

Ahnapee river, commencing on the south bank of said river at a point opposite the north end of Fourth street in said city of Ahnapee, and running thence on or near the east line of section twenty-seven (27) across said river. Said bridge shall be provided with a suitable draw whenever necessary so as to admit the passage of boats and vessels.

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

Approved March 25, 1882.

[No. 427, A.]

[Published April 10, 1882.]

CHAPTER 237.

AN ACT to authorize the superintendent of public property to furnish stationery and stamps to employes of the senate and assembly, and to appropriate money therefor.

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

Stationery and
stamp.

SECTION 1. The superintendent of public property is hereby required to furnish those regular employes employed during the entire session of the senate and assembly for the year 1882, except messengers who have been regularly employed under authority of law under the clerk and sergeant at arms thereof and to the committee clerks of the senate and assembly, stationery to the amount of three dollars each, and postage stamps to the amount of two dollars each, and the chief clerk and sergeant at arms of the senate and assembly shall each certify to the superintendent of public property a true list of the names of such employes in their respective departments.

SECTION 2. There is hereby appropriated to the superintendent of public property, out of any money in the state treasury not otherwise appropriated, a sum sufficient to meet the requirements of the preceding section.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1882.

[No. 233, A.]

[Published April 6, 1882.]

CHAPTER 238.

AN ACT to incorporate the city of Monroe.

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

SECTION 1. The inhabitants of the district included within the following limits and boundaries, to-wit:

The east half of the northeast quarter of section number thirty-four, the southeast quarter of section number thirty-four, and the north-east quarter of the southwest quarter of section number thirty-four and so much of the southeast quarter of the southwest quarter of section number thirty-four as is included Scott's addition, and the southwest quarter of northeast quarter, and southeast quarter of northwest quarter of section number thirty-four, all of section number thirty-five, in town number two north, range seven east, and fractional lots number one, two, three, four, five, six, eleven and twelve of section two, in town number one, range seven east, and fractional lot one, two, three, six, seven, eight, nine, ten and eleven of section three, town one, range seven east, in the county of Green and state of Wisconsin, are hereby declared a body corporate and politic under the name and style of the "city of Monroe," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may alter the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

SECTION 2. The said city shall be divided into two wards, the boundaries of which shall be as follows: All of that territory within the boundaries of the said city of Monroe lying north of the center of Racine street, and a continuous line of the center of said Racine street west to the highway, and thence along the center of said highway to the west boundary of said city of Monroe, shall constitute the first ward; and all the territory within the boundaries of the city of Monroe lying south of the above described line shall constitute the second ward.

SECTION 3. The corporate authority of said city shall be vested in one municipal officer, styled the mayor, in one board of aldermen consisting of two members from each ward, who with the mayor shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

ELECTIONS.

SECTION 4. The annual election for ward and city officers shall be held on the first Tuesday in April in

each year, at such places in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon; and ten days previous notice shall be given by the common council of the time and place of holding such elections, and of the city and ward officers to be elected.

Elective officers.

SECTION 5. The elective officers of said city shall be a mayor, a treasurer, an assessor, four justices of the peace, and three constables, elected by and for the city at large; and two alderman for each ward; there shall be elected annually two justices of the peace at large, and one alderman for each ward, one supervisor to represent his ward in the board of supervisors of Green county, to be elected by and for each ward.

Qualification of officers.

SECTION 6. The mayor, treasurer, assessor, shall be freeholders in said city, and all the city and ward officers aforesaid shall be qualified voters and residents of the city, and in the ward for which they were elected. The city clerk, marshal and street commissioner, and all other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified, except justices of the peace and aldermen, who shall hold their respective offices for two years, and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, for cause, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

How vacancy to be filled.

SECTION 7. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duty thereof for the unexpired term, except in case of alderman, whose appointments shall continue only until the next charter election, when the vacancy shall be filled by an election, and with the

same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SECTION 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

Elections to be by ballot.

SECTION 9. All persons who are qualified electors of the state of Wisconsin, and who shall reside in the ward where they offer their vote, shall be deemed qualified electors of said city and ward.

Qualified electors.

SECTION 10. The first election of said city shall be held on the eleventh day of April, A. D. 1882. The qualified electors of said city shall elect one mayor, one treasurer, one assessor, four justices of the peace, three constables at large. The justices of the peace two to serve one year, two to serve two years and two aldermen for each ward, one in each ward to serve for one year, and one for two years, and one supervisor for each ward; and which said officers shall be qualified voters in said city, and the aldermen and supervisors shall be residents of the ward for which they are elected. The first election of said city shall be held for the first ward at the court house in said city, and for the second ward at the Tremont House in said city. The voters present shall have power to proceed by nomination and viva voce, to elect three inspectors and one clerk, whose duty it shall be, after being sworn, to see that the election shall be conducted according to the laws of the state of Wisconsin; provided, further, that the returns of the first election shall be made to the village clerk of the village of Monroe, who, with the president of said village of Monroe, shall certify to and notify the officers elected.

When first election shall be held.

SECTION 11. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election for their respective wards, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths; and in case of the absence of any or all of the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons to act in their places, as in-

Election to be conducted by aldermen.

spectors of election. Said elections shall be held and conducted in the same manner, and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections.

Shall make return of election.

SECTION 12. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such return to the city clerk, within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns, and declare the result, as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

How special election shall be held.

SECTION 13. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the same returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

Fill vacancies.

SECTION 14. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to 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.

Votes on one ballot.

SECTION 15. The votes for aldermen and all other elective officers shall be on one ballot, and shall be deposited in one ballot box.

OFFICERS—THEIR POWERS AND DUTIES.

Powers and duties of officers.

SECTION 16. Every person elected or appointed to any office under the provisions of 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 with the clerk of the city; and the treasurer, clerk, marshal, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Monroe a bond, with at least two sureties, who shall swear that they are worth in the aggregate, the penalty specified in said bond over and above all debts, exemptions and liabilities, and said

bonds shall contain such penal sum, and such conditions as the common council may deem proper; and they may, from time to time, require new, additional bonds and remove from office any officer refusing or neglecting to give the same.

SECTION 17. The mayor shall, when present, ^{Mayor to preside over all meetings.} preside over the meetings of the common council, and 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, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not within one week after the receipt of such objections or such filing with the clerk, re-enact such ordinance, or pass such resolution by the votes of two-thirds of the alderman elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

SECTION 18. At the first meeting of the common ^{Mode of electing president.} council 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 mayor, except the signing of city bonds. In case the mayor and president shall be absent at 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 temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled "acting mayor," and acts performed by them or any of them shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds; and the said common council shall also at their first meeting in each year elect a clerk for the city, also a chief engineer and first and second assistant engineers of the fire department, who shall hold their respective offices for the term of one year, and until others are elected and qualified.

Duties of clerk.

SECTION 19. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns; and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

How justices qualify.

SECTION 20. The justices of the peace elected under this act, shall have the same jurisdiction and perform all the duties of the 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 shall be approved by a majority of the common council.

Jurisdiction of constables.

SECTION 21. The constables elected under this act shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns, except the official bond of such constable shall be approved by the mayor, and filed with his oath of office in the office of the city clerk.

SECTION 22. The treasurer of said city 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. All moneys, raised, received, recovered or collected, by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order issued by order of the common council, and signed by the mayor and countersigned and attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which book shall, at all reasonable times, be open to the inspection of any person. He shall, every three months, and so often as the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services he shall be entitled to compensation as hereinafter provided, and he shall have the same powers and be subject to the same liabilities, and be governed by the same laws as treasurers of towns; provided, that he shall receive no other fees except the compensation hereinafter provided.

Duties of treasurer.

SECTION 23. The marshal 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 of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and process 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 the 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 any person in the act of committing any offense against any ordinance of said city or laws of this state; and within reasonable time bring such person before competent authority.

Duties of marshal.

for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible and of whom he may require bonds for the faithful discharge of their duties.

Duties of street commissioner.

SECTION 24. The street commissioner shall see that all ordinances of the city relating to the obstructions and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers and waters of the rivers in said city, are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planing, repairing and cleaning of streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, unless the common council shall otherwise direct. They shall receive such compensation as the council may determine.

Further duties may be required of any officer.

SECTION 25. The common council shall have the power from time to time to require other and further duties, to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Official newspaper.

SECTION 26. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published, all ordinances and other proceedings and matters required by this act or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Shall file a copy.

SECTION 27. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of the time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

SECTION 28. 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, or pertaining to the office he may have held, he shall forfeit and pay to the use of the said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state. Penalty for non-delivery to successor.

SECTION 29. No alderman shall be a party to or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be 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 alderman interested in the same. Jobbery.

SECTION 30. The mayor or acting mayor, sheriff of Green county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Green county, and policeman, watchman and constables 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 bystanders and if need be of all citizens; and if any person, bystander or citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not more than fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings. May command the peace.

SECTION 31. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council. City surveyor.

Jurisdiction of justices.

SECTION 32. The justices of the peace elected under this act shall have the same jurisdiction in civil and criminal cases and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto they shall have jurisdiction in all cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise provided.

Justices to report proceedings.

SECTION 33. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him and belonging to said city; and said justices shall be entitled to receive from the county of Green such fees in similar cases as are allowed to other justices in the county for similar services.

Duties of assessor.

SECTION 34. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing towns; and his compensation therefor shall be the same as provided by law for the compensation of town assessors.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Powers and duties.

SECTION 35. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, and the style of all ordinances shall be: "the mayor and common council of the city of Monroe do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

First annual meeting, when held.

SECTION 36. The common council shall hold their first annual meeting in each year on the second Tuesday of April, 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 places of abode. The common council shall determine the rules of their own proceedings, and be the judge of the election and qualification of their own members, and have the power to compel the attendance of absent members.

Control of the finances.

SECTION 37. The common council shall have the management and control of the finances, except school moneys, and of all the other public property in the city; and shall likewise in addition to the power herein

vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime and for the benefit of trade, commerce and health thereof, and so enforce as they shall deem expedient; declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by laws, are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinance, resolution or by-laws:

1st. To license, regulate, suppress or prohibit the exhibition of common showmen or shows of any kind, License shows, etc. or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys; to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state, or at common law, and may grant licenses for, and regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; and all such licenses granted shall run from the first day of May in each year to the first day of May following; provided, however, that when any such license may be applied for, after that date, the same may be granted, to expire on the first day of May of each year, on applicant paying pro rata therefor; but no license shall be granted for a longer term or period than one year.

2d. To restrain, prohibit and suppress all descriptions 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 suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlars. Suppress gambling, etc.

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. Prevent riots.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tan- Nuisance places.

nery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same from time to time, as often as it may be 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 regulate the storage keeping and conveying of gunpowder or other combustible materials.
- Encumbering of streets.** 6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons sleighs, boxes, lumber, pine, wood, or any other materials or substances whatever.
- Prevent horse racing.** 7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.
- Restrain cattle.** 8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of proceedings.
- Dogs.** 9th. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.
- Muzzling dogs.** 10th. To provide for the secure muzzling of dogs, and for the killing and destruction, in a summary manner, all dogs not muzzled, found within the said city running at large.
- Putrid carcases.** 11th. To prevent any person from bringing, depositing, or having, within said city, any putrid carcases, or other unwholesome substances, and to require the removal of the same by any person, who shall have upon his premises, any such substance, putrid or un-sound beef, pork, fish, hides, skins or substances of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.
- Public pounds.** 12th. To make and establish public pounds, pumps, wells, cisterns, and reservoirs, to erect lamps, and to regulate, and license, omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupations, in this city, and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

13th. To establish and regulate boards of health, provide hospitals, pest houses, and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.

Boards of health.

14th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Weight of bread.

15th. To prevent all persons riding or driving any ox, mule, catle, or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Cattle on sidewalks.

16th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fire works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Shooting of firearms.

17th. To restrain drunkenness, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Restrain drunkards.

18th. To restrain and regulate runners and solicitors for stages, public houses, or other establishments, and to establish and regulate the police of the city.

Regulate runners.

19th. To compel the owners and occupants of buildings and grounds 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.

To remove snow, dirt, etc.

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

Hay.

21st. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Infectious diseases.

22d. To regulate the time, place and manner of holding of public auctions or vendues.

Public auctions.

23d. To appoint watchmen and prescribe their duties.

Watchmen.

24th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Weights and measures.

Protect trees,
etc.

25th. To protect trees and monuments in said city

Repair of high-
ways.

26th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

Change names
of streets.

27th. To alter or change the name of any street in the city.

Ordinances.

28th. 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.

breweries.

29th. To direct the location, and regulate and license breweries, tanneries and packing houses.

Vote of coun-
cil.

SECTION 38. All laws, ordinances, regulations 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, within fifteen days after their passage, respectively, be published in the official paper or papers of said city once before the same shall be in force; and within fifteen days thereafter they shall be recorded by the said clerk, in books to be 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 said 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; and such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of the majority of the members of the common council in its favor.

Duties of coun-
cil.

SECTION 39. The powers conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceeding in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored

or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SECTION 40. The common council shall examine, Shall examine accounts, etc. audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers and agents of the city, at such time as they may deem proper, and also, at the end of each year, and before the time 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, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books, funds, moneys 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 found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

SECTION 41. The corporate authority of said city Corporate authority in whom vested. shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of two 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.

FINANCE AND TAXATION.

SECTION 42. All funds in the treasury, except Finance and taxation. 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 upon the treasury 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 the principal or interest of any outstanding indebtedness of said city, which shall be collected in money or in

orders drawn upon such fund respectively ; and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Levy tax annually.

SECTION 43. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city and its schools, a tax sufficient for that purpose.

Cannot issue bonds unless specially authorized.

SECTION 44. The common council of said city shall not have power to issue any bonds or other evidence of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, and duly authorized by a majority vote of the electors of the city, 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 three thousand dollars in any one year ; and the said taxes, when so levied, shall be collected at the same time as other city taxes are collected.

Taxes may be levied at any regular meeting.

SECTION 45. Taxes may be levied by the common council, at any regular meeting, for the purpose of paying any outstanding indebtedness of the city of Monroe, and also for the payment of any bonds, or any other evidence of debt, hereafter issued or created, in accordance with the provisions of this act, or by any authority of law. Said taxes, when so levied, shall be collected at the same time that other city taxes are collected.

SECTION 46. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

Disallowing accounts.

SECTION 47. When the claim of any person against the 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 for the county of Green, 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 said city with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that may be adjudged against the appellant by the court.

SECTION 48. 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 council, with the decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Green, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon 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 appeal shall not exceed the amount allowed by said 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 costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

Notice of appeal.

SECTION 49. No action shall hereafter be maintained by any person against the city of Monroe, 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, and neither the said city nor any ward thereof, nor officer within said city shall be liable for any damage that may happen by reason of any deflection in any sidewalk in said city, unless the street committee of the proper ward, or mayor or common council shall have first had actual notice of such deflection, and reasonable time thereafter to repair the same.

No action shall be maintained.

SECTION 50. 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 them, this chapter shall not be construed so as to prevent the institution and maintenance of an action by said claimant against said city.

Action of council conclusive.

OPENING OF STREETS AND ALLEYS.

Opening
streets and al-
leys.

SECTION 51. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, and the general law now in force in regard to the laying out of streets and alleys in villages, shall be applicable to the laying out of streets and alleys in the city of Monroe.

POLL TAX.

Poll tax.

SECTION 52. The said city of Monroe shall not constitute any part of any ward district, neither shall any property in said city be subject to payment of road taxes; but a poll tax of one dollar in lieu of the highway poll tax now provided for by law may be levied by the common council on such persons as are by law liable to pay a highway poll tax, and for that purpose it shall be the duty of the street commissioner, on or before the first Monday of July, to return to the trustees a list of all such persons residing in the city. The common council may thereupon, by warrant, order the street commissioner to collect said tax from each person liable to pay the same, and to expend the same upon the streets, and for this purpose the street commissioner shall have the same powers, duties and liabilities as an overseer of highways, and such tax shall be collected and paid into the city treasury.

Cemetery.

SECTION 53. The cemetery grounds now owned by the village of Monroe and controlled by the trustees of said village of Monroe, shall hereafter be owned by the city of Monroe and be under the control of the mayor and common council of the city of Monroe and they shall be empowered to purchase in the name of said city additional grounds for cemetery purposes.

CHAPTER VIII

ASSESSING, LEVYING AND COLLECTING OF TAXES.

Assessing tax-
es.

SECTION 54. All property, real or personal, within the city, excepting 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 now prescribed by law.

General law in
force.

SECTION 55. All the general laws of this state, which are now or may hereafter be in force relative to the assessment and collection of taxes shall be in force in said city except as otherwise herein specially provided, and the city treasurer shall proceed to collect

the taxes and all assessments of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided.

FIRE DEPARTMENT.

SECTION 56. The common council, for the purpose of guarding against the calamities 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 every building within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section. Fire department.

SECTION 57. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe 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; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fireworks and firearms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens, and other officers of the city to keep away from the vicinity of a fire, all idle and suspected persons, and to compel all 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, and to provide penalties for the violation of any resolution or ordinance passed under this section. Dangerous buildings.

SECTION 58. 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 Purchase fire engines.

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 and assistant engineer, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of the state or the ordinance 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; and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Fire wardens.

SECTION 59. The mayor shall appoint two fire wardens 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, store, barn or enclosure for the purpose of inspecting the same.

Penalties, how disposed of

SECTION 60. One half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Penalty for not obeying engineer.

SECTION 61. 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; 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.

Company

SECTION 62. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such names as they may select, and shall

consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers; the members of the said company either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Monroe, 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, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or 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 they 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 63. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as may be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of said department. Duties of treasurer.

SECTION 64. There shall be elected by the members of each company aforesaid, annually at their annual meetings, a clerk or secretary and a treasurer, who shall, on or before the first Monday of May, in each year, return to the city clerk, a list containing the names 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 to the city clerk. Officers to be elected.

SECTION 65. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no persons shall be Record to be kept by city clerk.

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 that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Green 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 meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

ACTION TO RECOVER PENALTIES, ETC.

To recover penalties.

SECTION 66. 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, and shall be commenced by complaint substantially in the following form:

ords.

STATE OF WISCONSIN, } ss.
Green County, City of Monroe, }

— — — being duly sworn, complains on oath to the justices of the peace of the city of Monroe, that that — — — did, on the — — — day of — — —, 18—, violate the — — — section of an ordinance, by-law or resolution, (describing it by its title), which said — — — is now in force, as this complainant verily believes, and prays that said — — — may be arrested and held to answer to the city of Monroe therefor.

Subscribed and sworn 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 justice of the peace, he shall issue a warrant substantially in the following form:

Forms.

STATE OF WISCONSIN. } ss.
City of Monroe, County of Green, }

To the sheriff or any constable of said county, or to the marshal of the city of Monroe greeting:

Whereas, — — — has this day complained to me, in writing, on oath, that — — — did, on the — — — day of — — —, 18—, violate the section or sections of an ordinance, by-law, regulation or law (describing it by its title), which said — — — is now in force and effect, as

said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ———, and bring him before the justice of the peace of said city, to answer to said city of Monroe, on the complaint aforesaid.

Given under my hand, this ——— day of ———, 18—
 ——— ———, Justice of the Peace.

SECTION 67. Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent, or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his or her appearance, in such sum as the court shall direct, or in default therefor may be put in charge of the officer who made the arrest, or be committed to the common jail of Green county. The complaint made aforesaid shall stand in lieu of a declaration, and the plea of "not guilty" shall put at issue all subject matter which pertains to the defense of the action.

Proc. dingo
the case.

SECTION 68. A printed copy of an ordinance, by-law or resolution passed by the common council, and published in a newspaper, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and may be received in evidence after issue joined and before trial in all cases cognizable before the justice of the peace.

Printed copy to
be prima facie
evidence.

SECTION 69. Witnesses and jurors shall attend before the police court in all city and criminal prosecutions, without the payment of fees in advance, or a tender thereof, upon the process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged, without the payment of fees, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Witnesses and
jurors shall at-
tend without
fees.

SECTION 70. In city prosecutions the finding of the court or jury shall be either "guilty" or "not guilty." If 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 suit shall be taxed against the city. And in all cases of conviction in actions brought or prosecuted to recover a penalty, fine or forfeiture under any of the provisions of

Proceedings of
court.

this act, or for the violation of any ordinance of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall neglect or refuse to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Green county for such term as may be prescribed by this act or the ordinance violated, not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment; or the court may, in its discretion, in case of the nonpayment of such fine and costs as aforesaid, enter judgment that said defendant be imprisoned as aforesaid, and kept at hard labor for the benefit of the city of Monroe, in the said jail or upon the public streets or elsewhere within said city, under the supervision of the city marshal or such member of the police force as may be detailed by the mayor for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment are sooner paid; and all persons so committed and kept at labor shall be allowed one dollar per day for each day's labor rendered, exclusive of board, and the amount so earned shall be applied in liquidation of the judgment until the same shall be fully paid by such labor, at which time the judgment shall be satisfied and the defendant discharged from custody.

Such execution may be in the following form :

Form.

County of Green, } ss.
City of Monroe, }

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

Whereas, the said city of Monroe, on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against — —, for the sum of — 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 regulations of said city (describing it by its title): You are hereby commanded to levy distress of the goods and chattels of said — —, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said — — and him

convey and deliver to the keeper of the common jail in Green county, and the 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—.

———— Justice of the Peace.

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

SECTION 71. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Green in the same manner as is now provided by law, from judgments of justice of the peace in criminal cases. Defendant may appeal.

SECTION 72. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice of the peace shall be rendered, and no notice of trial shall be required to be given to or by either party. Trial of appeal.

SECTION 73. If the judgment of the justice of the peace shall be affirmed, or if upon the 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 action of tort.

SECTION 74. 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. Not incompetent.

SECTION 75. When any suit or action shall be commenced against said city, the service thereof may 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 the said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided. How actions shall be commenced.

SECTION 76. All penalties and forfeitures recovered and collected under and by virtue of this act shall Penalties, where paid.

be paid into the city treasury for the use and benefit of said city, except as provided in chapter 9 of this act.

City property exempt from action or judgment.

SECTION 77. 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, 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.

Cannot be sold on attachment.

SECTION 78. 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 on any judgment against said city.

Pardons.

SECTION 79. The mayor shall have power to grant pardons or commutations after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reasons therefor.

Ordinance to be referred to appropriate committee.

SECTION 80. Every ordinance, resolution or by-law providing for the repairing, construction or re-construction of any sidewalk or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part of the owners of the lots or parcels of land abutting or fronting on such sidewalk, gutter or street shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of said city.

Grade of streets.

SECTION 81. The common council of the city of Monroe shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; provided, that whenever they shall establish, change or alter the grade of any street, any person who shall claim to have sustained damages by such establishing, change or alteration of grade shall have his 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 shall have refused or neglected for three months to pay or settle the same.

SECTION 82. It shall be the duty of the city marshal to see that all the ordinances of the city relating to the obstructions and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept; the committee on streets shall have a general supervision over all works let by contracts for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Duty of marshal.

SECTION 83. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid in the manner, of the material or at the time as so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable responsible bidder, and notice shall be given by publication in the official paper of the city, at least for three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground, in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk by the publication of the same, at least five days in the official paper of the city; provided further, that lands used exclusively for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof be required to build or maintain sidewalks along or fronting such lands, under the provisions of this chapter.

Established grade of sidewalks, etc.

SECTION 84. The common council shall have power, by a vote of two-thirds of all the members of the common council, to order the building, construction re-con-

Council may order construction of building as they deem proper.

struction or repair of sidewalks in the city of Monroe in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder; provided, such bid is a reasonable one, subject to such provisions in the case of violation of contract, and to such other particular provisions as the council may prescribe; the proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city under any circumstances until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street committee, will not cost to exceed the amount of five dollars in front of any lot, to repair the same, they shall be authorized, and it is hereby made their duty, to cause the same to be immediately repaired, and when the same is completed, they shall make out an itemized bill of the costs of such repair, specifying the lot and block, or piece or parcel of land, in front of which said work was done, duly verified by his oath, and shall give the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Monroe, for payment; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Monroe, the said committee shall return said account to the common council with their certificate stating that fact, and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

Let to respon-
sible bidder.

SECTION 85. The common council of said city shall have power and may, in its discretion, by a vote of a majority of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter

or the making of improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the cost of constructing the same, without giving notice requiring the owners of such lot or lots or pieces of ground to construct the same.

SECTION 86. The common council of the city of ^{Contract of} Monroe shall have the power, by an affirmative vote of ^{grading.} two-thirds of all its members, to order and contract for the making, grading and paving and repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed thereon.

SECTION 87. The costs and expenses of surveying ^{Costs and ex-} streets, alleys, sewers and gutters, and of estimating ^{penses of sur-} work thereon, in the execution of any public im- ^{veying.} provement, 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 of 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 sewer or gutter 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 improvement across street, 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 improvements 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.

Public im-
provement,
how deter-
mined.

SECTION 88. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground aforesaid, and such estimate shall be filed in the office of the city clerk for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council instead of letting such work by contract to the lowest bidder, may by an affirmative vote of two-thirds of the members of the common council, order the grading, repairing or improving of any street or the making of any public improvement to be done directly by and under the supervision of the street committee, at the uniform expense, in whole or in part of the lots or parcels of land abutting or fronting on such street or public improvement.

Shall be en-
titled to certifi-
cate.

SECTION 89. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with

the city clerk, and the common council shall order the same assessed upon the said lots of land respectively as a special tax, and to be collected therefrom for the benefit of the holder of said certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate such assessment; provided, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

SECTION 90. The common council of said city may at any time, appoint three commissioners, resident freeholders of said city, who, with the assistance of a duly qualified surveyor to be appointed by the council, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, lots, blocks and tracts of land, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the said surveyor and commissioners, which, when approved by the said council, shall be filed in the office of the clerk, and a copy thereof shall be recorded in the office of the register of deeds of the proper county. May appoint commissioners.

MISCELLANEOUS PROVISIONS.

SECTION 91. All work for the city or either ward, including all printing and publishing, may in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts. Lowest bidder.

SECTION 92. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this act. No appropriations.

SECTION 93. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two thirds vote of the aldermen elect. Penalties.

SECTION 94. 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, wharves and blocks, and may cause to be established such permanent land marks as they may Survey of streets, alleys, etc.

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 Green county.

Surveys to be
prima facie evi-
dence.

SECTION 95. The surveys and land marks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, public grounds wharves and blocks in all cases in which they shall be drawn into controversy in all courts in this state.

May establish
grades of
streets.

SECTION 96. 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 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 street committee of the several wards of the said city from ordering or causing to be done, the grading of any street within their ward to a temporary grade to be established by such committee.

May purchase
and hold real
estate.

SECTION 97. 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.

Subject to tax-
ation.

SECTION 98. Real estate exempt from taxation by the laws of this state shall be subject to special taxation for street and sidewalk purposes as other real estate under this act.

How city may
convey real
estate.

SECTION 99. When the city of Monroe 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 Monroe, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Execute a deed
or lease, how
done.

SECTION 100. 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 the 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.

SECTION 101. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, with said deed or lease, and such copy so attached and record thereof shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease. Cert. and copy.

SECTION 102. If any election by the people for common council shall for any cause not be held at the 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 held 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 act may be done or performed. Failure of election.

SECTION 103. All moneys paid to the city on account of any or all licenses whatsoever, granted or issued by the common council of said city, including licenses for the sale of malt, spirituous or intoxicating liquors, shall be paid into the city treasury and become a part of the general fund of said city. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect. Money for licenses to go to general fund.

SECTION 104. The use of the jail of Green county, until otherwise provided, shall be granted to said city, for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the sheriff shall be responsible, as in other cases. Use of jail.

SECTION 105. The act entitled "an act to incorporate the village of Monroe, approved March 4, 1858," and all acts and parts of acts amendatory thereto are hereby repealed. And all moneys remaining in the treasury of said village of Monroe shall, upon the organization of said city of Monroe, be paid by the treasurer of said village into the treasury of said city. Repealed, &c.

of Monroe, and become a part of the general fund of said city; provided further, that all the property owned by the village of Monroe is hereby made the property of the city of Monroe.

Public act.

SECTION 106. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication. And it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

Approved March 25, 1882.

[No. 153, S.]

[Published April 7, 1882.]

CHAPTER 239.

AN ACT relating to the measure of damages in actions to recover possession of logs, timber or lumber wrongfully cut from the lands of another, or the value thereof, and amendatory of section 4269, of the revised statutes of 1878.

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

Amend, etc.

SECTION 1. Section 4269 of the revised statutes of the year A. D. 1878, is hereby amended by adding thereto, at the end thereof the following; provided, that in all actions hereafter commenced, when the defendant shall have in good faith acquired a title to and entered upon the land under the same, believing such title to be valid and shall have cut the timber therefrom under such circumstances, then the plaintiff, if he shall recover, shall recover only the actual damage sustained by reason of such cutting. The defendant in his answer shall state the facts upon which he relies to establish such claim of title, and the burden of proof shall be on the defendant.

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

Approved March 28, 1882.

[No 7, S.]

[Published April 8, 1882.]

CHAPTER 240.

AN ACT to amend section 1 of chapter 42 of the general laws of 1881, and amendatory of section 1935, chapter 89 of the revised statutes of 1878, entitled "of insurance corporations."

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

Insurance corporations.

SECTION 1. Section 1 of chapter 42 of the general laws of 1881 is hereby amended by adding the follow-