

the proper authorities of this state as a general law, and at the same time with the general laws of this state and immediately after its passage. Act, how published.

SECTION 101. This act shall take effect and be in force from and after its passage.

Approved March 30, 1883.

[No. 88, A.]

[Published April 2, 1883.]

CHAPTER 181.

AN ACT to revise, codify and amend chapter 57, of the laws of 1874, entitled, "An act to incorporate the city of Columbus," and the several acts amendatory thereof.

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

CHAPTER I.

THE CITY OF COLUMBUS—ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Columbia and state of Wisconsin hereinafter described, is hereby set off and separated from the town of Columbus, and shall be a city by the name of Columbus, and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Columbus, and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all the courts of law and equity, and shall have a common seal, and may alter the same at pleasure. Corporate name.

SECTION 2. 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 II.

CITY AND WARD BOUNDARIES.

City bounda-
ries.

SECTION 1. The south half ($\frac{1}{2}$) of section number eleven (11); the south half ($\frac{1}{2}$) of section number twelve (12); all of section number thirteen (13); all of section number fourteen (14); the north half ($\frac{1}{2}$) of the north half ($\frac{1}{2}$) of section number twenty-three (23); and the north half ($\frac{1}{2}$) of the north half ($\frac{1}{2}$) of section number twenty-four (24); all being in township number ten (10) north, of range number twelve (12) east, in the county of Columbia and state of Wisconsin, shall be included in and constitute the limits of the city of Columbus.

Ward bounda-
ries.

SECTION 2. This city shall be divided into three (3) wards, called First, Second and Third wards, limited and bounded as follows: All that portion of said city lying west and south of a straight line, drawn from a point at the intersection of James and Ludington streets, at the town well (so called), westerly through (to) the center of James street, and extended through the center of the Portage, Otsego and Columbus road northwesterly to the limits of the said city, and north and west of a line drawn from the town well aforesaid, southwestly through Ludington street to the point of intersection of Ludington and Harrison streets; thence northwestly down the center of the last named street to the center of Broadway; thence southwestly through the center of Broadway to the center of the Columbus and Lodi roads; thence east through the center of the last named road to a point in the center of the Madison and Columbus road; thence southwestly through the center of the last named road to the limits of the city, shall constitute the First ward. All that portion of said city lying south and east of the line last above described, and south and west of a line drawn from the town well aforesaid through the center of James street to the southeasterly terminus thereof, and thence extended due east through the center of Mills street to the county line, shall constitute the Second ward; and all that portion of said city lying north and east of a line drawn from the county line westerly through the center of Mills street to its intersection with James street; thence north-

westerly through the center of James street and the center of the Portage, Otsego and Columbus road to the city limits, shall constitute the Third ward.

CHAPTER III.

ELECTIONS.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday in April in each year, at such place in each ward as the common council shall designate; and the polls shall be open from nine o'clock in the forenoon or as soon thereafter as may be, till sunset, and ten days' notice shall be given by the city clerk of the time and place of holding such election, and of the officers to be elected, by publishing a notice in the official paper of the city, and posting up notices in at least two public places in each ward; but no election shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was wilful and fraudulent.

Annual election, when held.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, a city clerk, a street commissioner and an assessor, elected by and for the city at large; and three aldermen, one supervisor to represent his ward in the board of supervisors of Columbia county, one justice of the peace and one constable elected by and for each ward. The officers for the city at large shall be qualified voters of said city, and the ward officers aforesaid shall be qualified voters of the ward for which they were elected. The marshal and all other officers necessary for the proper management of the affairs of said city, shall be elected by the common council. All officers shall, unless otherwise provided, hold their respective offices for the term of one year, and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause, to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The mayor shall have power to suspend any police officer or watchman elected by the council, when complained of, for cause, until the council

Terms of elective officers.

shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

Special election
to fill vacancies.

SECTION 3. Whenever a vacancy shall occur in the office of mayor or aldermen 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 duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections shall
be by ballot.

SECTION 4. 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.

Qualified elec-
tors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall reside in the ward where they offer their vote, ten days next preceding such election, shall be deemed qualified electors of said city and ward.

Inspectors of
election.

SECTION 6. The mayor, with the consent of the common council, shall appoint the inspectors and the clerks of all elections to be held in said city, or in any ward thereof; they shall take the usual oath or affirmation, as prescribed by the general laws of the state to be taken by the judges, inspectors and clerks of election; and the inspectors shall have the power to administer the necessary oaths, and fill vacancies in said board when necessary, at the time of opening the polls. All elections shall be held and conducted in the same manner, and under the same penalties as required by the laws of this state regarding elections. If, at the time fixed for opening the polls on the day of any election, such inspectors or clerks, or either of them, shall fail to appear or refuse to act, or have become incapable of acting by having removed from such election district, or for other cause, and the inspectors appearing shall refuse to fill any such vacancy, the electors present may fill the same by a *viva voce* vote.

SECTION 7. If either of the inspectors of the election shall suspect that any person offering to vote, does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspectors, or either of them, before receiving any such vote, shall require the voter offering his vote to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age, that you are a citizen of the United States (or have declared your intention to become a citizen, conformably with the laws of the United States, on the subject of naturalization); that you have resided within the state of Wisconsin one year; that you now are and have been for the last ten days, an actual resident within this city and ward, and that you have not voted at this election, and that you have made no bet or wager, or become directly interested in any bet or wager, depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received, and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to prosecution, and on conviction shall forfeit and pay a sum not exceeding two hundred dollars (\$200) nor less than twenty-five dollars (\$25). It shall be the duty of the inspector to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes. And if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to prosecution, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars (\$500) nor less than one hundred dollars (\$100). All such

Legal voters,
and challeng-
ing votes.

indictments shall be tried in the circuit court of the county of Columbia.

Canvass of
votes.

SECTION 8. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the 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 two days after any election. The common council shall, on the third 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, either personally or by a written notice, left at his usual and last place of residence within the city.

Special elec-
tions.

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, manner and time as general or annual elections.

Vacating office.

SECTION 10. 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 file his oath of office as hereinafter provided, and 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.

Tenure of office
of present offi-
cers.

SECTION 11. All officers of the city, who are now in office shall continue in office until the expiration of the terms for which they were respectively elected. There shall be elected at each annual election one alderman for each ward, who shall hold his office for three years; and there shall be elected on the first Tuesday of April, 1884, and biennially thereafter, one justice of the peace for each ward, who shall hold his office for the term of two years. The term of every officer elected under this act shall commence on the second Tuesday of April of the year in which he was elected, unless otherwise provided, and shall, unless otherwise provided, continue for one year and until his successor is elected and qualified.

SECTION 12. The votes for alderman and all

other elective officers shall be on one ballot, and shall be deposited in one ballot box.

Voters on one ballot.

SECTION 13. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election first being given.

Council may order a new election in case of failure.

CHAPTER IV.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. 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, duly certified by the officer taking the same, with the city clerk; 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 Columbus a bond with at least two sureties, who shall justify in double the amount of the penal sum named in said bond, and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and the common council may, from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give the same. Justices of the peace and constables shall qualify according to the general statutes, except that their official agreements shall be approved by a vote of the common council. The bonds of the respective officers shall be filed with the city clerk, except that the bond of the city clerk shall be filed with the city treasurer, and the official agreements of the justices shall be filed with the clerk of the circuit court of Columbia county.

Duties and powers of officers.

SECTION 2. The mayor shall, when present, 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

Duties of mayor.

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 objections 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 it shall be the duty of the city clerk forthwith to notify the president of the council of such veto, who shall then, within three days after having received such notice, call a meeting of the common council to consider the objections; provided, that the mayor does not call a meeting within the specified time; and further provided, that no adjourned meeting of the council shall be held within said week. 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 aldermen 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.

Election of
president and
his duties.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, but not later than the first meeting in May, it shall proceed to elect, by ballot, one of its members president, and in the absence of the mayor, the 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 president shall exercise all the powers and discharge all the duties of mayor, except the signing of city bonds. In case both the mayor and president shall be absent at any meeting of the common council, it 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 council or performing the duties of

mayor, shall be styled acting mayor, and the acts performed by them, or any of them, shall have the same force and validity as if performed by the mayor, except the signing of the city bonds; and the common council shall also, at its first meeting in each year, or as soon thereafter as may be, but not later than the first meeting in May, elect a marshal for the city, who shall hold his respective office for the term of one year, and until his successor is elected and qualified.

SECTION 4. 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 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 be entitled to the following fees for copies and transcripts, to wit: Ten (10) cents per folio for copies and twenty-five (25) cents for each certificate; his compensation for all other duties shall be fixed by the common council. 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. The clerk shall have power and authority to administer oaths or affirmations. He shall, if required, certify to all verifications of claims against the city free of charge. He may appoint a deputy in writing, under his hand, and file such appointment in his office, and such deputy in case of absence or disability of the clerk, shall have full power and authority to perform all the acts and duties appertaining to said office.

SECTION 5. The justices of the peace elected under this act shall have the same jurisdiction, and perform all the duties of justices of the peace; and they shall have sole and exclusive jurisdiction to hear complaints and to conduct all trials in criminal cases, cognizable before a justice of the peace, when the crime or offense has been committed within the city of Columbus, and in addition thereto they shall have jurisdiction in all cases arising under this act, and the ordinances,

resolutions and by-laws passed by the common council; they may hold their offices at any place within the city. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns. The laws of this state relative to change of venue in justice courts, shall not apply to such courts of the city of Columbus in cases wherein, by this section, the justices of said city are given sole and exclusive jurisdiction.

Duties of treasurer.

SECTION 6. 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 or 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 as 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 receive the same compensation except as herein otherwise 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 marshal.

SECTION 7. The marshal shall attend all the meetings of the common 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 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 the offender and serve the process 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, with or without warrant, and at any place within the city 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 persons before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services.

SECTION 8. 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 it. 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.

Other and further duties may be required.

SECTION 9. The city clerk shall give notice in writing to all publishers of newspapers published in said city, at least one week previous to the first annual meeting of the common council in each year, for sealed bids or proposals for the publishing of ordinances and other proceedings and matters required by this act, or by the ordinances of the city or by order of the common council to be published in a newspaper; and the city clerk shall, at the first annual meeting of the common council in each year, open all bids received for such publishing, and the common council shall then and there award the contract to the lowest responsible bidder, and the newspaper, published by said party or parties receiving said contract, shall

Notice in newspapers to be given.

be the official paper of the city for the ensuing year; provided, however, such bid does not exceed the legal rates; and provided, further, that the common council shall have the right to reject all bids deemed exorbitant, and in such case the common council shall order the city clerk to receive new bids within ten days, to be opened in the manner aforesaid, at such time as the common council shall order; provided, however, that such time shall not be later than the next regular meeting.

Printer shall make affidavit.

SECTION 10. The city printer, 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 affidavit, or the affidavit of his foreman, of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance, by-law, or resolution, and the clerk shall file the same in his office.

Penalty for failure to deliver to successor.

SECTION 11. 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 the city, or pertaining to the office he may have held, he shall forfeit and pay for the use of the city one hundred dollars (\$100), 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.

No alderman shall be a party to any contract.

SECTION 12. 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 aldermen interested in the same.

Officers of the peace and their duties.

SECTION 13. The mayor, sheriff of Columbia county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Columbia county, constable, policemen and watchmen, 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 purposes may

command the assistance of all bystanders and if need be, of all citizens. And if any person, bystander or private citizen shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars (\$50); 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.

SECTION 14. The common council may elect a city surveyor, and prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the city clerk, and shall be open to the inspection of the public at all reasonable hours.

Election of city surveyor.

SECTION 15. All actions to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police and health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All forfeitures and penalties collected by any justice in such cases, shall be paid over to the city treasurer. Each justice shall report to the common council on the first Monday in January, April, July and October in each year, a statement of all such forfeitures and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer.

Actions to be brought in corporate name of city.

SECTION 16. The city assessor shall assess the real and personal property of said city at the time and in the manner for assessing towns; and his compensation therefor shall be fixed by the common council.

City assessor shall assess real and personal property.

SECTION 17. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council.

How to resign.

SECTION 18. The street commissioner shall perform such duties as shall be prescribed by the common council, and his compensation shall be fixed by the common council.

Performance of duty by street commissioner.

CHAPTER V.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

What constitutes the common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services except as members of the board of equalization. The style of all ordinances shall be: "The mayor and common council of the city of Columbus do ordain," etc. The common council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

First annual meeting.

SECTION 2. The common council shall hold its first annual meeting in each year on the second Tuesday of April, and thereafter, stated meetings at such times as it 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 judge of the election and qualification of its own members, and have power to compel the attendance of absent members; to enforce the rules of its proceedings; to punish by fine or imprisonment, or both, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two-thirds of its members, may expel any member for cause.

Council to have control of finances.

SECTION 3. The common council shall have the management and control of the finances, and of all the property belonging to the city; and shall likewise in addition to the power herein vested in it, 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 it 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, resolutions and by-laws, and such ordinances, rules, resolutions and by-laws are hereby declared to be and have the force of law; provided, that they be

Powers of council.

not repugnant to the constitution and laws of the United States or of this state, and for these purposes the common council shall have authority by ordinance, resolution or by-law:

1st. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard or bowling saloons, nine or ten pin alleys or shooting galleries, and to provide for the abatement and removal of all nuisances, under the ordinances of the city, the laws of the state, or at common law; and may grant licenses for and regulate groceries, taverns, victualing houses and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in, or vending spirituous, vinous or fermented liquors, at retail, shall not be less than seventy-five (\$75) nor more than two hundred dollars (\$200), and for dealing in or vending spirituous, vinous or fermented liquors at wholesale, shall not be less than twenty-five (\$25) nor more than fifty dollars (\$50) per annum; and that all such licenses hereafter 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 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. And further provided, that in case a license is surrendered before the close of the term for which the same was granted, the licensee shall not receive any rebate nor portion of the license money paid by him to the city.

To license shows, saloons, etc.

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 for the purpose of gambling, 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.

Gambling.

3d. To prevent any riots, noise, disturbance or disorderly assemblages; suppress and restrain disorderly houses or groceries, and houses of ill-

Riots and noise.

fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Unwholesome places.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, 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 and gunpowder.

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.

Horse racing, swimming, etc.

7th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the use and exhibition of stallions and jacks, the places and times of bathing and swimming in the waters within the limits of said city; and to prevent fast driving or riding over or upon any bridge in said city, and to prescribe a penalty for driving or riding over or on any such bridge faster than a walk.

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, and direct the muzzling of dogs, and to authorize the destruction of the same in a summary manner, when at large or unmuzzled contrary to the ordinances.

Unwholesome substances.

10th. To prevent any person from bringing, depositing or having within said city, any putrid carcasses or other unwholesome substances, and to require the removal of the same by any person, who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, 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.

11th. To make and establish public pounds,

pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, to erect lamps, and to regulate, license and suppress 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.

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

Boards of health.

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

Bread.

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

Riding and driving on sidewalks.

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

Fire-arms and crackers.

16th. 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 drunkenness.

17th. To restrain and regulate runners and solicitors for stages, public houses, or other establishments, and to establish and regulate the police of the city.

Runners and police.

18th. To establish public markets and to make rules for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Public markets.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meat, butter, fish and other provisions.

Provisions.

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 and fuel.

- Snow and dirt.** 21st. 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.
- Infectious diseases.** 22d. 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.
- Auctioneers.** 23d. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues.
- Watchmen.** 24th. To appoint watchmen and prescribe their duties.
- Weights and measures.** 25th. To provide for a standard of weights and measures, and for the punishment of the person using false weights and measures.
- Monuments.** 26th. To protect trees and monuments in said city.
- Sewers.** 27th. To prescribe and regulate the construction of sewers within said city.
- 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 incumbrances and to protect them from injury.
- Names of streets.** 29th. To alter or change the name of any street in the city.
- Make 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.
- Packing houses.** 31st. To direct the location and regulate and license breweries, tanneries and packing houses.
- Public parks.** 32d. To locate and lay out a public park, and to appropriate money for the improvement of the same; provided, however, that the annual appropriation for such purposes, shall not exceed one-

half of one mill of the assessed valuation of the property, in said city for that year.

SECTION 4. All ordinances 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 of the city once, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book provided for that purpose; but before any of said ordinances 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.

How ordinances shall be passed.

SECTION 5. The powers conferred upon the 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. 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, or 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 the city, are hereby declared and shall be deemed public or common nuisances.

Shall not bar or hinder suits.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers or agents of the city, at such times as it may deem proper, and also at the end of each year, and before the time for which the officers of the 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 the 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 the 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 the city who may

Council shall audit accounts.

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.

CHAPTER VI.

Council shall have control of funds.

SECTION 1. All funds in the treasury, except state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, except as herein otherwise provided. All orders drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable to the order of the person in whose favor they were drawn, or to bearer.

Annual tax.

SECTION 2. The common council shall, annually, levy upon the taxable property of said city, to defray the current expenses of the city and its schools, a tax sufficient for that purpose.

Issue of bonds.

SECTION 3. The common council 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 especially 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 treasurer, 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 (\$3,000) in any one year, and the said taxes, when so levied, shall be collected at the same time as other city taxes are collected; provided further, that in temporary necessity the common council, by an affirmative vote of at least two-thirds of the aldermen elect, may borrow money in anticipation of the tax levy, not to exceed one mill of the assessed valuation of the assessed property in said city for such year, to be paid at a future day, not later than the first day of February next following the borrowing, with or without interest, such interest, however, not to exceed the rate of seven per centum per annum.

Levying of taxes.

SECTION 4. Taxes may be levied by the common council at any regular meeting, for the pay-

ment of any bonds, or any other evidence of debt hereafter issued or created in accordance with the provisions of this act, or by authority of law. Said taxes, when so levied, shall be collected at the same time as other city taxes.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the claimant thereof, or some person in his behalf.

Accounts to be verified.

SECTION 6. 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 the council to the circuit court of the county of Columbia, 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 the city clerk, the county judge of Columbia county, or a court commissioner of Columbia county, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court. The appellant shall, at the time of serving such notice of appeal, pay to the clerk one dollar for state tax, and one dollar for his fees for the return to be made by him, which costs shall, if the appellant is successful, be taxed against the city.

Right of appeal granted.

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 the said common council he may be required to do, and shall make out a brief return of the proceedings in the case before the council, with its 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 Columbia, 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 an allowance made by the common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by the council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recov-

Duty of clerk when appeal is taken.

ery; and when the amount of costs exceeds the sum recovered, judgment shall be entered against appellant for the amount of such excess.

No action unless an account is presented.

SECTION 8. No action shall be maintained by any person or corporation against the city of Columbus, upon any account, claim, demand or any cause of action wherein any money, judgment or judgment for damages is demanded, until such person or corporation shall have first presented his account, claim, demand or other cause of action duly verified, to the common council of the city of Columbus for allowance or adjustment. Neither the said city, nor any ward thereof, nor any officer of said city shall be liable for any damage that may happen, by reason of any defect in any sidewalk, bridge, highway or street in said city, unless the mayor or the common council shall have first had actual notice of such defect, and reasonable time thereafter to repair the same.

Decision of council to be final.

SECTION 9. The determination of the common council disallowing in whole or in part, any claim, demand or account of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, demand or account, unless an appeal shall be taken from the decision and determination of the common council as hereinbefore provided, or unless the 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, demand or account, duly presented to it, this chapter shall not be construed so as to prevent the institution and maintenance of an action by said claimant against the city.

CHAPTER VII.

OPENING OF STREETS AND ALLEYS.

Opening of streets and alleys.

SECTION 1. The common council shall have power to lay out public squares, grounds, 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 public squares, grounds, streets or alleys, or the enlarging of the same, the courses and dis-

tances, 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 given to the occupant or occupants of such land, if any there be, or if any portion of said lands shall not be in the 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 in the official paper four weeks successively, once in each week.

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 county judge or a court commissioner for the county of Columbia, for the appointment of twelve jurors, to view said premises, and to determine whether it will be necessary to take the same for the purposes specified in said petition.

Appointment
of jurors.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner 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 judge 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 city clerk, whether, in their judgment, it is necessary to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath before some competent person, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. Said oath shall be filed with the city clerk.

Proceedings to
condemn land.

SECTION 4. The city marshal shall serve the precept immediately on the jurors therein named, by reading the same to everyone that can be

Service of
precept.

found; and immediately after such service, he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Other jurors shall be appointed.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors shall view premises in a body.

SECTION 6. The said jurors, after having taken the oath as hereinbefore prescribed, shall fix a time and place, when and where they will hear any testimony to be offered by any party interested; they shall give notice of such time and place to every party interested, at least forty-eight hours before the time of the meeting. At the specified time they 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 public use, which said report, testimony and precept shall be filed with the city clerk 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 in its proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or at such future time as shall be necessary, and upon notice of at least forty-eight hours to the parties interested, 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 said property proposed to be taken, and to assess such damages and file their report, within the time limited, with the city clerk.

In case there is a building on premises.

SECTION 7. If there should be any building in whole or in part upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value

of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to him when removed.

SECTION 8. 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 the official paper three successive weeks, once 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. They shall have such time for this purpose as the common council may allow.

Ten days' notice to be given.

SECTION 9. If the owner shall refuse to take the building at the value when removed, 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' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

In case owner refuses to take building at value.

SECTION 10. 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 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. In the estimates of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or, if taken by the owner at the value when removed in such case, they shall only include the difference between such value and the whole esti-

Jurors shall assess damages separately.

mated value of such building or buildings, according to section 7 of this chapter.

If the land or buildings belong to different persons.

SECTION 11. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment, mortgage or other incumbrance, 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 shall be signed.

SECTION 12. The award of said jurors shall be signed by them and returned, together with the testimony taken, and the precept of the city clerk, within the time limited in such precept.

Right of appeal

SECTION 13. Any person whose property is taken, or against whom any assessment is made, may, within twenty days from the return of the jurors to the city clerk, appeal from said assessment of damages to the circuit court of Columbia county, by causing a written notice of such appeal to be served on the city clerk, and executing a bond in the manner prescribed in section 6, of chapter 6, of this act, and such appeal shall be tried by jury. The common council shall also have the right to appeal, by filing with the clerk a notice thereof within twenty days, as aforesaid.

Land shall not be appropriated until damages are tendered.

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

To be paid within one year.

SECTION 15. 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 so paid, tendered or deposited, all the proceedings in such case shall be void; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order in its pro-

ceedings to take and appropriate such lands for the purposes required.

SECTION 16. When the whole of any tract or lot or other premises, under lease or other contract, shall be taken by virtue of this chapter, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall, after the expiration of the time for appeal as herein provided, respectively cease, and be absolutely discharged.

Covenants shall cease on land taken.

SECTION 17. When only a 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, after the expiration of the time for appeal as herein provided, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned so 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.

When only a part is taken.

SECTION 18. When any known owner of lands or tenements affected by any proceedings under this chapter shall be an infant, or labor under legal disability, the judge of the circuit court of Columbia county, or the county judge of Columbia 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 chapter shall be served upon such guardian.

In case of minor.

SECTION 19. Whenever any public grounds, streets or alleys shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk, and a certified copy thereof shall be recorded and filed in the office of the register of deeds of Columbia county.

Survey to be made.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

SECTION 1. All property, real and personal, within the city, except such as may be exempt

Assessing and collection of taxes.

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 that are or may be conferred upon assessors of towns, 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 assessor, and make such rules and regulations in relation to revising, altering, or adding to such rolls, as it may, from time to time, deem advisable.

Assessment roll SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper, and shall fix a time and convenient place where he will hear any objections of parties, deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations or reductions as justice or equity shall require; provided, the time of hearing such objection shall not be more than one week from the expiration of such notice.

Return of assessment roll. SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city.

Omissions. SECTION 4. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of any of the three next previous 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 so 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 whatsoever hands they may have come. Whenever a re-assessment shall become

necessary for any cause mentioned in the revised statutes, or any law amendatory thereof, the common council shall make such re-assessment conformably to the general laws of the state.

SECTION 5. The mayor, city clerk, city assessor, and the three supervisors shall constitute the city board of equalization, and 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 of review and equalization are by law required to proceed, as far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of equalization and the city clerk the clerk thereof.

Board of equalization.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk on or before the first Monday in August in each year. Thereafter and before the first day of December in each year, the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Roll shall be revised and corrected.

SECTION 7. All changes of the assessment roll by the board of equalization shall be duly recorded by the city clerk.

Changes to be recorded.

SECTION 8. 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 on all personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal estate shall affect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Lien upon property.

SECTION 9. It shall be the duty of the city clerk, immediately after having received the corrected assessment roll, and a certificate of the amount of state, county and county school taxes apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto five per cent. for the expense of collection, in an additional

City clerk to carry out taxes.

column prepared for that purpose in the assessment roll, entering opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent, when less than one-half, otherwise reckoning said fraction as a cent.

Duplicate
copies.

SECTION 10. The city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, called the tax roll, and deliver the same to the treasurer on or before the second Monday in December in each year, provided that the city treasurer has filed with the clerk, the receipt of the county treasurer for his bond for state and county taxes.

SECTION 11. To each assessment roll and tax roll, a warrant under the hand of the mayor and city clerk, and the corporate seal of said city shall be annexed, substantially in the following form:

Form of war-
rant.

THE STATE OF WISCONSIN,

To A. B., treasurer of the city of Columbus, in the county of Columbia:

You are hereby commanded to collect from each of the persons and corporations named in the annexed tax roll, and from the owners or occupants named of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation, upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fee, you are first to pay to the treasurer of said county, on or before the last Monday in January next, the sum of ——— dollars for state taxes; you are to retain and pay out as city treasurer, according to law, the sum of ——— dollars; and the balance of said moneys you are required to pay to said treasurer for county purposes, on or before the day above specified; by which day you are further required to make return to said treasurer of this warrant, with said roll annexed, together with your doings thereon, as required by law.

Given under our hands and the corporate seal of the city, this —— day of ——, A. D. 18—.

J. H., Mayor.

[L. S.]

C. D., City Clerk.

SECTION 12. The said assessment roll or tax roll and warrant thereto attached, or either of them, shall be *prima facie* evidence in all courts, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal. Prima facie evidence.

SECTION 13. 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 treasurers to collect taxes, except as herein provided. General laws to be in force.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice, in the official paper of said city, that such tax list (describing for what purpose such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office at any time prior to the tenth day of January, next ensuing the date of said notice. If the taxes are not paid within said time, he may then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city. Notice to be given.

SECTION 15. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. on all taxes collected by or paid to him, prior to the tenth day of January in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the said tenth day of January; and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep, in a book to be provided for that purpose, a true account and statement of all fees by him Treasurer's fees.

received, as city treasurer, from any source whatever, and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

State tax to be paid.

SECTION 16. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax assessed upon the lots and tracts of land, and personal property in said city.

Only directory.

SECTION 17. All the directions hereby given for the assessing of lands and the levying and collecting 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 assessment.

Proceedings to set aside assessment.

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment or special tax, hereafter levied or assessed upon any lot or tract, or to set aside, or to set up or interpose any objections to the title derived by virtue of any tax deed, executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such person shall first pay, or tender to the proper party, or deposit for his use with the city treasurer, the amount of all state, county and city taxes that remain unpaid upon such lot or tract, together with the interest and charges thereon.

Delinquent tax payers.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things according to the revised statutes of this state, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said revised statutes.

CHAPTER IX.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have 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 2. The common council shall have 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 it 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.

Construction of chimneys.

SECTION 3. The common council shall have full power to purchase fire engines and other fire ap-

Purchase fire-engines.

paratus, 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. The common council shall appoint one chief engineer and one assistant chief engineer of the fire department, at such times as it, by ordinance, may ordain. The city clerk and city treasurer shall be ex-officio, respectively, clerk and treasurer of the fire department of said city. 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 this 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 4. The common council shall appoint one fire warden for the city, who shall perform, such duties as the common council may prescribe, and he may at any time enter into any building, house, store, barn or enclosure, for the purpose of inspecting the same.

Fines to be paid into treasury for fire department.

SECTION 5. 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 refusing to obey lawful orders of engineer.

SECTION 6. 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. (§20.)

SECTION 7. 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 name as it 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 said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Columbus, and are hereby vested with all the power and authority which now is, or may be hereafter 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 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 service 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.

Sack company
and its duties.

SECTION 8. The city treasurer of the fire department shall receive and pay out all moneys belonging to said department. Such moneys shall only be paid out on order signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of the department.

City treasurer
of fire department.

SECTION 9. There shall be elected by the members of each company, annually, at their respective annual meetings, a clerk and a treasurer of each company. The respective clerks shall, on the first Monday in May and on the first Monday

Fire companies
to have clerks
and treasurers.

in November, in 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 to the city clerk, and his certificate returned.

Clerk to keep records and other duties.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter; and no person shall be exempt from jury duty unless the name is entered on such record. 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 Columbia, 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.

Tax on insurance companies.

SECTION 11. There shall be paid on the first day of February in each year, to the treasurer of the fire department of the city of Columbus, by every underwriter who shall effect any insurance, and by every person who shall act as agent for any fire insurance corporation, or underwriter whatever, a duty of two per centum upon the amount of all premiums, or which during the year or a part of the year ending on the next preceding first day of January, shall have been received by such underwriter or agent, or by any other person for him, or shall have been agreed to be paid for any insurance effected, or agreed to be effected, or promised by him or such agent or otherwise, against loss or injury by fire in said city. Any person who shall wilfully omit to pay such duty shall, for each offense, forfeit twenty-five dollars (\$25), to be collected by the treasurer of the fire department for the use of said department.

CHAPTER X.

ACTION TO RECOVER PENALTIES, ETC.

Regarding actions to recover penalties.

SECTION 1. All actions brought to recover any fine, 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 sufficient to allege in the complaint that the defendant has violated the law, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation, which is claimed to have been violated; and when such section, by-law or regulation imposes a fine, penalty or forfeiture for several offenses, or delinquencies, the complaint shall specify the particular offense or delinquency, for which the action is brought.

SECTION 2. All prosecutions for a violation of any of the provisions of this act, or of any ordinance, by-law or regulation of the city, shall be commenced by sworn complaint and warrant. The complaint shall be made on the oath of the complainant, and no other affidavit shall be necessary. Prosecutions.

SECTION 3. The complaint may be substantially in the following form: Form of complaint.

The city of Columbus against _____
 STATE OF WISCONSIN, }
 County of Columbia. } ss. In Justice's Court.

A. B., being duly sworn, complains on oath before J. P., justice of the peace in and for the city of Columbus, in said county, that C. D., on the _____ day of _____, 18—, at said city, did violate (section _____ of chapter _____ of this act, or section _____ of ordinance No. _____, passed _____, 18—, describing such ordinance by its title) _____ (describing the special act complained of), which said section is now in force, as this complainant verily believes; and prays that the said C. D. may be arrested and held to answer to said city of Columbus therefor. A. B.

Subscribed and sworn to before me this _____ day of _____, 18—.

J. P., Justice of the Peace.

SECTION 4. Upon filing such complaint, and after examination of the complainant under oath, the justice of the peace shall issue a warrant, which may be substantially in the following form: Form of warrant.

COUNTY OF COLUMBIA, }
 City of Columbus. } ss.

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

Whereas, A. B., has this day complained to me

in writing, on oath, that C. D., on the —— day of ——, 18—, at the city of Columbus, in said county, did violate (state as in the complaint), which said section is now in force, as the complainant verily believes; therefore you are commanded to arrest the said C. D., and bring him before me forthwith, to answer to the city of Columbus on the complaint aforesaid.

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

J. P., Justice of the Peace.

How warrant is served.

SECTION 5. Such warrant shall be served in the same manner as criminal warrants are served, issued by a justice of the peace. Upon return of the warrant with the accused, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause; and the complainant may consent to an adjournment in behalf of the city. If the case be adjourned, the defendant, if required by court so to do, shall recognize with surety to be approved by the court, for his 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 Columbia 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 which pertains to the defense of the action.

Names of jurors to be made.

SECTION 6. After joining of issue, and before the court shall proceed to an investigation of the merits of the case, if a jury be demanded by either the complainant or defendant, the court shall direct the marshal or any constable of the city, to make a list in writing of the names of eighteen inhabitants of the city, qualified to serve as jurors in the courts of record of this state, from which list the complainant and the defendant alternately shall each strike off six names, and all other provisions of law relating to jury trials of civil cases before justices of the peace, shall be applicable to jury trials under this charter.

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 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.

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

Witnesses and jurors to attend without payment of fees.

SECTION 9. In city prosecutions the verdict of the jury, or the findings of the court shall be 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 shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue a commitment, and shall determine and enter upon his docket the length of time the defendant shall be imprisoned, in case the fine, penalty or forfeiture, together with all costs of prosecution and committal are not paid, which time shall not be less than twenty days nor exceed six months, and also insert such time in the commitment.

Finding of jurors.

SECTION 10. Such commitment may be substantially in the following form:

Form of commitment.

COLUMBIA COUNTY, }
 City of Columbus. } ss.

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

Whereas, the city of Columbus, on the _____ day of _____, 18—, recovered a judgment before the undersigned justice of the peace in and for the city of Columbus, against one C. D., for the sum of _____ dollars (\$—) fine (or penalty or forfeiture, as the case may be), and for _____ dollars, costs of suit, for the violation of (section _____ of chapter _____ of this act, or section _____ of ordinance No. _____, stating the offense as in the complaint), and whereas, it was further ordered and adjudged that the defendant in default of the payment of such fine (or penalty or forfeiture) and costs be imprisoned in the common jail of Columbia county until such fine (or penalty or forfeiture), together with all costs, fees and legal

expenses be paid, not exceeding, however, the term of ——— days; and whereas, such sum of money may not have been paid, now, therefore, you are commanded forthwith to take the body of said C. D. and him convey and deliver to the keeper of the common jail of Columbia county; and the said keeper is hereby commanded to receive and keep in custody in said jail the said C. D., for the term of ——— days, unless the aforesaid sums of money and all legal expenses and fees are sooner discharged, or he be discharged by due course of law.

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

J. P., Justice of the Peace.

Defendant may
appeal.

SECTION 11. In all cases where judgment is rendered against a defendant for the recovery of fines, forfeitures 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 Columbia; provided, such defendant, within twenty-four hours after the judgment is rendered, enter into a recognizance, with two or more sufficient sureties, to be approved by such justice, conditioned to appear before said court, and that in case the judgment appealed from should be affirmed, or the appeal be dismissed, the sureties will pay the judgment and costs. The justice, from whose judgment an appeal shall be taken, shall, within ten days, make a return of the proceedings had before him, to the circuit court of Columbia county, and at the same time file with the clerk of said court, all papers in the action, together with a certified copy of his docket in the case. He shall also give notice of the appeal to the common council. The city may appeal from any such judgment as in civil cases before justices of the peace. The state tax and the fees of the justice shall be paid by the city, and included afterward in the costs against defendant, if the judgment is rendered against him. In case of appeal on the part of the city, it shall not be necessary for the city to give any bond or surety on such appeal.

Appeal to stand
for trial.

SECTION 12. 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 return has been made as

provided in the preceding section, and notice of trial may be given by either party as provided in actions in circuit court.

SECTION 13. If the judgment of the justice 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 is prosecuted, and enter judgment against him and his sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of torts.

Court shall inflict the penalty if affirmed.

SECTION 14. 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.

Shall not work incompetency.

SECTION 15. When any suit or action shall be commenced against said city, the service of process may be made by leaving a copy of the summons with the mayor and clerk of said city, and it shall be the duty of said mayor forthwith to inform the common council of such service.

Service of process.

SECTION 16. All fines, penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter 9 of this act.

Fines to be paid into city treasury.

SECTION 17. 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.

Property exempt from taxation.

SECTION 18. When a final judgment shall be recovered against the city of Columbus or against any city officer, in any action by or against him in his name of office, when the same should be paid by the city, the judgment creditor, his assignee or attorney, may file with the city clerk a certified transcript of such judgment or of the docket thereof, together with his affidavit, showing the amount due thereon, and all payments made, if any, and that the judgment has not been appealed from or removed to another court, or if appealed or removed, that it has been affirmed;

Judgments against the city.

and thereupon the city clerk shall assess on the next tax roll, the amount of such judgment with interest from the date of such judgment until the first day of February next ensuing the date of the tax warrant; and the said judgment and interest shall be collected and returned as other taxes, and when collected shall be paid to the party entitled thereto on the first day of February after the levy of the taxes. But if such judgment be appealed from according to law, before the city taxes shall be levied according to law, then such judgment shall not be included in such tax roll; provided, however, that the common council at its next regular meeting after such transcript or copy of docket has been filed with the clerk, may provide for the payment of the judgment out of the general fund of the city. No execution shall issue on any such judgment, except by leave of court, on motion, after failure of the remedy provided for in this section.

City property
free from at-
tachment.

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 on any judgment against said city.

Pardon power
by mayor.

SECTION 20. The mayor shall have power to grant pardons or commutations after convictions, for 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. No penalty or judgment recovered in favor of the city, except such as may be recovered in justice court for violation of city ordinances, shall be remitted or discharged, except by a two-thirds vote of all the aldermen elect.

CHAPTER XI.

IMPROVEMENT OF STREETS AND SIDEWALKS.

Street improve-
ments.

SECTION 1. Every ordinance providing for the construction or reconstruction 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 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, shall not be passed or adopted, sooner than fourteen days after the introduction thereof, nor until one week after the proceedings of the council had relative thereto, at the meeting when such ordinance was introduced, shall have been published in the official paper of said city.

SECTION 2. The common council shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as it shall deem expedient; provided, that whenever it 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 his right of action against the city for the recovery of such damages. Grade of streets.

SECTION 3. It shall be the duty of the city marshal to see that all the ordinances of the city relating to the obstructions and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept. The street committee shall have a general supervision over all works let by contract, for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide. Duty of city marshal.

SECTION 4. Sidewalks shall be constructed or reconstructed 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, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered; if the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, 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 responsible bidder, and notice shall be given by publication in the official paper of the city, at least one week, of the time, place and manner of receiving such bids. In case of failure to receive any bid, or in case the common council shall reject the bid or bids received as exorbitant, or in case the bidder be deemed irresponsible, then the common council, by an affirmative vote of the aldermen-elect, shall have power to order the Sidewalks to be constructed on grade.

building or reconstructing of such sidewalk, to be done by the street commissioner, who, after the work is completed, shall make a full and detailed report, under oath, to the city clerk of the expense of such work. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be so constructed, sufficient to pay the cost of constructing the same; provided, 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.

Respecting re-
pair of side-
walks.

SECTION 5. Whenever a sidewalk shall be out of repair, or be in a dangerous condition, the mayor or any alderman, or the street commissioner, or the marshal, shall serve a written notice upon the owner or occupant of the lot adjacent to such defective sidewalk, if a resident of the city, to immediately repair the same; and if said owner or occupant shall fail to repair the same within a reasonable time, not exceeding twenty-four hours, then in that case, the defective sidewalk shall be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk. When the repair is completed, the street commissioner shall make out an itemized bill of the costs of such repair, specifying the lot or block or piece or parcel of land in front of which said work was done, duly verified by oath, and shall deliver 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 Columbus, for payment, or to his agent, or to the occupant of such lot or lots or parts of lots; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same within 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 Columbus or has no agent then known to the city clerk or street commissioner, then the city clerk shall report said account to the common council, who shall thereupon levy a special tax to pay for the same in the same manner as before provided.

SECTION 6. The common council 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 gutter, or the making of improvement on or along any street or highway in said city, which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said 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 owner or owners of such lot or lots or pieces of ground to construct the same.

SECTION 7. The common council shall have power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading and paving and repairing and cleansing of streets and parts or streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner hereinafter mentioned, and direct and control the persons employed thereon.

Construction of gutters to be let by contract.

SECTION 8. 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 costs and expenses of opening, grading, graveling, planking or paving of streets and alleys shall be paid out of the road fund hereinafter provided for; provided, however, that the common council may, by ordinance, make such costs and expenses, or part thereof, as it may direct, chargeable to the lots or parcels of land fronting on such street or alley, or that each lot or parcel of land shall pay for work between the front of such lot or parcel of land, and the center of such street. Sewers and gutters may be ordered by ordinance to be built at the expense of the lots or parts of lots, which may be benefited by such sewers or gutters, and which shall front upon the side of the street along which such sewer or gutter shall be constructed; provided, however, that when sewers or gutters are constructed through alleys, no lot shall be charged 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,

Costs of surveying streets to be paid by city.

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.

Street committee, how elected.

SECTION 9. The street committee, which shall be elected by the common council from its members, at the first regular meeting in each year, shall, on or before the first day of May, in each year, and afterwards when necessary, or when required by the common council, make a report to the common council of all necessary and needed improvements in the streets and highways within the city, for the next ensuing year, and when, in the opinion of the street committee, the grading or graveling or stoning of streets or highways shall be necessary in a width over sixteen feet, they shall submit such suggestion to the common council, and not commence on such work unless so authorized by the common council.

Estimates of cost of improvement first to be made.

SECTION 10. Whenever the common council shall determine to make any public improvement, chargeable upon any lot or lots or parcels of land, as authorized by this chapter, it 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 exe-

cuted 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 one week 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 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.

SECTION 11. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and land fronting on such deep cutting, or filling shall deem themselves aggrieved thereby, and shall represent to the council, in writing, that the expenses of such excavation or filling will exceed the proportion, that should be justly or equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, not residents of the ward nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if, in their opinion, the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the streets, so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof, in writing, as soon as practicable, within ten days after such examination, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided; in case such owners shall not do such work, the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit, as determined by said jury. The sum so assessed shall become a lien upon the

Where deep cutting is called for.

premises assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments, for improvements are collected; provided, that should said jury find that said petitioners were not entitled to any division of the expense, so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition; provided, also, that the petition of no owner feeling himself aggrieved shall be received, unless the same be presented within twenty days after the publication of the notice requiring the same to be done: and, provided further, that when it shall appear to the council that any such lands belong to non-residents, infants, or persons laboring under legal disability, who shall not be represented by an agent, or guardian, or not to be benefited by the making of streets in front of such lots or lands, to the amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury, as herein provided.

All work to be done under supervision of street committee.

SECTION 12. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by it before it shall be accepted by the council; provided, that, whenever upon complaint made to, and the common council shall deem any lots injurious to public health, by reason of stagnant water, or from any other cause, it may order that such nuisance be abated by draining or filling such lot, or in any other manner, by the owner or occupant of such lot, and upon their failure so to do, the street committee, by order of the common council, may abate, or cause to be abated, at the expense of such lot, by taking the same proceedings as are required for the building of a sidewalk.

When contract or entitled to certificate.

SECTION 13. Whenever any work has been done under contract as provided in this chapter, and the work shall have been approved by the mayor, and street committee, 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 indorsement 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; 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 or vitiate 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 14. The common council of the city of Columbus, shall, on or before the first Monday in May in each year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets, highways and bridges in said city, which amounts shall not be less than one (1) or more than five (5) mills, on the dollar upon all of the taxable property of said city, as the same shall appear by the last assessment roll of said property.

Highway tax
when levied.

SECTION 15. The city clerk shall, within fifteen days after said highway tax shall be so levied, make out and deliver to the city treasurer, a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year, and if such lot or tract was not separately described in such roll, then in such proportion to the valuation, which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of each person or persons, corporation or corporations to whom each item of taxable property upon said list is to be assessed. And the highway tax so levied, when collected, and the poll tax hereinafter provided for, shall constitute the road fund of the city of Columbus, which shall be disbursed and used

List of all persons
liable to
pay highway
tax to be made.

under and by direction of the street committee. The treasurer shall receive as his fee for collecting such road fund, two per centum of all moneys collected on said tax lists, on or before the first Monday in November in each year, and he shall retain his fees out of said fund.

Form of tax
warrant.

SECTION 16. The city clerk shall make a duplicate of such highway tax list, and shall annex to each such tax list a warrant, signed by the mayor and clerk, under the corporate seal of the city, substantially in the following form:

COLUMBIA COUNTY,)
City of Columbus.) ss.

The state of Wisconsin to A. B., treasurer of the city of Columbus:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property within the time limited by law, and to apply the taxes by you collected, and make due returns as the law requires.

Dated this _____ day of _____, 18—.

(Seal.)

J. H. _____, Mayor.

C. D. _____, City Clerk.

One of said lists shall be filed in the office of the city clerk, and the other the city clerk shall deliver to the city treasurer.

Collection of
taxes.

SECTION 17. The city treasurer shall have the same powers, and proceed to collect said taxes in the same manner as in the collection of general taxes, and in case the said treasurer shall be unable to collect any portion of said tax, he shall, on or before the first Monday in November in each year, make out and deliver to the city clerk of said city a list of all such unpaid taxes, which list shall contain the names of all persons, corporation or corporations, and the description of all real estate or personal property included in said tax roll, and the amount of such tax against each of such descriptions or items so uncollected, which said list shall be sworn to by said city treasurer before some officer authorized to administer oaths.

Delinquent tax
roll.

SECTION 18. Upon the receipt of such list, the city clerk shall, at the time of making out the general annual tax roll of said city for that year, place in a separate column on said roll, the amount

of said delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

SECTION 19. Every male inhabitant of the city of Columbus, over twenty-one years of age, and under fifty, except active members of the fire department, and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually the sum of one dollar each, as poll tax. It shall be the duty of the assessor of the city of Columbus, during the month of April, to make out duplicate lists of all persons liable to pay said tax in the city of Columbus, and said assessor shall, on or before the first day of May of each year, deliver said lists to the city clerk, who shall annex thereto a warrant, signed by the mayor and clerk, under the corporate seal of the city, substantially in the following form:

COLUMBIA COUNTY,)
City of Columbus.) ss.

The state of Wisconsin to A. B., treasurer of the city of Columbus, in said county: Form of warrant.

You are hereby required to collect from each of the persons named in the annexed tax list, the sum of one dollar as poll tax, within the time limited by law, and to apply the taxes by you so collected and make due return thereof as the law requires.

Dated this ——— day of ———, 18—.

(Seal.) J. H. ———, Mayor.

C. D. ———, City Clerk.

The clerk shall file one of said writs in his office and deliver the other to the treasurer, who shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax who shall not have paid the same after demand, either personally or by written notice left at their usual place of abode, on or before the first day of July of each year, shall be liable to and pay a penalty of two dollars (\$2) in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer, in the name of the city of Columbus. The process in each case shall be by warrant, as provided for in chapter 9 of this act, entitled "actions to recover penalties," etc.; and in case judgment shall be rendered against the defendant in such action, and he shall refuse Duty of clerk in relation thereto.

or neglect to pay such judgment, he shall be imprisoned in the county jail ten days. The mayor, city clerk and treasurer shall constitute a board, to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board, within twenty days from the time when said list shall be delivered to the treasurer as aforesaid.

CHAPTER XII.

PUBLIC SCHOOLS.

Public schools. SECTION 1. The common council shall annually at its regular meeting in May, or as soon thereafter as may be, by ballot, elect from the city at large, one school commissioner, whose term of office shall commence on the first Monday in July after his election, and who shall hold office for three years, and until his successor has been elected and qualified; provided, however, that the common council by a vote of two-thirds of its members may, for misconduct or other sufficient cause, remove any school commissioner elected.

Board of education. SECTION 2. The school commissioner so elected shall form the board of education of the city of Columbus, 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 fill by an election, as before provided, any vacancy, which may occur in the board of education by resignation or otherwise.

Duties of board. SECTION 3. The board of education shall, at its first regular meeting, which shall be held on the first Monday of July in each year, or within fifteen days thereafter elect some suitable person as city superintendent of schools, whose term of office shall commence on the second Monday of July, and who shall hold his office for one year and until his successor shall be elected and qualified, unless sooner removed by a two-thirds vote of the council, or by a two-thirds vote of all the members elect of the board of education, for misconduct or other sufficient cause.

Further duties. SECTION 4. The board of education shall, annually, at its first regular meeting, 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 sign all orders

drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, (not including superintendent's and secretary's salaries). 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 on any other question the ayes and noes shall be called when any member shall request it; provided further, that in the absence of the president the board shall elect a president *pro tempore*.

SECTION 5. The board of education shall hold 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.

Further duties.

SECTION 6. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be fixed yearly by the common council.

Salary of city superintendent.

SECTION 7. The duties of the board of education shall be as follows:

Duties of board of education.

1st. 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 duties as such, he shall enter into a written contract, which contract shall be signed by such teacher, and in behalf of said board, by the president of the board and by the secretary of the board. Such contract shall be made in duplicate, and one copy thereof filed with the secretary, and the other copy delivered to the teacher.

2d. 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.

3d. To establish rules and regulations for schools not in conflict with the constitution or laws of this state; but the common council may, in its discretion, do away with, annul or abrogate

any such rule or regulation by a two-thirds vote of the whole number of aldermen elected.

4th. To make contracts for fuel, stationery, and articles of furniture required for the use of the schools; to make contracts for all necessary repairs in school houses, lighting fires, sweeping school rooms, etc.

5th. The said board shall, annually, on or before the first day of October in each year, submit a statement to the common council, showing the amount of teachers' wages that have accrued and become due during the preceding 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 with the teachers and the amount of salary to be paid, and of all other expenditures made or authorized by said board, at the time the same shall be made or authorized, which book or books shall be subject to inspection, in the same manner as the records of the proceedings of said board, and it shall at the same time submit for the consideration of the common council, a statement of the estimates 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 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.

Respecting repairs on school buildings.

SECTION 8. Whenever repairs to a larger amount than one hundred dollars (\$100), shall, in the opinion of the board, be required for any one school house, it shall cause a statement to be made showing the repairs required, and an estimate of the costs 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 shall submit the same for the consideration of the common council, who shall forthwith take measures to raise a tax to defray the costs of such repairs, or the erection of

such building or buildings, and the purchase of a site or sites; provided there shall be a majority vote of the whole number of aldermen in favor of the same; 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 common council.

SECTION 9. It shall be the duty of the board of education to audit each and every indebtedness of said city for school purposes, and to issue orders therefor on the city treasurer, payable out of the school fund, signed by the president and secretary of the board, and all accounts to be audited except for teachers' and janitors' wages, must be verified by the claimant or some person in his behalf. All moneys received by, or raised in the city of Columbus for school purposes, shall be distributed only on such orders of the board of education, and in no other manner. All such orders shall specify the purpose for which they were drawn, and shall be payable to the order of the person in whose favor they may be drawn, or to bearer.

Duties of board of education.

SECTION 10. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

Board shall have no interest in any contract.

SECTION 11. The duties of the city superintendent shall be as follows:

Duties of city superintendent defined.

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, and to report the names of all persons to whom certificates have been granted, and the grade of certificate granted to each, immediately after each examination.

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.

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

4th. To report for 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.

5th. To report in writing to the board of education at each 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 report, to make such recommendations as shall, in his judgment conduce to their welfare, and perform such other duties and make such other reports as may be required of him by the board.

6th. He shall attend all the meetings of the board, and there make any suggestion he may think advisable relative to the government of the schools in said city; and shall be the secretary of the board of education.

SECTION 12. The duties of the secretary of the board of education shall be as follows:

1. He shall attend all meetings of the board, and, when absent from the city, or otherwise prevented from attending, one of the board of education may act as secretary *pro tem*.

2. He shall keep a record of the proceedings of the board, and shall preserve all papers and records of said board, and shall draw and countersign all orders payable out of the school fund when authorized by a vote of the board.

3. He shall keep such books as may be necessary for the business of the board of education.

4. He shall, annually, at the time fixed by law, take the census of all children, male and female designated separately, over the age of four and under twenty years, residing in the city, and the names of the parents or other persons with whom such children reside, respectively.

5. He shall make the annual report of the schools of the city to the superintendent of public instruction as provided by law.

Title of school property shall be vested in city.

SECTION 13. The title of the school houses, sites, furniture, apparatus and appurtenances, and all other property herein mentioned, shall be vested in the city of Columbus; and the same, while used or appropriated for school purposes shall not be levied upon or sold, by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the said city shall be able to take, hold and dispose of any real or personal estate, transferred to it by gift, grant, bequest, or devise, for the use of the schools of said

city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any person or persons or body, for the use of said schools.

SECTION 14. The state board of education shall have power to permit the children of persons not residents of said city, to attend in either of the schools therein under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition which shall be paid therefor. Permits to so enter the schools shall be issued by the city superintendent, but no such permit shall be issued which will interfere with the proper instruction of resident pupils. He shall report his actions under this section to the board of education as often as may be required, and he shall not issue any greater number of permits than may be authorized or sanctioned by the board of education. All permits shall specify the amount to be paid of [by] such non-resident pupil, and no such pupil shall be admitted to any school of the city until he has exhibited the receipt of the city treasurer, that the amount specified in such permit has been paid to him. At the end of each term and at such other times as may be required by the board, every teacher who has admitted to the school under his charge any non-resident pupil, under the superintendent's permit, shall return to the board of education the permit under which the pupil was admitted. All moneys so received for tuition shall become a part of the school fund of said city. But in case of sickness of a non-resident pupil, or in case of other unavoidable circumstances, which would hinder such pupil to attend for the term paid for, the board of education may refund the tuition fee for the time such pupil did not attend; but this provision shall not apply to cases where pupils are dismissed or expelled from the schools.

Outside children may attend city school by payment of tuition.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city or either ward may, in the discretion of the council, unless otherwise provided in this act, be let by contract to the lowest responsible bidder, and then at least one week's notice shall be given of the time and place of letting such contract. All printing for the use

All city work may be let by contract to lowest bidder, including printing, etc.

of the city of Columbus, or any of its departments, except such as is provided in section nine of chapter four of the amended charter, shall be let to the lowest responsible bidder, and the city clerk shall give due notice, in writing, to all printers in said city, previous to a regular meeting of the common council, for sealed bids or proposals for certain job or jobs, which the city or any of its departments may need, and the city clerk shall open all bids for such printing, in presence of the common council, and the common council shall then award the contract to the lowest responsible bidder; provided, however, such bid is a reasonable one; and provided further, that the common council shall have the right to reject all bids deemed exorbitant; and the common council shall, if deemed necessary, order the clerk to send for bids from printers outside of the city, and award to them the contract or contracts, if their rates are more acceptable to the common council. The provisions of this section shall not apply to the printing necessary for the use of the board of education, but such printing for the use of such board shall be let to the lowest responsible bidder by the board of education, in the same manner as herein provided for letting the printing for the use of the city.

Credit of city shall never be loaned.

SECTION 2. The credit of the city shall never be given or loaned in aid of any individual, association or corporation. No appropriation shall be made, except by a majority vote of all the aldermen-elect, unless otherwise herein provided; and no money shall be appropriated for any purposes whatever, except such as are expressly authorized by this act.

Annual account to be published.

SECTION 3. The common council shall annually, in the month of March of each year, publish an account of the receipts and expenditures of the city for the information of the citizens.

New and accurate surveys may be ordered.

SECTION 4. 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 it may 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 re-

corded in the office of the register of deeds of the county of Columbia.

SECTION 5. The surveys and land marks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

New surveys to be prima facie evidence.

SECTION 6. The common council may, at such time as it 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, one of which shall be filed in the office of the register of deeds of Columbia county; 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 committees 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.

Establishing grades.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience 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 hold and purchase real estate.

SECTION 8. Real estate exempt from taxation by the laws of this state, shall be subject to special taxation for building sidewalks, sewers or gutters and other improvements of the streets in front of the same, or other real estate under this act.

Special taxation.

SECTION 9. When the city of Columbus 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 Columbus, and the person or persons authorized to execute such deed, or lease, need not be named in the body thereof.

Title of deeds.

SECTION 10. 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 under and direct him so to do, to execute a deed or lease of such real estate, or interest therein belonging

Deeds shall be signed by the mayor.

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.

Clerk shall attach copy of ordinance to lease.

SECTION 11. 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.

Organization shall not be absolved for failure to hold election.

SECTION 12. If any election by the people or the 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 and performed.

Not repealing.

SECTION 13. 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.

Appropriation.

SECTION 14. The common council shall have power to appropriate annually, a sum not exceeding five hundred dollars (\$500) to any public purpose it may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Respecting moneys received from licenses.

SECTION 15. All moneys derived from licenses for the sale of intoxicating, spirituous, vinous, malt or fermented liquors within the city, shall constitute the license fund of the city of Columbus, and shall be expended and disbursed as the common council may direct. All disbursements and expenses heretofore paid out of such license fund,

and all appropriations heretofore made for the use of the city from such fund, are hereby legalized.

SECTION 16. In all cases where an action might be brought by the city of Columbus 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 if the complaint is made by any person other than a peace officer, or other officer of said city, the justice shall require security for costs as in civil cases before justices of the peace.

Actions against city, how commenced.

SECTION 17. The use of the jail of Columbia 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 such county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

Use of jail.

SECTION 18. The common council shall have power, to require the owner of any lot or grounds in the city, to set out ornamental trees in the street or streets fronting on the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same.

Ornamental trees.

SECTION 19. The right of the citizens of the town of Columbus, and the right of the citizens of the city of Columbus, to the use of the town cemetery for burial purposes, shall not be impaired, anything in this act to the contrary notwithstanding, and the citizens residing within said city shall always have and enjoy the same rights and privileges in said cemetery, as the citizens of the town of Columbus, and the said city shall contribute its just share of the expenses of maintaining said cemetery.

Use of town cemetery.

SECTION 20. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Public act.

SECTION 21. All acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, claims, suits, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating the city of Columbus or any of them, but the same shall

Repealing clause.

exist and be enforced and carried out and completed, as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.
Approved March 30, 1883.

[No. 140, S.]

[Published April 13, 1883.]

CHAPTER 182.

AN ACT to incorporate the city of Lake Geneva.

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

CHAPTER 1.

Corporate
name.

SECTION 1. All the territory hereinafter described, situated in the county of Walworth, shall, from and after the adoption of this charter as hereinafter provided, be a city by the name of Lake Geneva, and the people now inhabiting, and those that shall hereafter inhabit said territory, shall be a municipal corporation by the name of the city of Lake Geneva, and shall have all the general powers, rights and immunities possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, of 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.

Boundaries.

SECTION 2. All the territory in the county of Walworth and state of Wisconsin, included within the following described boundaries, shall constitute the city of Lake Geneva, to-wit: Commencing at the southeast corner of town two (2) north of range seventeen (17) east, in said county; thence north forty (40) chains in the east line of said town to the quarter section post therein; thence east four hundred sixty-six and sixty-nine hundredths (466 69-100) feet in the east and west quarter line of section thirty-one (31) in town two (2) north, of range eighteen (18) east in said county; thence north four hundred