

where the same is to be held shall be given as provided by the laws of this state.

Town super-
visors may
hold meetings
in city.

SECTION 138. It shall be lawful for the supervisors of said town, to hold their meetings for the transaction of town business, at any proper place within the city of Menomonie, and the town board may authorize and empower the town clerk and town treasurer of said town, to keep the books and papers in their respective offices at some suitable place within the limits of said city; provided, that the said city shall not be chargeable with, nor liable for any of the expenses arising or growing out of any of the provisions of this or the preceding section; and, provided further, that the place of meeting, and the places for the town clerk and the treasurer of the town, mentioned in this and in the preceding section, shall not be at any place or places of meeting of the common council, or of officers of the city without consent first being obtained of the common council.

Repealed.

SECTION 139. Chapter 102 of the laws of 1882, and all acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 140. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1883.

[No. 143, S.]

[Published March 22, 1883.]

CHAPTER 86.

AN ACT to incorporate the city of Edgerton.

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

Corporate
name.

SECTION 1. All that district of country herein-after described, from and after the first Tuesday in April, A. D. 1883, shall be a city by the name of Edgerton, and the people now inhabiting, and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of "the city of Edgerton," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and

being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SECTION 2. All of sections numbered three (3), four (4), and the northeast quarter ($\frac{1}{4}$) of section nine (9), and the north half ($\frac{1}{2}$) of section ten (10), all of town four (4), range twelve (12) east, all in the town of Fulton, in the county of Rock, state of Wisconsin, shall be included in, and constitute the limits and boundaries of the city of Edgerton. There shall be three wards, namely: Section three (3) shall be the First ward, section four (4) shall be the second ward, and the northeast quarter ($\frac{1}{4}$) of section nine (9), and the north half ($\frac{1}{2}$) of section ten (10), shall be the Third ward.

Boundaries,
city and ward.

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

Corporate
authority.

SECTION 4. The annual election for city officers, shall be held on the first Tuesday in April in each year, at such place as the common council shall designate; and polls shall be kept open from nine o'clock in the forenoon to five o'clock in the afternoon, with the proviso: That an adjournment may be had for one hour, between the hours of twelve o'clock M. and one o'clock P. M., upon due notice thereof given at the opening of the polls. Six days previous notice of such elections shall be given, signed by the clerk, stating the time and place of holding the same, and of the officers to be elected, which notice shall be posted in three public places in said city.

Elections.

SECTION 5. The elective officers of said city, shall be a mayor, a treasurer, one assessor, a clerk, one constable, two justices of the peace and three aldermen. The treasurer, assessor, clerk, justices of the peace and constable, shall be qualified voters and residents of the city of Edgerton; and the mayor and aldermen shall be qualified voters and freeholders in the city of Edgerton, and [the] aldermen shall be residents of the respective wards which they represent. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council.

Officers to be
elected.

Of elective officers.

All elective officers, except justices of the peace, unless otherwise provided, shall hold their offices for one year and until their successors are elected and qualified; provided, however, that the common council shall have power, for cause, to expel any of its own members except the mayor, and to remove from office any officer or agent, under the city government, due notice in writing 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.

Vacancies.

SECTION 6. Whenever a vacancy shall occur in any office, such vacancy 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 shall be elected or appointed to fill.

Elections, how held.

SECTION 7. 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 casting lots in the presence of the common council, and in such manner as they shall direct.

Tie vote.**Qualified electors.**

SECTION 8. All persons who are qualified electors of the state of Wisconsin and entitled to vote at a general election, and who have been ten days next preceding any election, actual residents of the city of Edgerton, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections.

First election, when and where held.

SECTION 9. The first city election of said city of Edgerton, for the election of city officers, shall be held on the first Tuesday in April, 1883, in the office of R. R. Brown, in said city, and at the time of opening the poll at said first election, the electors, present, shall choose, *viva voce*, from the qualified electors present, three inspectors of election, and two clerks of election, and the persons so chosen to act as inspectors and clerks, shall, before entering on the duties of their offices, take and subscribe the oath required of inspectors and clerks of general elections. Six days' previous notice of said first election shall be given, signed by the sheriff of Rock county, Wisconsin, stating the

time and place of holding the same, and of the officers to be elected, which notice shall be posted in three public places in said city.

SECTION 10. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the requisite qualifications, or if any such vote shall be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be), that you are twenty-one years old; that you are a citizen of the United States (or have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin, one year; and that you are and have been for ten days an actual resident within this city, and that you have not voted at this election, and that you have made no bet or wager, depending on the result of this election." Which oath any member of the board of inspectors is hereby authorized to administer, and if the person so offering to vote, shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, 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 shall vote more than once at any one election, he 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 inspectors to keep a list of all the names of all persons whose votes may be challenged, and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of election, shall be the same as that provided by statutes of this state, for similar conduct at any general election.

Manner of challenging votes.

SECTION 11. When the polls of an election shall be finally closed, the inspectors shall proceed to count and canvass the votes in each of the boxes, one box being completed before another is opened, and shall make a return of the number of votes for each and every office, and the number of votes for each and every person for each and every office, and shall deliver such return to the city clerk, immediately after such election, and shall declare the result

Who shall canvass votes.

as it appears from the same. In all cases of the election, or appointment, of any person to office, the common council shall file with the clerk a certificate, signed by at least a majority of them, giving the name of the person elected or appointed, and the term for which he was so elected or appointed, and the clerk shall record such certificate in a book, to be provided for that purpose. Whenever a justice of the peace, or city marshal shall be elected or appointed, the clerk shall forthwith give notice thereof, in writing, to the clerk of the circuit court of Rock county, giving both the names and terms for which elected, and upon the election of mayor or treasurer, the clerk shall give like notices to the clerk of the board of supervisors of Rock county, and those county officers, upon receiving such notices, shall file the same in their respective offices.

Special elections.

SECTION 12. Special elections shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be provided by the common council.

What is deemed a vacation in office.

SECTION 13. Any officer removing from the city, or any officer who shall neglect or refuse for ten days, after his election or appointment, to qualify, and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

When term of office shall commence.

SECTION 14. The term of every officer elected under this act, except justices of the peace, shall commence on the second Tuesday in April of the year for which, and in which, he was elected.

First election of officers.

SECTION 15. The first election of officers under the provisions of this act, shall be held on the first Tuesday in April, 1883; and at such election, one justice of the peace shall be elected for one year, and one justice for two years, and annually thereafter, a justice shall be elected for two years, and their terms of office shall commence on the first Monday in May; provided, that the justices of the peace now residing within the said city of Edgerton, shall hold their offices until their terms expire.

In case of failure to elect.

SECTION 16. Should there be a failure to elect any officers, 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 being first given.

SECTION 17. Every person elected, or appointed, Oath of office. 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. 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 Edgerton, a bond, with two sureties, to be approved by the common council or a majority thereof: and said common council may, from time to time, require new and additional bonds, and remove from office any officer refusing or neglecting to give the same.

SECTION 18. The mayor, when present, shall Duties of mayor. preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer, and the head of the police of the city; and in case of riot and other disturbance, or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall, in all cases, have a seat in the common council, and he shall vote in the common council only in a case of a tie vote; he shall give the common council such information, and recommend such measures as he may deem proper and advantageous to the city. The mayor shall have the power to veto any ordinance 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. In case of no session of the common council, on any day after the passage of the same, and before the expiration of said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not at the next ensuing meeting, re-enact such ordinance by the vote of two-thirds of the aldermen-elect, and cause the same to be published, the same shall be null and void. The mayor shall represent the said city in the county board of supervisors of Rock county, Wisconsin, and in his absence or inability to act, the common

council shall designate one of their number to represent said city. The common council shall, at its regular meeting, after its election, choose one of the board of aldermen, who shall be styled, president of the board of aldermen, and who, in the absence of the mayor, shall act as such mayor, and have and possess all the rights and privileges of such officer, and be subject to all the liabilities thereof, during the absence of such mayor.

Clerk.

SECTION 19. The city clerk shall perform all the duties required of him by law, and the ordinances of the city. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law, to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall perform the same duties in regard to common schools in said city, that are by the general laws imposed on town clerks. He shall draw and countersign all orders on the treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks; and the said clerk shall possess authority to administer oaths, and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Justice of the peace, and his jurisdiction.

SECTION 20. The justices of the peace elected under this act, or who hold over, shall have the same and equal jurisdiction, and perform all and like duties of justices of the peace under the general laws of the state of Wisconsin, and have furthermore, jurisdiction of all offenses against the provisions of this charter, and the ordinances, by-laws and police regulations of the common council of the city, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them, shall be approved by the mayor of said city.

Treasurer.

SECTION 21. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, and pay over all moneys in his hands according to law. He shall

keep in a proper book an account of all moneys received, and of all moneys paid out, and the same shall, at all times, be open to the inspection of the voters of the city. He shall make reports quarterly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out, and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine, or otherwise belonging to said city under the authority of this act, shall be paid into the treasury of the city, and shall not be drawn therefrom, except by an order issued by order of the common council, and signed by the mayor or acting mayor, and countersigned or attested by the city clerk. The treasurer shall have the same powers, and be subject to the same laws and liabilities, and governed by the same laws, as treasurers of towns in this state; provided, that he shall receive no other fees, except the compensation hereinafter provided.

SECTION 22. The marshal shall perform such Marshal. duties as shall be prescribed by the common council, for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend with or without warrant, any person in the act of committing offense against any ordinance of said city, or the laws of this state, and within a reasonable time bring such person before competent authority, for examination or trial, and for such services he shall receive such fees, as are allowed by law to constables for like services in this state. He shall have power to appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the

proper oath of office, which will be filed in the office of the city clerk, and when duly qualified as aforesaid, such deputies shall possess all the powers and authority, and be subject to the same liabilities with the marshal.

Penalty for failure to deliver to successor.

SECTION 23. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects, belonging to said city pertaining to the office, he shall forfeit and pay to the use of the city, one hundred dollars (\$100), besides all damages caused by his neglect or refusal to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by law in this state.

Shall not be interested in any job.

SECTION 24. No mayor or alderman shall be a party to, or interested in any job or contract with the city, and any contract or job in which they, or either of them may be so interested, shall be null and void, and in case any money has been paid on such contract, the common council may sue for, and recover back, the amount so paid from the parties to such contract, and the mayor or aldermen interested in the same.

Officers of the peace enumerated.

SECTION 25. The mayor, or acting mayor, each and every alderman, justice of the peace, marshal, deputy marshal, policeman and watchman, and constables, of said city, and the sheriff of Rock county and his deputies, shall be officers of the peace, and may command the peace, and suppress in a summary manner all riotous or disorderly behavior within the limits of said city; and, for such purpose, may command the assistance of all bystanders, and if any person, bystander, or private citizen shall refuse to aid in maintaining the peace, when so required, every such person so refusing, shall forfeit and pay a fine of not less than five (5) nor more than fifty dollars (\$50).

Duties of justices of the peace.

SECTION 26. The justices of the peace of said city, shall possess and exercise the same and like powers, jurisdiction and duties, and shall be subject to the same liabilities and regulations, as are conferred upon and required of justices of the peace of the several towns of this state. All prosecutions for a breach or violation of any by-law, ordinance or regulation, shall, in all cases, be commenced in the name of the city of Edgerton, and

the same proceedings shall be had in all civil and criminal actions before said justices of the peace, when not otherwise herein directed, as are established and required to be had in civil and criminal actions and proceedings by the laws of this state before justices of the peace; provided, that in a case of prosecution for a breach or violation of an ordinance, by-law or regulation of said city, on its charter, defendants shall have the same right of appeal under the same conditions and requirements, as now are, or may be provided by the laws of this state for taking appeals from justices' courts. All fines and penalties imposed for violation of any city ordinance, resolution, by-law or regulation, shall belong to and be paid over to the treasury of said city, and be a part of the finances thereof.

SECTION 27. The justices shall account for and pay over to the treasurer of said city, all fines and penalties collected by him, and belonging to said city, within ten days after receiving the same, and take his receipt for the same in the docket. Said justices of the peace shall be entitled to receive, in all cases had before them, in which said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state, in similar cases had before them.

Further duties
of justices.

SECTION 28. The city assessor shall assess the real and personal property of said city, at the time and in the manner provided for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and he shall receive a compensation therefor, as the common council shall prescribe, not exceeding two dollars (§2) per day.

Assessor.

SECTION 29. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges, and all things appertaining to the streets, and report in writing to the common council, recommending in his opinion, what is necessary and ought to be done thereto, in separate items, in the order of their first, second and third necessity, and so on to the end of his recommendations, under item number one, for the first necessity, item number two, for the second necessity, and so on to the end; and the city clerk shall lay said report before the common council

Street commis-
sioner.

for information, and the common council may order said street commissioner to put in repair any such street or sidewalk, if in their opinion it is a matter of necessity.

Further duties
of street
commissioner.

SECTION 30. It shall be the duty of the street commissioner, to see that all ordinances of the city relating to the obstructions and cleaning or closing of sidewalks, crosswalks, streets, bridges, alleys, public grounds, gutters, sewers and waters in said city are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, and shall receive therefor, such compensation as the common council shall prescribe, not exceeding two dollars (\$2) per day.

Who constitute
the common
council.

SECTION 31. The mayor and aldermen shall constitute the common council, and the aldermen shall be inspectors of elections, and shall not receive any compensation for their services, unless they be acting as inspectors of elections, and the style of all ordinances shall be, "The common council of the city of Edgerton do ordain," etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

First annual
meeting.

SECTION 32. The common council shall hold its first annual meeting in each year, on the first Tuesday after the regular city election, and thereafter, meetings at such times, as they shall appoint, and the mayor may call special meetings, by notices 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 by fine or otherwise.

Duties of com-
mon council.

SECTION 33. The common council shall have the control and management of the finances, and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, and for the prevention of crime, and for the benefit of trade and commerce and health, as it shall

deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law; and such rules, ordinances and by-laws are hereby declared to be and have the force of laws; provided, they are not repugnant to the constitution and laws of the United States, or of this state.

SECTION 34. The common council shall have power to license and regulate the exhibition of common showmen and shows of any kind, or the exhibitions of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon-hole tables and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common law; and to grant, or withhold, licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less nor more than the amount per annum, established by general laws of the state of Wisconsin, and that all such licenses hereafter granted, shall run from the first day of May in each year; provided, however, that when any 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, and the applicant paying *pro rata* therefor; but no license shall be granted for a longer time or period than one year.

Powers of council

1. To suppress, restrain and prohibit all descriptions of gambling, and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away, or dealing in, spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers.

Gambling and fraudulent devices, etc.

2. To prevent or regulate the blowing of steam whistles, and prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gambling. No person shall be incapacitated, or excused from

Noise and disturbance.

testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Edgerton, by reason of his or her being implicated in any such offense, but the testimony of such witness shall, in no case be used against such witness.

Nauseous and unwholesome places.

3. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome 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.

4. To direct the location and management of slaughter houses and markets, and to prevent the erection of, use and occupation of the same, when offal or filth therefrom, shall discharge into the waters of the rivers, lakes, ponds or sloughs.

Encumbering streets.

5. To prevent the encumbering of streets, sidewalks, crosswalks, lanes or alleys, with railroad cars, carriages, sleighs, boxes, lumber, fire wood or any other materials or substances whatever.

Racing and immoderate driving.

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

Restrain cattle.

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

Dogs.

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

Unwholesome substances.

9. To prevent persons from bringing, depositing or having within said city, any putrid carcasses, or unwholesome substance, and to require the removal of the same, by any person, who may have upon his premises any such substance, or putrid, or unsound beef, pork, fish, hides or skins of any kind, or, on default, to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

Pounds, wells, cisterns, etc.

10. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city; to regulate and license hacks, cabs, drays, carts and charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for light-

ing the streets, public grounds and public buildings with gas or otherwise.

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

Boards of health.

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

Bread.

13. To prevent all persons riding or driving any horse or mule, or any other animal on the sidewalks of said city, or in any way doing damage to sidewalks and bridges.

Riding or driving on sidewalks.

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

Firearms and fire crackers.

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

Drunkenness.

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

Runners and solicitors.

17. To make rules, regulations and ordinances for the government of the police of the city.

Regulation of police.

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

Markets, etc.

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

Hay and fuel.

20. To compel the owners or occupants of buildings or grounds, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant, to remove

Remove snow, dirt, etc.

from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his or her default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

Contagious and infectious diseases.

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

Auctions.

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

Watchmen.

23. To appoint watchmen and prescribe their duties.

Weights and measures.

24. To provide by ordinance for a standard of weights and measures.

Monuments.

25. To protect trees and monuments in the said city.

Sewers.

26. To prescribe and regulate the construction of sewers within the city.

Streets and highways.

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

Names of streets.

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

School districts.

29. To consolidate or change the boundaries of school districts in said city, under the same restriction, and with the same power, as is now conferred on town boards under the general laws of the state.

Ordinances.

30. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, necessary 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.

City actions.

31. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ council therefor.

City hall and engine house.

32. To purchase real estate, and provide for the erection of a city hall and engine houses.

Special tax.

33. To call a special election for the purpose of raising a tax, when, in its opinion, the amount which it is authorized to raise by the provision

of this act, is insufficient to meet the requirements.

34. To establish grades of any and all the streets in the city, to cause sidewalks, gutters, and pavements to be constructed; and when a grade shall be established, it shall have such gradients as shall be sufficient to carry off all surface waters or other waters from whatever source, coming on the street or streets; and when a grade is so established, they shall cause an accurate profile to be made thereof, and filed with the city clerk, and all such grades shall be worked in exact accordance with such profile and the ordinance establishing the same.

Regulate streets, etc.

35. To establish a fire department, and to provide for the due and proper support and regulation of the same, and to appoint or direct the election of such officers for such department, as they shall see fit, and to define their powers and duties, and to provide protection from fire by the purchase of fire engines, and all the necessary apparatus for the extinguishing of fires, and by the erection of pumps and construction thereof of water mains, reservoirs, or other water-works; to erect engine houses, to compel the inhabitants of the city to aid in the extinguishing of fires, and to pull down and raze such buildings in the vicinity of fires, as shall be directed by them, or any two of them, who may be present at the fire, for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the construction of, and cleaning of chimneys; to prevent bonfires, and the use of fire-works and fire-arms in the city, or any part thereof; to authorize fire wardens, at all reasonable times, to enter into and examine all dwellings, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; and generally to establish such necessary measures for the prevention or extinguishing of fires, as may be necessary and proper; and to declare by ordinance the punishment for violation of any such ordinance or regulation.

Fire department.

SECTION 35. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote

How laws and ordinances to be passed.

of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper published in the city of Edgerton, or by posting in three public places in said city, before taking effect; and within fifteen days thereafter, they shall be recorded by the city clerk in books provided for that purpose; but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof, respectively, within the same time, shall be proven by the affidavit of the foreman or publisher of the newspaper in which the same shall be published, or when posted, by the affidavit of the clerk, who shall post the same, and such affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication or posting.

Rates for printing, etc.

SECTION 36. All printing and publication required by this act, or by the common council, shall be let by said council at rates not exceeding the legal rates of advertising.

Shall not bar or hinder suits.

SECTION 37. The power conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind, wherein more than one hundred pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed nuisances.

Common council shall audit accounts.

SECTION 38. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and other officers or agents of the city, at such times as they may deem proper; also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts, and vouchers for such examination and settlement, and if any such officers shall refuse to comply with the orders or requirements of the council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render their accounts, or present their books and vouchers, to said council, it shall be the duty

of said council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer, or person or agent of said city, who may be delinquent or defaulting in his accounts, or discharge of his official duties, and shall make a full record of all such settlements.

SECTION 39. All funds in the treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city. All orders shall be payable to the person, or order of the person, in whose favor they may be drawn.

Funds shall be under control of common council.

SECTION 40. The common council of said city shall have and is hereby granted, power to tax annually each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents (\$1.50) (to be denominated a poll tax), and in addition to said poll tax, the common council may levy upon all the taxable property in said city, a tax not exceeding five (5) mills on the dollar of the assessed valuation, as shown by the last assessment roll of said city, to be known as a street tax, the same to be used exclusively for the improvement of streets, walks and crossings within the limits of said city. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax sufficient to defray the same; provided, said common council shall not levy a tax for general purposes, exceeding one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum, by the majority of the electors of said city, at a general or special election. All taxes levied under this act shall be paid to the city treasurer in cash, except as hereinafter provided.

Poll tax.

SECTION 41. The common council of said city, Issue of bonds.

shall not have power to issue any bonds or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

Accounts shall be verified.

SECTION 42. No account shall be allowed by the common council, unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire, under the supervision of the street commissioner, duly certified by him.

Determination of board shall be final.

SECTION 43. When the claim of any person against the said city shall be disallowed, in whole or in part by the common council, the determination of the common council disallowing the same, in whole or in part, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such a claim, unless an action to recover the same, shall be commenced within thirty days after such disallowance by the common council of said city.

Annual report.

SECTION 44. The common council shall annually, on Tuesday next preceding the annual election, make a report showing in detail all the receipts and disbursements of the said city, for the past fiscal year, and cause the same to be published before the annual election.

Manner of laying out streets and alleys.

SECTION 45. The common council shall have power to lay out public streets and alleys, and to widen the same, as follows: Whenever five or more freeholders residing in said city, shall, by petition, represent to the common council that it is necessary to take certain lands within the city for the public use, for the purpose of laying out public streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition. The common council shall thereupon cause notice of such application, to be given on the owners or occupants of such lands, 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 notices, describing as near as may be,

the premises proposed to be taken, to be published in a newspaper published in said city, four weeks successively, at least once in each week.

SECTION 46. Such notice shall state, that upon a day therein to be named, not less than ten days from the service of such notice, or expiration of such publication, as the case may be, application will be made to a court commissioner of said county of Rock, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary and proper, to take the same for the purposes specified in said petition.

What the notice shall state.

SECTION 47. Upon the presentation of such application, and upon proof of the publication, or service of the notice hereinbefore required, the said court commissioner shall appoint twelve resident freeholders, residents of said city, not interested in the result of such application. The said court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within ten days, to view the premises to be specified in said precept, and to make returns under their hands, to the common council, whether in their judgment, it is necessary and proper 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 faithfully and impartially to discharge their duties, as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Appointment of freeholders.

SECTION 48. The city marshal shall serve the said precept immediately on the jurors therein named, by reading the same to each one that can be found, and immediately after such service, he shall return the said precept to the court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the court commissioner shall appoint others in their places, and a memorandum of such substitution, shall be indorsed on the precept.

Service of precept.

SECTION 49. The said jurors, at such times as shall be designated in said precept, shall proceed in a body to view the premises in question, and

Jurors shall view the premises.

shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing, and either of the jurors shall be authorized to administer oaths to witnesses. After viewing the premises in question and hearing testimony, if offered, the jurors shall make a report of their proceedings, which shall be signed by them, 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 returned to the common council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings, confirming said report, and directing the same jurors, within twenty days thereafter, to again view the premises, to ascertain the amount of damages to be paid to the owner or owners of said property proposed to be taken; and to assess and return within the twenty days, such damages to the common council, who shall enter an order confirming the same.

In case there is a building.

SECTION 50. If there should be any building in whole or in part, upon said lands, the land, and the injury to him in having such building taken from him, and secondly, the value of such building to him to remove.

Notice of removal to be given.

SECTION 51. At least ten days' notice of such determination, shall be given to the owner, or his agent, if known and a resident of the city; if not known, or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city, for three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested, to appear by a day named therein, and give notice of their election, to the common council, either to accept the award of the jurors, and allow such buildings to be taken with the land appropriated, or their intention to remove such building, and he shall have such time to remove such building as the common council may allow.

If owner shall refuse.

SECTION 52. If the owner shall refuse to take the building at the value assessed by the jurors to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten

days' notice of such sale; the proceeds shall be paid to the owner, or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgages, or if there be any estate in them less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

SECTION 53. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept. Any person whose property is taken, or against whom any assessments are made, may, within ten days from the return of the jurors to the common council, appeal from such assessment of damages, to the municipal court of Rock county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or county judge, or court commissioner.

Jurors shall sign their award.

SECTION 54. The lands required to be taken for the purpose mentioned in this act, shall not be appropriated until the damages awarded therefor, to the owners thereof, or party entitled, shall be paid or tendered to the owner or party entitled thereto, or his agent, or, in case the owner or party entitled thereto, or his agent, cannot be found, or is unknown, deposit it to his 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. The damages assessed shall be paid within one year, or deposited, as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void.

Damages must be tendered before land is taken.

SECTION 55. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under legal disability, the county judge of Rock county, on the application of the mayor of the city, or such

Proceedings in case owner is an infant.

party, or his next friend, shall appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any street, alley or public grounds shall be laid out 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 clerk.

All property
liable to taxa-
tion, and man-
ner of assessing
described.

SECTION 56. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, schools, and the payment of 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 township assessors, except so far as they may be altered by this act; provided, that the common council may prescribe the form of assessment roll, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may, from time to time, deem advisable. When the assessment roll shall be completed, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter, and add to, take from, and otherwise revise and correct the same. If it shall appear to the assessor that any lot or parcel of land was omitted, in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years, that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force as it would have had, if made the year when the same was omitted. Should the tax or assessment upon any parcel of land be set aside, or declared void by reason of any defect or any informality in assessing, levying, selling or conveying the same, but not affecting the justice and equity of the tax itself, the common council shall cause the tax or assessment so set aside or

declared void, to be relieved in such manner, as it shall direct by ordinance.

SECTION 57. The mayor, clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet on the last Monday of June in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, as far as the same are applicable, revising, correcting, and equalizing the assessment roll of the city. The mayor shall be president of the board, and the city clerk, clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization, shall be recorded by the clerk; thereupon 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, specifying the purposes for which the same are levied. 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 tax, from the delivery of warrant for collection thereof, until paid.

Board of
equalization.

SECTION 58. It shall be the duty of the city clerk, immediately on the receipt of the corrected assessment roll, and certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and other local taxes, setting down 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; and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer, on or before the second Monday in December in each year, and to each assessment roll so delivered, a warrant under the hand of the clerk, and the corporate seal of said city shall be annexed, substantially in the following form:

Duty of clerk in
regard to tax
roll.

Form of
warrant.

The state of Wisconsin, to the city treasurer of the city of Edgerton, in the county of Rock.

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners 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 such 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 fees, you are first to pay to the treasurer of the county of Rock, on or before the last Monday in January next, the sum of ———, for state taxes; you are to retain and pay out as city treasurer the sum of ——— according to law; and the balance of said money you are required to pay to said treasurer for county purposes; and in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same, to the county treasurer of the said county of Rock.

Given under my hand, and the corporate seal of the city of Edgerton, this — day of —, 18—.

City Clerk.

Prima facie
evidence.

The assessment roll and warrant thereto attached, 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.

General laws
shall govern.

SECTION 59. 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 town treasurers to collect taxes, except as herein provided.

Public notice
shall be given.

SECTION 60. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, or by posting in three public places, that such tax list, has been delivered to him for collec-

tion, and that he will receive payment for taxes at his office, for the term of thirty days [next] ensuing the date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same, by distress and sale of the goods and chattels of the persons charged, giving at least six day's notice of the time and place of such sale, by posting up not less than three written or printed notices, in as many public places in said city.

SECTION 61. The treasurer shall collect as fees for the collection of taxes, one (1) per cent. on all taxes collected by, or paid to him, prior to the 10th day of January in each year, and five (5) 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 collect the same fees as are allowed constables on sale of goods upon execution.

Fees for collection of taxes.

SECTION 62. 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 property in said city.

State tax, when paid.

SECTION 63. 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, as are prescribed by the laws of this state, and any act that may be hereafter passed amendatory of said acts, in addition thereto.

In case of city treasurer being unable to collect.

SECTION 64. The laws of the state for the relief and support of the poor in towns, shall apply to said city, and the common council shall appoint one or more of its number, to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns.

Poor and paupers.

SECTION 65. The common schools of the city of Edgerton, shall be under the control and supervision of the school district boards of each district, in the same manner as if this act had not passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between towns and school districts therein, and the same reciprocal powers and duties.

Control of common schools.

SECTION 66. The town clerk of the town of Fulton, for the year 1883, shall apportion all school money or school fund that is to be apportioned.

Apportionment of school money.

tioned prior to the first day of September, 1883, to the several districts, a part of which is embraced in the city of Edgerton, in the same manner as though this act had not passed.

Fines, penalties, etc., how recovered.

SECTION 67. The city of Edgerton, in its corporate name, may sue for, and recover any and all fines, penalties and forfeitures, under said city charter, and the acts amendatory thereof, or under the ordinances, by-laws, or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and it shall be lawful to complain generally in debt for such penalty or forfeiture, stating the section of this act, or the chapter or section of this act, or the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. In all prosecutions for any violation of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant, as in case of tort, before a justice of the peace, under the general statutes of the state for the time being, and when commenced by summons, such summons may be substantially in the following form:

Form of summons.

COUNTY OF ROCK, }
City of Edgerton. } ss.

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

You are hereby commanded to summon ———, if he shall be found in your county, to appear before the undersigned, a justice of the peace, in and for the city of Edgerton, on the ——— day of ———, 18—, at ——— o'clock in the ——— noon, to answer to the city of Edgerton, to the damage of said city, two hundred dollars or under.

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

—————, Justice of the Peace.

When returnable.

Such summons shall be made returnable and several [served] in the same manner as is now, or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all the proceedings in the action, except as hereinafter provided, shall be

governed by the laws of this state, for the time being, relative to actions commenced by summons and triable before justices of the peace. When the action is commenced by summons, the complaint may be substantially in the following form:

CITY OF EDGERTON, }
 against } In Justice Court, Form of
 A. B. } complaint.
 _____ C. D., Justice of the Peace.

The plaintiff complains against the defendant, for that, on the _____ day of _____, 18—, at the said city, the defendant did violate section _____, of (this act) or section _____, of an ordinance, or by-law, or regulation of said city, (describing it by its title), which said _____ is now in force. By reason of such violation, an action has accrued to the city of Edgerton, to recover of the defendant the sum of _____ dollars, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, beside the cost of this action. In all cases where oath is made for a warrant, the complaint shall be made on oath, and substantially in the following form:

CITY OF EDGERTON, } In Justice Court, Form of com-
 against } ss. plaint for
 A. B. } County of Rock. warrant.

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

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

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

COUNTY OF ROCK, } Form of
 City of Edgerton } ss. warrant.

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

Whereas, _____ has this day complained to me, in writing, on oath, that A. B., on the _____

day of _____, 18—, at said city, did violate section _____ of (this act), or section _____ of chapter _____ of (this act), or section _____ of an ordinance, by-law or regulation of said city, (describing it by its title), therefore, you are hereby ordered to arrest the body of the said A. B., and bring him before me forthwith, to answer to said city of Edgerton on the complaint aforesaid.

C. D., Justice of the Peace.

How justice shall proceed.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned. The defendant, if required by the court, shall recognize, with security to be approved by the court, for his or their appearance in such sum as the court may direct, or in default may be put in charge of the officer who made the arrest, or be committed to the lockup or jail of said city. The complaint, as aforesaid, shall be the only complaint required, and the answer of "not guilty," shall put in issue all the subject matter embraced in the action.

Printed copy of ordinance shall be taken as evidence.

SECTION 68. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in a pamphlet or book form, purporting to be published by authority of the common council to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases, cognizable before any court in this state.

Witnesses and jurors shall attend without pre-payment of fees.

SECTION 69. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits, without payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof, their attendance may be compelled by attachment.

Findings of jury.

SECTION 70. In city prosecutions, the finding of the court or jury shall be, "guilty," or, "not guilty." If guilty, the court shall render judgment against the defendant for the fine, forfeiture or penalty prescribed in this act, or in an ordinance, by-law or regulation, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in other cases of tort in justices' court, in case the action was commenced by summons, or a commitment in case it was commenced by warrant,

and shall in either case determine and enter upon his docket, the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. The form of the execution and commitment shall be the same, as near as may be, and conform to the provisions of this act, as are prescribed in similar or like cases in justices' court in this state.

SECTION 71. Any party feeling agrieved by the judgment in any action commenced under the provisions of this act, may appeal from such judgment to the municipal court of Rock county, in the time and manner provided by law for appeals from justices' courts. Right of appeal.

SECTION 72. No person shall be an incompetent witness, judge, justice or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. Shall not work incompetency.

SECTION 73. The general laws for the preservation of bridges, and the punishment provided by such laws for wilful and malicious injuries done thereto are hereby extended to, and shall include all the bridges now erected, or hereafter to be erected over any stream by, or in the city of Edgerton, and shall apply to any wilful and malicious damage which may be done to them; and the common council of said city may, from time to time, make such by-laws and ordinances as it may deem necessary, for the preservation of said bridges, and enforce the same by adequate penalties. General bridge and other laws shall be in force.

SECTION 74. When any action or suit 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 clerk to take such proceedings as by ordinance or resolution directed, if any there be. How to serve process against city.

SECTION 75. No real or personal estate or property of any inhabitant or corporation of said city, shall be levied on, or sold to satisfy any contract, or debt or obligation of said city, or any judgment against said city of Edgerton. Property not to be levied upon for city judgments.

SECTION 76. All contracts for work ordered by the common council shall, be let by contract or job, as the common council may direct and order. Contract work.

SECTION 77. No penalty or judgment recovered

Remission of penalties.

in favor of the city, shall be remitted or discharged, except by a two-thirds vote of the aldermen-elect.

Purchase of real estate by city.

SECTION 78. The said 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 or held by said city, shall be exempt from taxation, except as provided by the general laws of the state.

Deeds.

SECTION 79. When the city of Edgerton 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 Edgerton, and the person or persons authorized to execute such deed or lease, need not be named in the body thereof.

Deeds, by whom signed.

SECTION 80. Deeds or leases executed by the city, shall be signed by the mayor and countersigned by the clerk, and the clerk shall attach to said deed or lease, a true copy of an ordinance, or resolution, authorizing the same by the common council, under the corporate seal of the city, which said corporate seal shall also be attached to, and accompany the signature of the mayor, and such deed or lease and the certified copy of such ordinance or resolution, when so attached to such deed or lease, shall be recorded with such deed or lease, by the register of deeds, and such copy, when so attached, and the record thereof, shall in all courts of this state be *prima facie* evidence of the authority of the mayor and clerk, to execute such deeds or leases.

Failure to hold election shall not abolish city.

SECTION 81. If any election by the people or common council shall, for any cause, not be held at the time or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day, by order of the mayor, 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 and performed, the common council may appoint another time at which said act may be done and performed.

Not repealing.

SECTION 82. No general law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying

the same, unless such purposes be expressly set forth in such law as an amendment to the charter.

SECTION 83. The board of supervisors of the county of Rock, shall have the right, and shall regard the city of Edgerton as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law, and shall receive the mayor of said city, or in his absence one of its aldermen, as a member of the county board. The said board of supervisors may levy tax or taxes, as now is, and may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied, to be certified to the city clerk, in the manner provided by law in relation to towns or town clerks.

City regarded as a town for equalization purposes.

SECTION 84. Before the annual meeting of the board of supervisors of the county of Rock, and by the time required by law, for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll, or such statement as is required by law to be made by towns, to the clerk of the board of supervisors of said county, who shall lay the same before the board of supervisors at its annual meeting.

City clerk to transmit copy of assessment roll.

SECTION 85. The county treasurer shall sell all delinquent lands and lots returned from the city of Edgerton, at the same time and in the same manner, as other delinquent lands are sold in the county.

Sale of delinquent lands.

SECTION 86. It shall be the duty of the county treasurer of the county of Rock, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by the city treasurer as delinquent, for any general tax of this state, or for any tax authorized under this act, immediately after the sale of such delinquent lots, tracts, pieces or parcels of land by him, to pay said city treasurer the amount which may have been returned delinquent, belonging to the city of Edgerton, either in cash, or in certificates of sale of said lots, tracts, pieces or parcels of lands so returned as delinquent.

Duty of county treasurer to sell delinquent lands.

SECTION 87. The use of the jail of Rock county shall be granted to the city of Edgerton, until otherwise provided, for the confinement of offenders; and every such offender shall be delivered to the sheriff of said county, for whose safe keeping, custody and delivery said sheriff shall be responsible, as in other cases.

Use of county jail.

Connection
between city
and town
severed.

SECTION 88. From and after the first Tuesday in April, A. D. 1883, the connection between the town of Fulton and that part of said town included within the limits of the city of Edgerton, for all town purposes, shall be dissolved; all that part of the town of Fulton, not included within the limits of the city of Edgerton, shall constitute the town of Fulton, and the first town meeting shall be held at such place, as the chairman of the board of supervisors of said town shall appoint.

Compensation
for services.

SECTION 89. The city officers to be first elected under the provisions of this act, and their compensation, not provided for by this act, shall receive as compensation for their services, such sum as the common council shall determine, and the common council shall, in the month of March, thereafter determine by resolution, the salary to be paid to the different officers for the next ensuing year, which compensation shall not be increased or diminished during the term of office of said officers; and in case of a neglect to determine said compensation, the said officers, and each of them, shall receive the same compensation as their immediate predecessor.

Jury trials.

SECTION 90. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, either party may call a jury, as prescribed by law in justices' courts in this state, and the trial shall proceed in the same manner and be governed by the same rules, as in the trial of cases in justices' courts under the general laws of this state.

Street tax.

SECTION 91. The common council of said city, shall, on or before the second Monday of May, 1883, assess a street tax on the property and persons in the city, liable to pay a highway or street tax, according to the laws of this state and the provisions of this act. And such tax shall be based upon the value of the property in said city, as appears upon the assessment roll of the town of Fulton, for the year 1882. Such tax shall be collected in money and expended by the street commissioner under the direction of the common council of said city; and for the collection of said tax, the said common council shall have all the powers granted by law to town supervisors, for the collection of highway taxes.

Plenary
powers.

SECTION 92. For the purpose of carrying out the provisions of this act, the common council of said city of Edgerton shall, in addition to the

powers herein provided, have and possess all the powers and authority granted by the laws of this state to the town board of supervisors for the government of towns.

SECTION 93. This act shall take effect and be in force from and after its passage and publication.
Approved March 20, 1883.

[No. 233, A.]

[Published March 27, 1883.]

CHAPTER 98.

AN ACT amendatory of chapter 241, of the laws of 1879, entitled "an act to incorporate the city of Seymour and the several acts amendatory thereof."

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

SECTION 1. Section 4, of sub-chapter 1, of said chapter 241, of the laws of 1879, is hereby amended by striking out the words "for each ward," in the 12th line of said section, where the same occur, following the word assessor, and inserting in the place thereof the words, "for said city," so that the clause in which said words, "for each ward" occur, shall read as follows: The elective officers of said city shall be a mayor, a clerk, a treasurer, a police justice for the city at large, three aldermen, one justice of the peace, and one constable for each ward, and one assessor for said city. Amendment.

SECTION 2. Section 22, of sub-chapter 6, of said chapter 241, of the laws of 1879, is hereby amended so as to read as follows: Section 22. The mayor and common council shall not be entitled to any compensation for their services. The city clerk and city marshal shall receive such compensation, not exceeding one hundred dollars (\$100) each, for their services, as shall be determined each year by the common council at its first meeting. Amendment.

SECTION 3. Anything contained in said chapter 241, of the laws of 1879, or any act amendatory thereof, and relating thereto, conflicting with the foregoing amendments, are hereby repealed. Repealed.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.
Approved March 21, 1883.