

[No. 132, A.]

[Published February 27, 1882.]

CHAPTER 21.

AN ACT to incorporate the city of Baraboo.

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

CHAPTER I.

BOUNDARIES.

Boundaries.

SECTION 1. From and after the fourth Tuesday of March, A. D. 1882, the following described district of country, to wit: the west half of section 1 and all of section 2, in town 11, and sections 35 and 36, in town 12, all in range 6 east, in the town of Baraboo, in Sauk county, Wisconsin, shall be a city by the name of Baraboo, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of "The City of Baraboo," and shall have the general powers possessed by municipal corporations at common law and under the Revised Statutes, and in addition thereto shall have and possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing or 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; provided, that the question of the adoption of this act as a charter of such city shall be submitted to the electors of such territory before such charter shall become operative. For the purpose of determining such question, the qualified electors residing in such territory shall meet on Monday, the sixth day of March, 1882, at 10 o'clock A. M. of that day, at such place as the inspectors of such election shall appoint, and vote by ballot upon such question. The president and any two trustees of the village of Baraboo are hereby appointed inspectors of such election, and the village clerk of Baraboo is appointed clerk thereof. Such inspectors shall give notice of such election by publishing notice thereof in one or more papers printed in the village of Baraboo, or by posting the same in two or more public places in each ward of the proposed city, at least six days before such election. Such notice shall specify time, place and object of such election; the time of opening and closing the polls. At such meeting the polls shall be opened at 10 o'clock A. M., and kept open until 5 o'clock P. M., when they

Question of incorporation to be determined.

shall be closed. In case of vacancy in the board of inspectors, the electors present shall choose *viva voce* from the qualified electors of such territory, inspectors to fill such vacancies. Such inspectors shall preside over and conduct such election, and all the laws of this state applicable to the election of town officers shall apply to all the proceedings thereat, so far as they are consistent with the provisions of this act. Every elector residing in such territory and qualified to vote for town officers in said town of Baraboo may vote at such meeting by a ballot having thereon the word "Yes," or the word "No," according as he shall be in favor of or opposed to the incorporation of the city under this act. If the majority of ballots cast at such election have thereon the word "No," this act shall be inoperative and void. If a majority of such ballots have thereon the word "Yes," this act shall be of full force and effect. The said inspectors shall make and certify returns of the result of such election, and file duplicates of the same in the office of the county clerk of the county of Sauk, and the town clerk of the town of Baraboo, and the village clerk of the village of Baraboo, and such returns shall be evidence of the facts therein stated, and the regularity of all proceedings in relation to such election.

Manner of conducting first election.

SECTION 2. The said city shall be divided into three wards as follows: The portion lying north of the Baraboo river and west of the centre line of Oak street shall constitute the first ward; the portion lying north of the Baraboo river and east of the center line of Oak street shall constitute the second ward; the portion lying south of the Baraboo river shall constitute the third ward.

CHAPTER II. OF ELECTIONS.

SECTION 1. The annual election for city and ward officers shall be held on the second Tuesday of March in each year, at such place or places as the common council shall designate and provide; and the polls shall be kept open from nine o'clock A. M., until five o'clock P. M., but an adjournment may be made from twelve o'clock M. to one o'clock P. M., by notice thereof given at the opening of the polls. The city clerk shall give at least six days' notice of such election, stating time and place or places of holding the same, the officers to be elected thereat, and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more papers published in said city

Annual election of officers.

of Baraboo, or by posting the same in two or more public places in each ward of said city; and the city clerk shall file copies of the papers containing such notice in his office.

Names of officers to be elected.

SECTION 2. The elective officers of said city shall be a mayor, treasurer, assessor, police justice, and one justice of the peace, one supervisor and three aldermen from each ward. All other necessary officers shall be appointed by the common council. The aldermen shall be legal voters and freeholders in said city of Baraboo; all other officers shall be voters and residents in said city. The mayor and treasurer shall hold their offices for one year; the police justice and justice of the peace shall hold their offices for two years; all officers elected or appointed shall hold their offices until their successors are elected or appointed and qualified, unless expelled or removed by the common council, as hereinafter provided. The mayor shall have power to suspend any police officer or watchman appointed by the council, for cause, until the council shall take up the case and dispose of it, which shall be done within twenty days after such suspension. The mayor may also fill any vacancy thus created for the time being, until such case be acted upon by the common council. Whenever the mayor shall suspend any officer or appoint one, as above provided, he shall immediately notify the common council of such suspension and appointment, with his reasons therefor.

Vacancies, how filled.

SECTION 3. Whenever a vacancy shall occur in the office of mayor or alderman of said city, such vacancy shall be filled by a special election, which shall be ordered by the common council within ten days after such vacancy shall occur. When a vacancy shall occur in the office of police justice, or justice of the peace, the common council may appoint temporarily a suitable person to such office, to hold until it shall be filled by election. Vacancies in all other offices shall be filled by the common council. The persons elected or appointed to fill any vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections to be by ballot.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall elect. In case of a tie vote, the election shall be determined by casting lots in presence of the common council, at such time and in such manner as they shall direct.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections; but this section shall not apply to the first city election to be held on the second Tuesday in March A. D., 1832, at which first election all persons residents of the territory within the city limits and who are qualified electors of this state, shall be entitled to vote for all elective city officers, and nothing herein shall be construed as relating to any general election, and no law of this state for the registration of voters shall apply to the elections under this act.

Who are qualified electors.

SECTION 6. Any three members of the common council shall be inspectors of all city elections, and they shall appoint clerks thereof, and provide ballot boxes for the same, and each ballot voted thereat may have written or printed thereon the names of all persons voted for at any such election.

Inspectors and ballots.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote shall be challenged by an elector, the inspectors before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty one years of age, and that you are a citizen of the United States (or have declared your intention to become a citizen conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year; and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election," which oath any member of the board of inspectors is hereby authorized and empowered to administer; and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment or information shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or being duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, which list shall be filed with the

Challenging electors.

Swearing in, etc.

Duties of inspector.

city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of such election shall be the same as that provided by the statutes of this state for similar conduct at any general election. At the first city election held in March, 1882, the oath above mentioned shall be so modified as to meet the qualifications of voters at that election.

Counting the ballots.

SECTION 8. When the polls of an election shall be finally closed, the inspectors shall proceed to count and canvass the votes, and shall make a return of the number of votes cast in their election precinct for each and every office, and the number of votes cast for each and every person for each and every office, and shall deliver forthwith such return to the city clerk, and within one week after such election the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election. The clerk shall also notify the clerk of the circuit court of Sauk county of all elections of justices of the peace, and the appointment of city marshal, and shall notify the county clerk of the election of treasurer and assessor to represent said city in the county board of supervisors, and of the city assessor.

Special elections.

SECTION 9. Special elections to fill vacancies or for any other purpose shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be prescribed by the common council.

Officer elected neglecting to qualify shall be deemed to have vacated his office.

SECTION 10. Any officer removing from the city, or any alderman removing from the ward for which he was elected, or any officer who shall neglect or refuse, for one week after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Aldermen—terms of serving.

SECTION 11. At the first election held under this act, three aldermen shall be elected for each ward, one to serve one year, one to serve two years, and one to serve three years, to be determined by the words "for one year," after the name of one alderman voted for, "for two years," after the name of another, and "for three years," after the name of a third alderman voted for; and thereafter at each annual election one alderman from each ward shall be elected to serve for three years; and the first election under this act shall

be held at such place as shall be designated and provided by the president and trustees of the village of Baraboo, any three of which shall act as inspectors of such election, appoint clerks thereof, prescribe the manner of conducting such elections, and shall canvass and make returns of the result as provided by this act and the general laws of the state; and the village clerk of Baraboo shall give the notice thereof as required by this act; and all duties required by this act of the common council in regard to elections shall be performed, so far as may be necessary, by the said president and trustees of the village of Baraboo and the clerks appointed by them in regard to the first election and the organization of the city government under this act.

Village clerk to give notice.

SECTION 12. The votes for mayor and all elective officers shall be on one ballot, and votes for other than elective officers shall not be counted or canvassed in any manner whatever.

Votes to be on one ballot.

SECTION 13. The term of every officer elected under this act, except to fill a vacancy, shall commence the fourth Tuesday of March of the year for which and in which he was elected, and shall, unless herein otherwise provided, continue for one year and until his successor is elected and qualified.

Term of office.

SECTION 14. The first election of officers under the provisions of this act shall be held on the second Tuesday in March, A. D. 1882. The election of justices of the peace shall be held at the same time and place, and so every two years thereafter. The justices of the peace now residing within the territorial limits of said city of Baraboo shall hold their offices until their terms of office expire, in addition to the justices who may be elected under this act.

First election.

SECTION 15. Should there be a failure to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, six days' notice of the time and place of holding the election first being given.

Failure to elect.

CHAPTER III.

OFFICERS, POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables

Bonds to be executed.

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 Baraboo a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum, and such conditions as the common council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two, nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities, or exemptions, and the aggregate of such amounts shall at least, exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except that their bonds shall be approved by the mayor of the city.

Mayor to preside over all meetings.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information, and recommend such measures, as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote in the council only in case of a tie. When the council shall be engaged in the election of any officer, the mayor shall have a vote the same as an alderman.

What shall be done at first meeting.

SECTION 3. At the first meeting of the common council after their election in each year, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the may-

or. In case both the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or the temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. The common council shall also, at their first annual meeting, or so soon thereafter as may be, appoint the following officers: city clerk, assessor, marshal, attorney, surveyor, one street commissioner, and other officers or agents necessary to the good government of the city, who shall hold their said offices for one year, unless removed as hereinafter provided. They shall at the same time fix the compensation or salary, and may prescribe the duties pertaining to the same.

Temporary presiding officers.

SECTION 4. The city clerk shall perform all the duties required by law to be performed by him. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall draw and countersign all orders on the city treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths, and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Duties of city clerk.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report ;

Duties of treasurer.

and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers in towns. No person having been city treasurer for two years in succession shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office.

Duties of marshal.

SECTION 6. The marshal shall attend all the meetings of the common council, unless excused by the council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city; to apprehend, with or without warrant, any person in the act of committing any offence against any ordinance of said city, or laws of this state, and within reasonable time bring such person or persons before competent authority for examination; and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties; such deputies shall also take and subscribe the proper oath of office, which shall be filed with the city clerk, and when duly qualified as aforesaid, such deputies shall possess like powers and authority, and be subject to the same liabilities with the marshal.

Duties of surveyor.

SECTION 7. The city surveyor shall be a practical surveyor and engineer, and shall have a per diem compensation to be fixed by the common council. He shall keep his office at some convenient place in the city. He shall preserve and have open to the inspection of any person all surveys, profiles, plans or esti-

mates made by him for the city, and which, with all books or papers pertaining to his office, and minutes of surveys by him made, he shall turn over to his successor or the city clerk on the expiration of his term of office.

SECTION 8. The city attorney shall be a person duly admitted to practice in the courts of record conformable to the laws of this state. Duties of city attorney.

SECTION 9. The duties of assessor shall be as prescribed by the general laws of the state except as modified by the provisions of this act.

SECTION 10. It shall be the duty of the street commissioner, within five days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report to the common council, recommending what, in his opinion, is necessary and ought to be done thereto. On the receipt thereupon, the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may at other times make such other reports as the necessities of the case may require. Duties of street-commissioner.

SECTION 11. It shall be the further duty of the street commissioner to employ men and procure utensils, implements, teams, materials, and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured, and of all teams and utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be done, any and all other duties pertaining to his office. Further duties of street commissioner.

that may be prescribed from time to time by the common council.

Accounts to be paid out of general fund.

SECTION 12. All accounts against the city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the general fund, by orders drawn and issued by the common council. All such accounts for street purposes, except for work and hire, shall be duly verified, and when they arose or were created under the direction of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may at its option let all or any of such street work by contract to the lowest bidder. The street commissioner shall be paid for his services, and for every day's service actually rendered shall receive such compensation as the common council and said commissioner shall agree upon at the beginning of his official year or he shall be paid such sum per annum in lieu thereof for the services required to be performed by him as he and the common council can agree upon at the beginning of his official year.

Jurisdiction of justices of peace.

SECTION 13. The justices of the peace elected under this act shall have the same and equal jurisdiction and perform all and like duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the mayor of said city; and the police justice, in addition to his said jurisdiction as justice of the peace, shall have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said common council, and in all actions in which the said city of Baraboo is a party, and shall have the same powers and authority in cases of contempt as a court of record: provided, that nothing herein contained shall be construed so as to divest the judge of the circuit or county courts of their authority as conservators of the public peace, nor to affect, impair or limit in any manner the jurisdiction of the circuit and county courts. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe. In case of absence, sickness or inability of the police justice, the justice of the peace elected under the provisions of this act shall perform the duties of police justice, and have the authority, powers and

rights of the police justice. Appeals and writs of certiorari may be taken from the police justice in the same manner as from other justices of the peace.

SECTION 14. The justices of the peace of said city shall possess, and they are empowered to exercise the same and like jurisdiction, powers and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state. All prosecutions for a breach or violation of any by-law, ordinance or regulation in force in said city, shall, in all cases when the same have been committed within the limits of said city, be commenced in the name of the city of Baraboo, before the police justice thereof, and all fines and penalties imposed by said justices of the peace for violation of any city ordinance, by law or regulation, shall belong to and be paid over to the treasurer of said city, and be a part of the finances thereof. Nothing in this section nor in this act shall be construed so as to interfere with the exclusive jurisdiction of the police justice as laid down and defined in the preceding section. The said justices of the peace shall, as often as required by the common council, report to them all the proceedings instituted before said justices in which said city is, or may be, interested, and shall at the same time account for and pay over to the treasurer of said city, all fines and penalties collected by them and belonging to said city. Said justices of the peace shall be entitled to receive in all cases had before them in which said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state in similar cases had before them.

Jurisdiction of
justices like
that of town
justices.

SECTION 15. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Required to de-
liver property
to successor in
office.

SECTION 16. No mayor, alderman or street commissioners shall be a party to, or interested in, any job or contract with the city, or any of the wards thereof, and any contract in which they or either of them, may be

No officer to be
interested in
any job.

so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the mayor, alderman or street commissioner interested in the same.

Officers may command the peace.

SECTION 17. The mayor or acting mayor, sheriff of said Sauk county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriffs of Sauk county, deputy marshals, policemen and watchmen of said city, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all by-standers, and if needs be of all citizens and military companies in said city; and if any person, by-stander, military officer or private citizen shall refuse to aid in maintaining the peace when so required, every such person so refusing shall forfeit and pay a fine not less than five nor more than fifty dollars, and in case when the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

CHAPTER IV.

THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

Style of ordinances.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, unless they be acting as inspectors of elections, or as members of a board of registry or equalization, or for extra committee work, and the style of all ordinances shall be "The common council of the city of Baraboo do ordain," etc. The common council shall meet at such times and places in said city as they shall direct and provide. A majority of the council shall constitute a quorum, but a less number may adjourn from time to time.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday after the regular city election, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the

judges of the election and qualification of its own members, and have the power to compel the attendance of absent members.

SECTION 3. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, and by-laws, for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be, and have the force of laws; provided, they, are not repugnant to the constitution and laws of the United States or of this state, and for those purposes shall have authority by ordinances, resolutions or by-laws:

To have control of finances and property of city.

1st. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables, and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common or statute law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any license for selling spirituous, vinous or fermented liquors to be drank on the premises shall not be less than fifty, nor more than three hundred dollars, and that all such licenses hereafter granted shall run from the first day of May in each year; provided, however, that when any such license may be applied for after that date the same may be granted to expire on the said first day of May of each year, on the applicant paying pro rata therefor, but no license shall be granted for a longer term or period than one year.

License shows, billiard tables, etc.

2d. To restrain, prohibit and suppress all description of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, with or without betting, and to restrain, prohibit and

To restrain fraudulent devices.

suppress any person or persons from vending or giving away or dealing in any spirituous, fermented or vinous liquors unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

To prevent riots and gambling.

3d. To prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act or any ordinance of the city of Baraboo, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

To abate nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be necessary for the health, comfort, and convenience of the inhabitants of said city.

Slaughter-houses.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection of and use and occupation of the same when the offal or filth therefrom shall discharge into the waters of the rivers, ponds or sloughs, and to establish rates for, and license venders of gunpowder, and regulate the storage, keeping, and conveying of the same or other combustible material.

Encumbering of streets.

6th. To prevent the encumbering of streets, sidewalks, lanes, or alleys with stairways, carriages, sleighs, boxes, lumber, firewood, or any other material or substance whatever, or in any manner whatever.

Prevent horse racing.

7th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain horses, etc., running at large.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry, and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Carcasses.

10th. To prevent persons from bringing, depositing or having within said city any putrid carcass or unwholesome substance, and to require the removal of

the same by any person who may have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind. or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

11th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen, and cartmen in the city; and to erect lamps for lighting the streets, public grounds and public buildings, with gas or otherwise.

Public
pounds.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Boards of
health.

13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Weight of
bread.

14th. To prevent all persons riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to said sidewalks.

Driving on
sidewalks.

15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof.

Shooting of
firearms.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removal and punishing any person or persons who may be guilty of the same.

Restrain
drunkards.

17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.

Runners.

18th. To make rules and ordinances for the government and regulation of the police of the city.

Police.

19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish and restrain all persons for interfering with the due observance of such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles.

Public mar-
kets.

20th. To regulate the place or places and the manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Weights and
measures.

- Policing.** 21st. To compel the owners of buildings or grounds, or occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.
- Contagious disease.** 22d. To regulate, control and prevent the landing of persons from cars and stages with contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.
- Auctions.** 23d. To regulate the time, place and manner of holding public auctions and vendues.
- Watchmen.** 24th. To appoint watchmen and prescribe their duties.
- Standard of weights and measures.** 25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.
- Protect monuments.** 26th. To protect trees and monuments in said city.
- Sewers.** 27th. To prescribe and regulate the construction of sewers within the city.
- Lay out streets.** 28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from any incumbrances, and to protect them from injury.
- Change the name of streets.** 29th. To alter or change the name of any street in the city.
- Ordnain ordinances.** 30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act; or which may be vested in any officer of said city by any ordinance thereof.
- How the ordinances are to be passed.** SECTION 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper published in said city, selected by the common council at the first meeting after election, or as soon thereafter as is practicable, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk, in books provided for that purpose; but before any of the said laws, ordinances,

regulations or by-laws shall be recorded, the publication thereof, respectively, within the same time, shall be proved, by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

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

Power of council to abate nuisances.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and other officers and agents of the city, at such times as it may deem proper; also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officers or agents shall refuse to comply with the orders of the council in the discharge of their said duties in pursuance of this section, or shall neglect or refuse to render their accounts or present their books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Council to examine and adjust accounts of clerk.

SECTION 7. The corporate authority of said city shall be vested in one principal officer styled a mayor, in one board of aldermen consisting of three members from each ward, who with the mayor shall be denominated the common council, together with such other officers as may be created under this act.

Corporate authority—in whom vested.

CHAPTER V.

FINANCE AND TAXATION.

Control of
funds in the
treasury.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, and clerk duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, or the city's proportion of the bonds of the town of Baraboo, which shall be collected in money or in orders drawn upon such funds respectively, and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn, or bearer.

Taxes to be
levied.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city to defray the current and lawful expenses of said city and its schools, a tax sufficient to defray the same; *provided*, said common council shall not levy a tax for general purposes, including highway tax, exceeding six-tenths of one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election.

To issue bonds.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding two thousand dollars in any one year, and the said special tax, when so levied, shall be collected at the same time as other city taxes are collected.

Special taxes to
be levied.

SECTION 4. Special taxes may also be levied by the common council, at any regular meeting, for the purpose of paying the interest or principal of the said city's proportion of any outstanding bonds now due, or hereafter to become due, issued by the town of Bar-

aboo, or for the purpose of paying the interest or principal of any bonds which may hereafter be issued by said city of Baraboo, by authority of law; *provided, however,* that no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; said taxes, when so levied, shall be collected at the same time other city taxes are collected.

SECTION 5. No account shall be allowed by the common council, unless the same is properly itemized, and verified by the owner thereof or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him. When an account is audited, the clerk shall endorse it "allowed" or "disallowed," as the fact may be, giving the amount allowed, if any, and specifying the items disallowed. The minutes of the meeting shall show to whom and for what purpose every such account was allowed, and the amount thereof. No account shall be allowed or appropriation made except by a majority vote of the whole council, taken by "ayes" and "noes," to be recorded in the minutes of the meeting by the clerk. Every such account or demand allowed in whole or in part, shall, with the affidavit thereto, be numbered and filed by the clerk.

Accounts to be itemized.

SECTION 6. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court of Sauk county, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to such city with sufficient surety to be approved by said clerk, county judge or court commissioner of said county, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against appellant by the court.

Accounts that are disallowed.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said common council, with its decision thereon, and

Appeal taken.

shall file the same together with said notice, and all papers in the case in his possession with the clerk of the circuit court for the county of Sauk, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs thereon shall be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such an appeal shall not exceed the amount allowed by said common council exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery, and when the amount of the costs exceeds the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

No action
against city can
be maintained.

SECTION 8. No action shall hereinafter be maintained by any person against the city of Baraboo upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council, as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to it, this chapter shall not be construed so as to prevent the institution and maintenance of any action by said claimant against said city.

CHAPTER VI.

OPENING OF STREETS AND ALLEYS.

To lay out
streets.

SECTION 1. The common council shall have power to lay out streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for the public use, for the purpose of laying out streets or alleys or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known

to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be served on all persons interested in such lands who are residents of this state and whose residence is known, by service thereof in the usual manner of service of a summons, and on all other persons, by publication of such notice, describing as near as may be the premises proposed to be taken, for four weeks, successively, at least once in each week, in some newspaper published in said city, and by mailing a copy thereof to each non-resident interested in the premises, whose lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published four weeks successively, at least once in each week, in some newspaper published in said city of Baraboo.

Notice to be published.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the police justice of the city of Baraboo, or a court commissioner for the county of Sauk, for the appointment of twelve jurors to view said premises, and determine whether it shall be necessary to take the same for the purposes specified in said petition.

What notice shall state.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said police justice or court commissioners shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said police justice or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in such application.

Court commissioners shall appoint.

SECTION 4. The marshal of said city shall serve said precept immediately on the jurors therein named, by reading the same to every one that can be found; and immediately after such service he shall return the said precept to the police justice or court commissioner who issued the same, together with his doings thereon.

Marshal to serve precept.

SECTION 5. If any of the jurors so appointed cannot be found or shall be disqualified from acting or

Qualification of jurors.

shall refuse to act, the police justice or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Oaths to be administered.

SECTION 6. The said police justice or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, before entering upon the discharge of their duties, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath shall be filed in the office of the city clerk.

to proceed in a body.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony, and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors within twenty days thereafter, or such future time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of such property proposed to be taken, and to assess and return, within the time limited, such damages to the common council; and after the jurors shall have made their report, as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council 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 all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before a competent officer that they are freeholders in said city, and not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

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 to remove.

Value of building to be estimated.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in some paper of said city three successive weeks, once in each week; such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election to the common council either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council shall allow.

Ten days' notice to be given.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of 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' public notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Building to be sold if not removed.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will in their judgment be injured or be benefited thereby. After hearing such testimony as may be offered by any party interested, and 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 real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages, and to assess the respective benefits upon the premises benefited thereby. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they

Jurors to view premises.

shall only include the difference between such value and the whole estimated value of such building or buildings, according to section 8 of this chapter.

If the land belong to different persons.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment, or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, shall be awarded to them by the jurors.

Award of jurors.

SECTION 13. The award of such jurors shall be signed by them and returned, together with the testimony taken and the precept to the common council, within the time limited in such precept.

Can appeal.

SECTION 14. Any person whose property is taken or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Sauk county, by causing a written notice of such appeal to be served on the clerk of said city and executing a bond in the manner prescribed in section 6 of chapter 5 of this act, and such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

Damages must be first paid on land.

SECTION 15. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent; or in case the said owner 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.

Damages to be paid in one year.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required within one year from the confirmation of such assessment and report, and if not paid, tendered or deposited, all proceedings in such case shall be void.

May tender a deposit.

SECTION 17. The city may pay a tender or deposit, as herein required, at any time within one year from the confirmation of such assessment, and report 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 such lands for the purposes required.

SECTION 18. Whenever 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 any other contracting parties touching the same or any part thereof shall, upon the confirmation of such report, respectively cease and be absolutely discharged. Covenants shall cease.

SECTION 19. 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 covenants, contracts or agreements respecting the same, upon the confirmation of such report, 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 in respect to the same shall be so proportioned that the part thereof justly and equitably payable for such residue thereof and no more, shall be paid or recoverable for, or in respect to the same. Contracts on land taken shall cease.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the judge of the circuit court of Sauk county, or, in his absence, the judge of any court of record in said county, may, upon the application of the common council or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Infant owners.

SECTION 21. Whenever any public ground, street or alley 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. Survey of land to be made.

CHAPTER VII.

ACTIONS TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or for- Actions to recover penalties.

feiture is claimed, and to give the matter in evidence under it.

Prosecutions to
be made by
warrant.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

Form.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form :

County of Sauk, City of Baraboo,— ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Baraboo :

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, police justice in and for said city, at my office in said city, on the — day of —, 18—, at — o'clock in the — noon, to answer to the city of Baraboo in a plea of debt to the damage of said city, two hundred dollars or under.

Given under my hand, at said city, this — day of —, 18—.

C. D., Police Justice.

Form.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons ; and all the proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form :

The City of Baraboo	}	In Police Court, before C. D., Justice :
against		
A. B.		

The plaintiff complains against the defendant, for that the defendant, on the — day of —, 18—, at the said city, did violate (section —, of chapter —, of this act, or section —, of an ordinance, or by-law, or regulation of said city, describing it by its title), which said — is now in force. By reason of such violation an action hath accrued to the city of Baraboo, to recover of the defendant the sum of — dollars debt. Wherefore the plaintiff demands judgment

against the defendant for the sum aforesaid, besides the cost of this action.

SECTION 6. In all cases where oath is made for a ^{Form.} warrant, the complaint shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

The City of Baraboo }
 against } In Police Court, before C. D.,
 A. B. } Police Justice

County of Sauk—ss.

_____ , being duly sworn, complains on oath to C. D., police justice in and for the city of Baraboo, in said county, that A. B., on the _____ day of _____, 18—, at said city, did violate (section _____, of chapter _____, of this act, or section _____, of an ordinance, or by-law, or regulation of said city, describing it by its title), which said _____ is now in force, as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Baraboo therefor.

Sworn and subscribed before me, this _____ day of _____, 18—.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law 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 terms:

County of Sauk, City of Baraboo,—ss.

The state of Wisconsin to the sheriff or any constable of said county, and to the marshal of the city of Baraboo greeting:

Whereas, _____ has this day complained to ^{Form.} me, in writing, on oath, that A. B., on the _____ day of _____, 18—, at said city, did violate (section _____, of chapter _____, of this act, or section _____ of an ordinance of by-law, or regulation of said city, describing it by its title), which said _____ is now in force, as the complainant believes; therefore you are commanded to arrest the body of A. B., and bring him before me forthwith to answer to the city of Baraboo on the complaint aforesaid.

C. D., Police Justice.

Upon the return of said warrant, the justice shall ^{Justice may proceed.} proceed summarily with the case, unless it be ad-

journed by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or, in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Sauk county. 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.

Printed copy to be evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in a pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Witnesses and jurors to attend.

SECTION 8. Witnesses and jurors shall attend before the police justice, in all city and criminal suits, without payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

City prosecutions.

SECTION 9. In city prosecutions, if the verdict is guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty; and for costs of suit; but if not guilty, the costs of the suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the police justice shall forthwith issue execution as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Form.

COUNTY OF SAUK, }
City of Baraboo, } ss.

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Baraboo on the — day

of —, 18—, recovered a judgment before the undersigned, police justice, in and for said city, against — for the sum of — dollars, together with — dollars and — cents, costs of suit, for the violation of section —, of chapter —, of this act, or section —, of an ordinance or by-law or regulation of said city, describing it by its title, you are hereby commanded to levy distress of the goods and chattles of said —, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, twenty five cents for this writ, and the same return to me in thirty days, and for the want of such goods and chattles whereon to levy, to take the body of said — and him convey and deliver to the keeper of the common jail in Sauk county; and said keeper is hereby commanded to receive, keep in custody in said jail, the said —, for the term of —, unless the said judgment together with all the costs and fees are sooner paid, or he be discharged by due course of law.

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

C. D., Police Justice.

The form of commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

SECTION 10. In all cases the defendant may appeal from such judgment, to the circuit court of the county of Sauk; provided, that such defendant, within twenty-four hours, pay to the justice his costs, and one dollar for his return, and enter into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Defendant may appeal.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, and the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

Appeal to stand for trial.

SECTION 12. If the judgment of the justice shall

Defendant shall be convicted.

be affirmed, or if upon trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Qualification of judge etc. SECTION 13. No person shall be an incompetent judge, justice, juror, or witness, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Present ordinances to remain in force. SECTION 14. All ordinances and regulations now in force in the village of Baraboo, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Rights vested. SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several ordinances or acts incorporating Baraboo village shall be vested in and prosecuted by the corporation hereby created.

How to serve a process. SECTION 16. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served forthwith to inform the common council thereof, or to take such action or proceeding as by ordinance or resolution of said council may be in such cases provided.

Penalties to be paid into treasury. SECTION 17. All penalties and forfeitures recorded and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of said city.

City property exempt from execution. SECTION 18. All fire engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

Property exempt. SECTION 19. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city or any judgment against said city.

SECTION 20. In all cases where a defendant shall be convicted of any violation of any ordinance or police regulations of said city, the court before whom the same is tried shall have power to sentence the defendant to a term of imprisonment in the common jail of Sauk county for any period not exceeding six months. Penalty.

SECTION 21. If the mayor of the city shall at any time deem it for the interest of the city, he may employ and work the prisoners so committed outside of the jail or yard at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such a manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county shall, upon the order of the mayor of said city, deliver the prisoner or prisoners in such order named and described, to the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners, when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city. Working prisoners.

SECTION 22. The common council may, by a two-thirds vote thereof, grant pardons or commutations after conviction, for all offenses against the ordinances, by-laws or regulations of the city, on such conditions as they may deem proper. May grant pardons.

CHAPTER VIII.

PUBLIC SCHOOLS.

SECTION 1. All the district of country within the corporate limits of the city of Baraboo, shall be known and designated as school district number one of the city of Baraboo, for all purposes; provided, that the common council shall have power to change, alter and define, or divide into two or more districts as it may deem expedient. School districts.

SECTION 2. The common council of the city of Baraboo shall, at its regular meeting in May, 1882, elect four school commissioners, two to serve two years, and two to serve one year, and thereafter annually, two such commissioners to serve two years. The terms of said commissioners shall commence on the first Monday of July in each year. School commissioners.

SECTION 3. The school commissioners hereafter elected under the provisions of the foregoing section, shall form the board of education of the city of Baraboo. Shall form board of education.

boo, and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the common council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

Superintendent of schools.

SECTION 4. Said board of education shall annually elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and said superintendent shall continue in office for one year and until his successor is elected, unless sooner removed by a majority vote of the board of education for misconduct or other sufficient cause.

Duties of president.

SECTION 5. The board of education shall, at its first regular meeting, on the first Monday in July of each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order subject to appeal to the board. He shall countersign all orders drawn by the clerk for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, including superintendent's salary, and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriations of money, or the adoption of new text-books, the votes shall be taken by ayes and noes, and recorded in the minutes of the meeting. The city clerk shall be clerk of said board, shall attend all meetings of the same, and keep full minutes of all proceedings thereat.

When meetings shall be held.

SECTION 6. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by it; and it may have special meetings at such other times as it may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of such meeting.

Salary of superintendent.

SECTION 7. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year by the common council; but the members of said board of education shall receive no compensation for their services as such.

SECTION 8. The duties and the powers of the board of education shall be as follows:

1st. To elect at its regular meeting in July in each year, a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter. When elected.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the clerk of said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk and the other copy delivered to the teacher. Number and grade of teachers.

3d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt and reject text-books at will. Terms and vacations.

4th. To establish rules and regulations for schools, not in conflict with the constitution or laws of this state; and shall have full control over all schools and school districts within said city, except as herein provided. Establish rules.

5th. To make contracts for fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs in school houses, lighting fires, sweeping school rooms, etc., and such contracts, when executed, shall be paid by orders drawn on the city treasury, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board. Make contracts.

6th. The said board shall annually, on or before the first day of October in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the board, and for that purpose it shall cause entries to be made in a book or books to be provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and all other expenditures made or authorized by said board at the time the same shall be made or authorized by said board, which book or books shall be subject to inspection in the same manner as the records of the Submit a statement.

proceedings of said board, and it shall, at the same time, submit for the consideration of the council, a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items, separately and specifically. Nothing in this section contained shall prevent the mayor and common council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year, and the common council may order and direct, by two-thirds vote, any other duty or thing to be done by said board.

Repairs of school houses.

SECTION 9. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost thereof, to be laid before the common council; and whenever, in its opinion, another school house shall be required, it shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same to be made, and submit the same for the consideration of the common council, which shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

President and clerk to draw orders.

SECTION 10. It shall be the duty of the president and clerk of the board of education to draw orders on the city treasurer, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act, and said orders shall be paid by said treasurer out of the funds drawn upon, and in no other way shall the school fund be paid out by said treasurer.

No interest in any contract.

SECTION 11. No member of the board of education shall have any interest, direct or indirect, in any

contract made by said board, and every contract made, in which any member of said board shall have such interest shall be absolutely void.

SECTION 12. The duties of the city superintendent shall be as follows: Duties of city superintendent.

1st. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in the city. Examine applicants.

2d. To annul a teacher's certificate whenever he may think proper; provided, that such teacher shall have the right to appeal to the board of education. To annul certificates.

3d. To visit each school department in said city at least twice each month. To visit school.

4th. To report to the consideration of the board of education such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein, from time to time, as he may think most beneficial for the schools in said city. Report text books.

5th. To report to the board of education at such regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting, to make such recommendation as shall in his judgment conduce to their welfare, and perform such other duties as may be required of him by the board. To report.

6th. He shall, between the first and tenth day of September in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the city on the last day of August, previous to the day of such report; and shall, on or before the tenth day of October in each year, make and transmit to the state superintendent a report containing the facts set forth in the general school laws of this state, a copy of which report he shall present to the board of education at its first meeting thereafter. Make statement of number of children.

7th. He shall attend all the meetings of the board of education, and make any suggestions he may think advisable relative to the government of the schools in said city. Shall attend all meetings.

SECTION 13. Said board of education shall have power to allow the children of persons not residing within the city to attend any of the schools in said city, upon such terms as said board shall by resolution prescribe. Outside children may attend school.

SECTION 14. The territory embraced within the limits of the city of Baraboo is hereby declared to be, Independent territory.

and is, independent of the jurisdiction of the county superintendent of schools of the county of Sauk, and exempt from all taxation for his support and salary, and the superintendent of schools of Sauk county shall hereafter, after the termination of the present term, be elected independent of said city of Baraboo.

CHAPTER IX.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

What property
is subject to
taxation.

SECTION 1. All property, real or personal within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers, and be subject to the same duties and liabilities as township assessors, except so far as they may be altered by this act; provided, however that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

Return of as-
sessment roll.

SECTION 2. The assessor shall return the said assessment roll to the board of equalization of the city on or before the first Monday in July in each and every year. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same.

Omissions in
assessment.

SECTION 3. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years that it shall have been omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes

that may have been omitted, in whosoever hands the same may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall by ordinance direct: provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

SECTION 4. The mayor, the city clerk, the assessor, and one alderman from each ward, to be appointed by the common council, shall constitute the board of equalization. Such board of equalization shall meet on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting, equalizing the assessment roll of the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof, and all changes made in said roll by said board shall be recorded by the clerk, and when finally completed the said assessment roll shall be filed with the city clerk.

Board of equalization.

SECTION 5. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes authorized by law and by this act, to be levied for general city purposes, for school purposes and for paying the city's indebtedness, due or to become due for the ensuing year, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

When tax is to be determined.

SECTION 6. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sales or transfers of such real property shall affect such lien. Any personal property belonging to the person taxed may be

Taxes to remain a lien on land.

sold for the payment of taxes upon personal property or real property.

Return of assessment to be transmitted.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Sauk, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

City to be regarded as a town.

SECTION 8. The board of supervisors shall regard the city of Baraboo as a town, in equalizing the assessment of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll.

May levy a tax on city.

SECTION 9. The said board of supervisors may levy a tax or taxes upon such city, as now is or may be provided by law hereafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk to make out assessment roll.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land or persons named therein, which statement shall be called the tax list of the city of Baraboo, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list prima facie evidence.

SECTION 11. The tax list made out and preserved as aforesaid shall be prima facie evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly and correctly as required by law.

Duplicate copies to be made.

SECTION 12. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, adding thereto in a separate column, five

per cent. for expenses of collection to which shall be appended a warrant, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall on or before the tenth day of December of the same year, deliver the same to the city treasurer for collection and make a record of such delivery on the tax list preserved in his office.

SECTION 13. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice of four days in a newspaper published in said city, and by posting the same in three or more public places in said city, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office therein, on and after the day in such notice to be specified.

Public notice to be given in newspaper.

SECTION 14. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per cent. fees upon all taxes paid to him before the tenth day of January, and five per cent. fees upon all taxes paid or collected after that time.

Shall proceed to collect taxes.

SECTION 15. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax apportioned to said city of Baraboo by the board of supervisors of said county of Sauk.

Taxes to be paid to county treasurer.

SECTION 16. On or before the last Monday in February in each year, unless the time be extended as provided by law, the said treasurer shall make out and return to the treasurer of the county in which said lands may be, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said treasurer shall also, at the said time, make out and deliver to the city clerk, a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalty or fees to such delinquent returns as are allowed, or are required, by law, upon delinquent returns from the several towns.

When delinquent tax list to be made out.

SECTION 17. The county treasurer shall sell all de-

How county treasurer shall sell.

linquent lands and lots returned from the city of Baraboo, at the same time and in the same manner as other delinquent lands are sold in said county.

All real estate taxable.

SECTION 18. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

Only directory.

SECTION 19. All the directions hereby given, except in section five of this chapter, for the assessing of lands and the assessing and levying, collections and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or the assessment.

Power to levy tax by majority vote.

SECTION 20. The common council shall have power, by a majority vote of all members thereof, to levy a tax or taxes to pay any and all judgments against the city.

Penalty for refusing to do duty.

SECTION 21. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Payment of taxes to be enforced.

SECTION 22. At the expiration of the time now or hereafter designated by the general laws of this state for the collection of personal taxes, the treasurer shall proceed to enforce the collection thereof, in the same manner as now is or may hereafter be prescribed by such law.

Who are liable to poll tax. Who exempt.

SECTION 23. Every male inhabitant of the city of Baraboo over twenty-one years of age and under fifty, except active members of the fire department, shall pay into the city treasury annually the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of the city of Baraboo to make out duplicate lists of all persons liable to said tax in the city, and said assessor shall, on or before the first Monday of July in each year, deliver one of said lists to the city clerk, and one to the treasurer of the city of Baraboo. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax, who shall not have paid the same within twenty days after demand, either personal or by written notice left at their usual place of abode,

shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Baraboo. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The moneys collected as above shall go to the general fund of the city. The mayor, city clerk and treasurer shall constitute a board to determine the liabilities of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days after the demand or notice mentioned in this section. The city treasurer shall receive for collecting said tax five per cent. of the amount collected.

CHAPTER X.

OF THE FIRE DEPARTMENT.

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

Power to prescribe fire limits.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; and to regulate and prevent the carrying on of any manufactures dangerous in causing and promoting fire; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from

Power to regulate construction of buildings.

the vicinity of a fire all idle and suspected persons, and to compel the bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Shall have power to purchase fire engine.

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

Fire wardens to be appointed.

SECTION 4. The mayor shall appoint one fire warden for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, barn or inclosure, for the purpose of inspecting the same.

Penalty for not obeying orders.

SECTION 5. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack company.

SECTION 6. The common council shall have power to organize a sack company, which may be known by such name as it may select, and shall consist of not

more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Baraboo, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all the property which may be exposed and endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Such company may from time to time adopt such by-laws as it may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

SECTION 7. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary, who shall, on or before the first Monday in May of each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given the city clerk.

Each company to select a clerk or secretary.

SECTION 8. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such records shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note the fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Sauk, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed, for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Record of members to be kept.

All companies, corporations, etc., not incorporated, to pay two per cent.

SECTION 9. All corporations, companies and associations, not incorporated under the laws of this state, engaged in said city in effecting fire insurance, shall pay to the city treasurer at the rate of two per cent. upon the amount of all premiums which shall have been received or shall have been agreed to be paid, for any insurance, effected or agreed to be effected, on any property in said city, by or with such corporation or associations respectively, in manner and at the times as prescribed by the general laws of the state in relation thereto. The money so received shall go to the general fund of the city, to be used and paid out for the purposes of said fire department.

Expenses to be paid from general fund.

SECTION 10. All expenses of the fire department shall be paid from the general fund of the city; provided, that the common council shall not expend in any one year, on account of said fire department a greater sum than shall be received from licenses, fines and forfeitures, and from insurance companies, as provided in the preceding section, for the same year.

CHAPTER XI.

SIDEWALKS.

Grade of streets.

SECTION 1. The common council of the city of Baraboo shall have power to establish the grade of the streets and walks of said city, and to change and re-establish such grade as they may deem expedient; provided, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have a right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council have refused or neglected for three months to pay or settle the same.

Cleaning of streets, etc.

SECTION 2. It shall be the duty of the city marshal to see that all ordinances of the city relating to obstructions and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, water and water courses in said city are duly observed and kept. The committee on streets, to be appointed by the mayor, shall have a general supervision over all works let by contract or otherwise for the improvement of streets or sidewalks and gutters in said city, unless the common council shall otherwise provide.

Sidewalks to be constructed on proper grade and materials.

SECTION 3. Sidewalks and gutters shall be constructed, reconstructed or repaired upon the proper es-

established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by a two-thirds vote of the aldermen elect by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk or gutter shall be ordered; provided, that before going into effect such ordinance, resolution or order shall be published at least two weeks in one newspaper published in said city. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk or gutter as aforesaid in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk or gutter shall be constructed, sufficient to pay the cost of constructing the same, and said tax shall be collected at the time and in the manner as is provided herein for the collection of other taxes.

SECTION 4. All sidewalks shall be kept in repair and clear and free from all obstructions at the expense of the lot adjoining or abutting thereon and of the owner or owners thereof, and in case the owner or occupant shall fail to keep such sidewalk in repair and clear and free as aforesaid, the common council may cause the same to be done without notice and charge the expense thereof to such lots respectively; provided that no sidewalk shall be so repaired at the expense of the lot when the cost of such repair shall exceed one-half the cost of a new sidewalk of the kind in front of such lot, except in the same manner as required for the building of a new sidewalk; provided, however, that if a sidewalk on or in front of any lot shall become injured or destroyed by the burning of any building or property, and the same shall not within a reasonable time be repaired or rebuilt by the owner of such lot, the alderman may repair or rebuild such sidewalk at the expense of the lot without notice.

Sidewalks to be kept in repair.

SECTION 5. The common council of said city shall have power and may in its discretion, by an affirmative vote, let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, or as they may otherwise order, the construction of any sidewalk or gutter or the making of any improvements on or along any street or highway in said city limits which shall have been ordered, levy and collect a tax upon each lot or piece of ground in front of which said sidewalk,

Construction of sidewalks to be let to the lowest bidder.

gutter or improvement shall have been ordered and constructed under such contract or otherwise, sufficient to pay the cost of constructing the same, as provided in section 3 of this chapter.

Street committee to do the work.

SECTION 6. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by them before it shall be accepted by the council.

Costs and expenses chargeable to city.

SECTION 7. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city; the cost and expense of opening, grading or graveling, planking, paving of streets and alleys, shall be chargeable to the lots of land, except farming lands, fronting on such street or alley, so that each lot or parcel of land, except farming lands shall pay for work between the front of each lot or parcel of land, and to the center of such street or alley; provided, that the common council may order such cost and expense to be paid by the lots or land, except farming lands, fronting on such streets or alleys, by a pro rata tax, based upon the last assessment made prior to such order by the common council. Sewers and gutters may be ordered by the common council, and built at the expense of lots or parts of lots benefited thereby and fronting upon the side of the street along which said sewer or gutter shall be constructed; provided, however, that when sewers or gutters are constructed through alleys, no lot shall be assessed therefor except those situated in the block through which such sewers or gutters may be constructed; and provided further, that in all cases when improvements or work of any kind are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground. Lots shall be liable, as in this chapter provided, for the improvement of streets to the center of the street on which they abut or join; and corner lots for all sidewalks up to the crossings or crosswalks.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Common council and board of supervisors to meet before Aug 1, 1893.

SECTION 1. It is hereby made the duty of the common council of said city and the board of supervisors of said town of Baraboo to meet together at

some convenient place on or before the first Monday of May 1882, upon notice given by either body, and, if possible, agree upon some just, fair and equitable settlement or adjustment and division of the property, money, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city out of the territorial limits of the town of Baraboo; and said common council of said city and said board of supervisors of the town of Baraboo shall meet annually on the first Monday of May in each and every year, and make a just, equitable and fair division of the amount of bonded indebtedness then due, or to become due, for the then existing year, whether of principal or of interest, and shall allot and set off to said city the amount of such proportionate amount of principal and interest as should in justice and in equity be paid by said city, and shall also set off and allot to said town of Baraboo such proportionate share and amount of such principal and interest as should in justice and in equity be paid by said town. In determining such proportion so as to be paid by said town and city the said supervisors and the said common council shall take the last preceding respective assessment rolls of the said city and of the said town, and allot to said city and town respectively the amount of bonded indebtedness due, or to become due that year, to be paid by each in proportion as the assessed valuation of such city bears to the entire value of said city and town.

SECTION 2. If the common council of said city and board of supervisors of said town shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the circuit judge of the circuit court in and for the county of Sauk, upon application made to him by either of said bodies, five day's notice having been previously given to the other body, to appoint three commissioners, one to be a resident of said city, one of said town and one to reside outside of both city and town, who shall have power, and it is made their duty, as soon as may be after their appointment and filing with the clerk of the circuit court in and for said county, of their oaths to faithfully and fairly to adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned, to examine into and fairly, equitably and justly make a division of all property moneys, credits and property owned by said city or

To adjust: city limits.

any part thereof in common with said town; make a full and complete settlement or adjustment of all matters between said city and town, arising or growing out of the formation of said city out of the territorial limits of said town, and especially of the indebtedness of said town, any portion of which said city ought to pay. And in order to make such a settlement, adjustment and division as herein contemplated, the said commissioners shall make use of and shall use as a basis of such settlement and adjustment and shall be therein governed by the assessment roll of said town of Baraboo for the year 1881. The said commissioners shall, as soon as possible, make their award in writing and file the same in the clerk of the court's office of said county, which shall be final and conclusive between the parties.

How balances are to be paid.

SECTION 3. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside of the city which comprises a part of the town of Baraboo, from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found upon such settlement that there is any amount due any portion of said city from any portion of territory outside of said city limits which was an organization from which said city was formed, that portion of said territory so owing said part of said city shall pay the amount to the city treasurer. And in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages.

Connection between city and town of Baraboo dissolved.

SECTION 4. The connection between the town of Baraboo and that part of said town included within the city limits for all town purposes is dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Baraboo, shall be performed by the aldermen, mayor and other officers of said city, except as herein otherwise provided.

City to use Sauk county jail.

SECTION 5. The use of the jail of Sauk county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

SECTION 6. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act. No money to be appropriated.

SECTION 7. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds and blocks in said city, and may cause to be established such permanent landmarks as they deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of the county of Sauk. Survey of boundary lines to be made.

SECTION 8. The surveys and landmarks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks in all cases in which they shall be drawn into controversy in all courts in this state. Prima facie evidence.

SECTION 9. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and filed in the office of the city clerk; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the common council of the said city from ordering or causing to be done the grading of any street within said city to a temporary grade to be established by the common council. May establish grade of all streets, etc.

SECTION 10. All sums of money necessary for grading streets and building walks, not chargeable to individuals, shall be paid from the general fund. Money necessary chargeable to general fund.

SECTION 11. The city may have, purchase and hold real and personal estate sufficient for the conveniences of the inhabitants thereof, and may sell and convey the same; and the same, while owned, occupied or held by said city shall be exempt from taxation. City may have and purchase real estate.

SECTION 12. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Baraboo, who may desire to subdivide or plat such tract, lot or tract of land into city lots, shall, in platting the same, Land within city may be subdivided.

cause the streets and alleys in such plat to correspond in width and general direction with the streets of the city.

Deeding or leasing land.

SECTION 13. When the city of Baraboo deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Baraboo, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor authorizes property deeded.

SECTION 14. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Election may be held at subsequent day.

SECTION 15. If any election by the people for common council shall, for any cause, not be held at time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said action may be done and performed.

Mayor may appoint police officers.

SECTION 16. The mayor, with the approval of the aldermen, may appoint as many police officers and night watchmen as he may deem necessary to the welfare of the city, whose appointment shall be either written or printed, and countersigned by the city clerk; and such police officers and watchmen shall have all the powers of a constable within the city of Baraboo.

No general law affects this law.

SECTION 17. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this chapter or this act.

Actions against company or corporation made in name of city.

SECTION 18. In cases where an action might be brought by the city of Baraboo against any person,

company or corporation, such action may be commenced and prosecuted in the name of the city by any elector of said city; provided, that when the complaint is made by any person other than an officer of said city, the justice may require security for costs as in civil cases before justices of the peace. In case that the complainant be not an officer of said city, and if the defendant be acquitted, and the police justice or justice of the peace shall certify in his docket that the complaint was wilful and malicious and without probable cause, then judgment for all costs in the case shall be entered against such complainant, which judgment shall be collected in the same manner as a judgment against the defendant would have been collected had he been found guilty under said complaint, and the same proceedings to enforce such judgment shall be had as it would have been legal to have had, had defendant been found guilty.

SECTION 19. The act is hereby declared a public act, and shall be liberally construed in all courts of this state.

This act a public act.

SECTION 20. Whenever the city clerk may be absent or incapacitated from performing the duties of his office, the common council may appoint some suitable person to perform for the time being the duties of the office, and the acts of the person so appointed shall be of full effect and legality.

Clerk pro tem may be appointed.

SECTION 21. The common council shall have the right and power, at any time after said city shall have been organized under this act, by ordinance to change the boundaries of the said several wards of the city, and to make and establish new wards therein, whenever the common council may deem best; provided, that whenever the common council proceed to alter or change the boundaries of said wards, or to establish new wards in said city, due regard shall be had to the population and the valuation of property in each ward, so that all the wards in said city, when so changed or established, shall be as near equal in their respective populations and assessments as practicable.

May change boundaries of several wards in city.

SECTION 22. Every member of the common council of the city of Baraboo who shall, directly or indirectly, vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as inspector of elections, member of the board of registry, and as a member of the board of

Penalty for member of council voting any emolument to himself.

equalization, or for extra work on committee; any member of the common council or any other city officer who shall be, directly or indirectly, interested in any contract made with or in behalf of said city, and any member of said council or other city officer who shall, directly or indirectly, purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the police justice, or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his office, and any contract made in violation of the provisions of this section shall be void.

License—how
signed and by
whom.

SECTION 23. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal of the city, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed a receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved either by the mayor or common council; every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days.

Assignee of li-
censes.

SECTION 24. No assignee of any license shall be permitted to pursue the occupation or business licensed, except by a vote of two-thirds of the common council.

Penalty for
drunkenness.

SECTION 25. Any person who shall be guilty of drunkenness, or immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places of the city of Baraboo, shall be deemed guilty of a misdemeanor, and on conviction thereof before the police justice of said city, shall be punished by a fine of not less than one, nor more than one hundred dollars, or by imprisonment in the county jail of Sauk county not less than two days nor more than three months.

SECTION 26. No action in tort shall lie or be maintained against the city of Baraboo, unless a statement in writing, signed by the person injured or claiming to be injured, of the wrong and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occurring or happening of the tort alleged.

No action of tort shall lie.

SECTION 27. The city shall not be liable for any damages arising or growing out of any sidewalks, streets, drains, sewers, gutters, ditches or bridges in said city being in a defective or dangerous condition or out of repair, unless it be shown that previous to the happening of the same, the common council, or one member thereof, or the street commissioner, had actual knowledge thereof; and no knowledge of such condition shall be presumed unless the defect out of which the same occurred, existed four weeks before such damages occurred.

City not liable for damages on sidewalks unless notified.

SECTION 28. In case of injury or damage by reason of insufficient, defective or dangerous condition of streets, sidewalks, drains, sewers, gutters, ditches or bridges, produced or caused by the wrong, neglect of duty, default or negligence of any person or corporation, such persons or corporation shall be primarily liable for all damages for such injury, in suit for the recovery thereof by the person sustaining such damages, and the city shall not be liable therefor until all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Not liable under certain conditions.

SECTION 29. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair, is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises.

Owners of lots to keep sidewalks in repair, etc.

SECTION 30. The citizens of the town of Baraboo shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Baraboo as they may determine, and the officers of said town of Baraboo may transact all town business in said city and with the like effect as if held or done in the town of Baraboo.

Right to hold town meetings in city of Baraboo.

SECTION 31. The paupers of said city shall be removed to the poor house of the county of Sauk by the mayor or aldermen, in like manner as they are removed from the several towns in said county.

Paupers to be removed to poor house.

SECTION 32. All officers of the village of Baraboo shall hold their respective offices until the city officers

Officers to hold over till successors.

under this act shall be elected or appointed and qualified; and all property, real and personal, books, papers, maps, etc., belonging to said village of Baraboo shall be and become the property of the city of Baraboo upon its organization under this act.

How represented in county board.

SECTION 33. The city of Baraboo shall be represented in the board of supervisors of Sauk county by one alderman from each ward, to be appointed by the common council.

Names of committees.

SECTION 34. The regular committees of the common council shall be as follows: On Finance, Streets, Ordinances, Fire Department and Licenses, and shall be appointed by the mayor at the first meeting after the annual election, or so soon thereafter as convenient.

May remit tax or assessment.

SECTION 35. The common council may, by unanimous vote thereof, remit any tax or special assessment, or any part thereof, whenever the same shall be manifestly illegal or unjust.

Amount that may be expended in any one year.

SECTION 36. The common council may expend for the improvement of any highway or highways leading into said city, not to exceed four hundred dollars in any one year.

Officers may be expelled.

SECTION 37. The common council may, by a two-thirds vote thereof, upon due notice and hearing, expel any member thereof or remove any officer or agent of the city for incompetency, misconduct or neglect in the discharge of official duties.

All conflicting acts repealed.

SECTION 38. All acts and parts of acts conflicting with the provisions of this act, particularly the act incorporating the village of Baraboo, and all acts amendatory thereof, are hereby repealed.

SECTION 39. This act shall take effect and be in force from and after its passage.

Approved February 25th, 1882.

[No. 75, S.]

[Published February 28, 1882.]

CHAPTER 22.

AN ACT to extend the time within which certain free high schools shall be entitled to the state aid now provided by law.

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

State aid.

SECTION 1. Any high school district which shall have established and maintained a free high school according to the laws of this state, and which shall continue so to maintain such free high school, shall be entitled to receive the state aid now provided by law,