin, }  
 against } In police court.  
 X. Y. (name of accused). }

A. B., being duly sworn, says that on said — day of —, 187—, in said city, the said X. Y. (name of accused or alias), did violate section — of chapter — of the charter of said city, or section — of ordinance No. — of said city, entitled “an ordinance,” (describing it by its title), or section — of a by-law, resolution or regulation of said city (describing it by its title) against the peace and dignity of the state of Wisconsin.

Subscribed and sworn to before me, this — day of —, A. D. 187—.

Designation of law violated.

SECTION 6. It shall be sufficient to give the number and chapter of this act, or the section of the ordinance, by-law, resolution or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the police justice, he shall issue a warrant substantially in the following form:

Form of warrant.

Jefferson county—City of Jefferson—ss:  
 The state of Wisconsin to the sheriff or any constable of said county:

WHEREAS, A. B. has this day complained to me in writing, on oath, that on the — 187—, at said city, X. Y. (name of accused) did violate (state offense as stated in complaint) against the peace and dignity of the state of Wisconsin; now, therefore, you are commanded forthwith to apprehend the said X. Y. and bring him before me to be dealt with according to law.

Given under my hand this — day of —, A. D. 187—.

—, Police Justice.

SECTION 7. Upon the return of the warrant with the accused, the police justice shall proceed summarily to try the cause, unless it be adjourned by consent or for cause. If the case be adjourned, the accused shall recognize, with sufficient sureties, and in such sum as the court may order and approve, for his appearance, on the adjourned day, or such defendant may be left in charge of the officer or committed to the common jail of the county of Jefferson. The complaint made as aforesaid shall be the only complaint required, and the plea of "not guilty" shall put in issue all subject matter embraced in the action. Subsequent proceedings.

SECTION 8. The complaint and warrant, or either of them, may be amended, and actions, adjourned in the same manner and upon the same conditions and restrictions as complaints and warrants are amended, and actions are adjourned in criminal actions in justice's court under the general laws of this state, and in all cases either party shall enjoy the right of trial by jury, as in justice's court, unless the same is duly waived, and a failure to demand a jury shall, in all cases, be deemed a waiver; except that no trial by jury shall be allowed in any action or prosecution brought for a violation of any ordinance, by-law, rule, regulation or resolution of said city. In purely civil actions adjournments may be had upon the same conditions and subject to the same restrictions as adjournments in like actions are had in justice's courts under the general laws of this state. Complaints, etc., may be amended.

SECTION 9. In all actions and prosecutions brought to recover a fine or penalty for violating any of the provisions of this act, or of any ordinance, by-law, resolution or regulation of said city, the finding of the court shall be "guilty" or "not guilty." If "not guilty," the defendant shall be discharged by order of the court, and the police justice shall enter a judgment for costs against the city, but such costs shall be presented, audited, allowed and paid in the same manner as is provided by this act for the payment of other claims against said city. If the finding of the court shall be "guilty," the court shall render judgment thereon against the defendant for the amount of the fines, penalty or forfeiture prescribed in this act, or in the ordinance, by-law, regulation or resolution, for the violation of which the defendant shall have been found guilty, or for such proportion thereof, not less than the minimum so prescribed, as in his discretion will best promote good order and the public good in said city. Mode of trial.

and for costs of suit, and in such case shall also adjudge that in default of payment of any such judgment, the defendant be imprisoned in the county jail of Jefferson county for such time, not exceeding forty days, as shall be prescribed in this act, or in the ordinance, by-law, regulation or resolution for the violation of which the defendant shall have been found guilty.

Form of judgment.

SECTION 10. In case the finding of the court be "guilty," as provided in the preceding section, the judgment of the court shall be substantially in the following form :

"The court having found the defendant X. Y. guilty, as charged in the complaint, it is now here adjudged by the court, that the said defendant X. Y. pay a fine of — dollars, and the costs of this suit, taxed at — dollars and — cents; in all, the sum of — dollars and — cents, fine and costs, and that, in default of payment of the said sum, — dollars and — cents, fine and costs, the said defendant X. Y. be imprisoned in the county jail of Jefferson county for the term of — days from the — day of —, 187—, (inserting here the date of the rendition of the judgment)."

Commitment.

SECTION 11. Upon the rendition of such judgment against the defendant, and upon the non-payment thereof, the police justice shall forthwith issue a commitment which shall be substantially in the following form :

Form of commitment.

JEFFERSON COUNTY, }  
City of Jefferson, } ss.

The state of Wisconsin to the marshal of said city, and to the keeper of the common jail of said county :

Whereas, at the police court of said city, held at my office in said city, for the trial of X. Y. for the offense hereinafter stated, the said X. Y. was convicted of having on the — day of — 187—, at the said city of Jefferson, in said county of Jefferson, violated (here state the offense as stated in the warrant), and upon conviction the said court did adjudge that said X. Y. should pay a fine of — dollars and the costs of suit, taxed at — dollars and — cents; in all, the sum of — dollars and — cents, fine and costs, and that in default of payment of the said sum of — dollars and — cents, fine and costs, the said X. Y. should be imprisoned in common jail of said Jefferson county for the term of — days, from the — day of —, A. D. 187—; and whereas, there has been and is default in the payment of the said sum of — dollars



and — cents, fine and costs : now therefore, you, the said marshal, are commanded forthwith to convey and deliver the said X. Y. to the said keeper; and you, the said keeper, are hereby commanded to receive the said X. Y. into your custody in said jail, and him there safely keep until the expiration of said — days, or until he shall be thence discharged by due course of law.

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

—————, Police Justice.

SECTION 12. Any person convicted of a violation of any of the provisions of this act, or of any ordinance, by-law, regulation or resolution of said city may appeal from the judgment of conviction to the circuit court of Jefferson county: *provided*, such person shall within twenty-four hours after the rendition of such judgment enter into a recognizance to said city in the sum of two hundred and fifty dollars, with one or more sufficient sureties, to be approved by the police justice, conditioned to appear before said circuit court at the next regular term, and from term to term thereafter, and to abide the judgment of the said circuit court therein; and the police justice shall make a special return of the proceedings had before him, and shall cause the complaint, warrant and return, together with the recognizance or recognizances, to be filed in the office of the clerk of said circuit court on or before the first day of the term thereof next to be holden in said county, and the complainant and witnesses may also be required to enter into recognizances, with or without sureties, in the discretion of the police court, to appear at said circuit court at the time last aforesaid, and to abide the order of the court therein.

Appeal.

SECTION 13. All appeals taken under the provisions of this act shall be conducted in the circuit court in the same manner as appeals from justices' courts under the general laws of this state, and the judgment of such court shall be carried into execution as hereinbefore provided, as near as may be.

Appeals—how conducted.

SECTION 14. Whenever any suit or action shall be commenced against said city, the service in such case shall be made by serving the summons or other process on the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof.

Service of process.

SECTION 15. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or resident of said city, in any action or proceeding in which said city is a party or interested.

Competency of citizens.

Quarterly report.

SECTION 16. The police justice shall, on the Monday next preceding the annual election in each year, and quarterly thereafter, file with the city clerk a report showing the amount of fines and penalties received by him during the quarter covered by such report, and the amount of such fines and penalties paid by him to the treasurer of said city, and the dates of payment of the same, and with such report he shall file the receipts showing such payment received by him from the treasurer during the quarter covered by such report. And the clerk shall lay such report before the common council at the next regular meeting after the same shall have been filed; and all fines and penalties, by whomsoever received or collected, shall be paid to the city treasurer within ten days after the same shall have been collected or received.

#### CHAPTER XIV.

##### MISCELLANEOUS PROVISIONS.

Not to apply.

SECTION 1. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Work to be done by contract.

SECTION 2. All work for the said city exceeding fifty dollars shall be let by contract to the lowest responsible bidder, and notice shall be given of the time and place of letting such contract, and every contract so made shall be in writing and clearly state the conditions thereof; *provided*, that the common council shall have power to reject all unreasonable bids.

Town and city treasurers.

SECTION 3. The town treasurer shall pay over to the city treasurer all sums collected by him for said city, within twenty days after he shall have collected the same. The city treasurer shall have one per centum of all moneys received, and one per cent. of all moneys paid out by him on orders.

Election precinct.

SECTION 4. The said city shall constitute an election precinct only and solely for the purposes set forth in this act, and at all elections other than those provided for by this act, the inhabitants of said city shall be entitled to vote at the election poll in the town of Jefferson, the same as the inhabitants of the village of Jefferson have heretofore been entitled to vote at such poll, and the said city shall continue and be considered a part of the town of Jefferson, except as otherwise provided in this act, to the same extent as the village of Jefferson has heretofore constituted a part of said town.

SECTION 5. The persons authorized by law to act as inspectors of election in the first election precinct in the town of Jefferson shall constitute the board of registry for said city and election precinct, and shall cause to be made such registration of the voters of said city and precinct as shall or may be required by law. Inspectors of election.

SECTION 6. The plats of the village of Jefferson, and of the additions thereto, are hereby adopted as the plats of the city of Jefferson and of the inhabitants thereto, and the real estate included in said plats may hereafter be described by giving the number of the lots and blocks as they appear on said plats, or by metes and bounds, and by describing the plats as "the original plat of the village, now city, of Jefferson," or "the plat of Fifield's addition to the village, now city of Jefferson," and in like manner with the plats of the other additions, or in any other manner that shall designate said real estate with reasonable certainty. Surveys.

SECTION 7. If any officer or other person fails to do or to perform any of the duties which this act or any ordinance, by-law, rule, regulation or resolution requires him to do at a time specified, the common council may designate another time when such officer or person may do or perform such duties, and when done or performed at the time so designated by the common council, it shall be taken, held and considered the same as if such duties had been done or performed at the time specified in this act, or in the ordinance, by-law, rule, regulation or resolution of said city. Failure not to invalidate.

SECTION 8. The city of Jefferson shall succeed to all the property, rights of property, and to all the rights, privileges and franchises, owned or enjoyed by the village of Jefferson, at the time this act takes effect, and shall be subject to and liable to pay all the debts and liabilities of said village existing at said time, in the same manner and to the same extent as the said village would continue to be, had not this act been passed. Power of succession.

SECTION 9. All acts and parts of acts heretofore passed for the incorporation of the village of Jefferson, and all acts amendatory thereof, not necessary to carry out any of the provisions of this act, and all acts inconsistent with this act, are hereby repealed. Repealed.

SECTION 10. This act shall be published in the Jefferson Banner, a newspaper published at Jefferson, Jefferson county, Wisconsin, and shall take effect from and after its passage and publication. Publication.

Approved March 19, 1878.