

[No. 224, A.]

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CHAPTER 197.

AN ACT to reduce the laws incorporating the city of Hudson, in the county of St. Croix and the state of Wisconsin, and the several acts amendatory thereof, into one act.

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

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All the district of country in the county of St. Croix, contained within the limits and boundaries hereinafter designated, shall be a city by the name of "Hudson," and the people now inhabiting, and those who shall hereafter inhabit, within the district of country herein described, shall be a municipal corporation by the name of the "City of Hudson;" and by that name shall sue and be sued, complain and defend in any court; make and use a common seal and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted and the authorities thereof shall have perpetual succession.

Corporate
name.

SECTION 2. The district of country aforesaid constituting the "City of Hudson," and the limits and boundaries thereof, shall be as follows: The north half of fractional section number thirty-six, all of fractional section number twenty-five, and so much of fractional section number twenty-four as lies south of Willow river, all in township number twenty-nine north, of range number twenty west.

Limits and
boundaries.

SECTION 3. The said city shall be divided into three wards, called first, second and third, limited

Ward bound-
aries.

and bounded as follows: All that portion of said city lying south of a line drawn through the center of Walnut street, from the western to the eastern boundary of said city shall constitute the first ward; all that portion of said city lying north of said line and south of a line drawn through the center of Myrtle street from the western boundary of said city to the center of Ninth street, and a line drawn through the center of Filmore street from the center of Ninth street to the eastern boundary of the city shall constitute the second ward; and all that portion of said city lying north of the second ward shall constitute the third ward.

CHAPTER II.

ELECTIONS.

Elections.

SECTION 1. There shall be an annual election for elective officers, hereinafter provided, held on the first Tuesday of April, of each and every year, at such place in each ward as the common council shall designate, and the polls of election shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon; and ten days' previous notice shall be given, by order of the common council, of the time and place of holding such election, and of the officers to be elected thereat.

Officers to be elected.

SECTION 2. The elective officers in said city shall be a mayor, treasurer, assessor and police justice. Each ward shall elect three aldermen, one justice of the peace, one county supervisor, two school commissioners and one constable. All other officers necessary for the management of the affairs of said city shall be appointed by the common council. The aldermen of each ward who are now in office, shall continue in office until the expiration of the terms for which they were respectively elected; and there shall be elected annually, on the first Tuesday of April, in each ward, one alderman, who shall hold his office for three years. The mayor, treasurer, assessor and aldermen, and all city officers shall be qualified voters and residents of the city and in the ward for which they were elected or appointed. The mayor shall hold his office for one year and until

his successor is elected and qualified. The police justice shall hold his office for two years and until his successor is elected and qualified. The city treasurer and assessor shall hold their offices for one year and until their successors are elected and qualified. The justice of the peace and constable of each of said wards shall hold their offices for two years and until their successors are elected and qualified.

SECTION 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from such office by a vote of two-thirds of all the aldermen authorized to be elected; but no officer shall be removed except for cause, nor unless first furnished with or notified of the charges, nor until such person shall have had a reasonable opportunity to be heard in his defense. The common council shall have power to fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and to compel the attendance of witnesses, and the production of papers, and to hear and determine the case; and shall have power to adjourn said trial from time to time, as the case may require; and if such officer shall neglect to appear and answer to such charge, the common council may declare the office vacant.

Elective or appointed officers may be removed.

SECTION 4. When a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill a 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.

Vacancies—how filled.

SECTION 5. All elections by the people shall be by ballot, and each ballot shall contain the names of all the persons voted for, with a proper designation of the office written or printed thereon, 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

Elections—how to be conducted.

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 direct.

Regarding persons entitled to vote and judges of elections.

SECTION 6. All persons entitled to vote for state and county officers, and who shall have resided for ten days next preceding the election in the ward where they offer their vote, shall be entitled to vote for any officer elected under this law. The aldermen in each ward shall be judges of election in their respective wards, and shall appoint two qualified electors of each ward respectively, who shall be clerks respectively. Said election shall be held and conducted in the same manner and under the same penalties as required by the laws of the state regarding elections, except that the returns for all city elections shall be made to the city clerk. The votes for mayor and all elective officers shall be on one ballot, and shall be deposited in one box, and all other questions submitted to the people at the city elections shall be on separate ballots and deposited in separate ballot-boxes.

Relating to special elections.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward in the same manner, and the returns thereof shall be made in the same form and manner, as general and annual elections and within the time prescribed.

When office shall be declared vacant.

SECTION 8. Any officer removing from the city or ward for which he was elected, or any officer elected at the annual election, who shall neglect or refuse to qualify on or before the first Monday in May next after his election, and any officer elected or appointed to fill any vacancy, who shall neglect or refuse for ten days after notice of his election to qualify, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

Terms of officers elected.

SECTION 9. The term of every officer elected under this law, except to fill a vacancy, shall commence on the first Monday of May in the year of which he was elected, and shall, unless otherwise provided, continue for one year and until his successor is elected and qualified.

Council may order new election.

SECTION 10. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common coun-

cil may order a new election to be held, ten days' notice of the time and place of holding the election being first given.

CHAPTER III.

OFFICERS — THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe to an oath of office, and file the same duly certified by the officer taking the same, with the clerk of the city, and the treasurer, clerk, city attorney, street commissioner and poundmaster, 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 Hudson, a bond with at least two sureties, who shall make affidavit that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities; and said bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of persons elected.

SECTION 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city, and shall appoint all police officers and watchmen, and in case of riot or other disturbance he may appoint as many special or temporary police as he may deem necessary; and any police officer or watchman appointed by the mayor as aforesaid may be discharged from office by him whenever in his opinion the welfare of the city may demand it or a reduction of their number renders it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same; and

Duties of the mayor.

such as he shall not sign he shall return to the common council with his objections thereto, by depositing the same with the city clerk, to be presented to the common council at their next meeting thereafter. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered: and if, after such consideration, the common council shall pass the same by a vote of two-thirds, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes which shall be entered by the city clerk of record. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

Council to elect
president and
vice-president.

SECTION 3. At the first meeting of the common council in each year they shall proceed to elect by ballot from their number a president and vice-president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case the president shall be absent at any meeting of the common council, the vice-president shall act as presiding officer for the time being, and shall discharge the duties of such president and shall act in his place. The president or temporary presiding officer, while presiding over the common council and performing the duties of mayor, shall be styled, "acting mayor," and acts performed by either, when acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor; but the president of the common council as acting mayor shall sign no order, warrant or proceeding whatever which the mayor has refused to sign and communicated such refusal to the common council. The mayor and aldermen of said city shall have the right to administer all oaths and affirmations required by this act.

Duties of
city clerk.

SECTION 4. There shall be a clerk of said city styled the "city clerk," who shall also be comptroller of said city, who shall be elected by the common council, and hold his office at the council

chamber. He shall there keep the corporate seal and all 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. Copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, as if the original were produced. He shall draw and countersign all orders on the treasurer 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 to administer oaths and affirmations and take acknowledgments. It shall be the duty of the city comptroller to report to the common council the financial condition of the city. He shall make a list of all outstanding bonds, to whom issued, for what purpose and when and where payable, and the rate of interest they may respectively bear. He shall report annually on or about the first day of May, to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first Monday of May. It shall be the duty of the comptroller to keep regular books of accounts, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city, the amount of bonds, orders, or other evidences of indebtedness issued by the common council, the amount of all bonds, orders, etc., which have been redeemed, and the amount of each outstanding, and to keep an exact account thereof, stating to whom and for what purposes issued, and the amounts thereof; to keep accounts with all receiving and disbursing officers of the city, showing the amounts which they have received from all the different sources of revenue, and the amounts which they have disbursed under the direction of the common council. He shall, before the levy by the council of a special tax, report to the council a schedule of all the lots or parcels of land within the several wards, which under this act may be subject to any special tax or assessment, which it may be necessary to levy on such lot or parcel of land, which such schedule shall be verified by the affidavit of the

comptroller, and shall be *prima facie* evidence of facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. He shall examine the reports, books, papers, vouchers, and the accounts of the treasurer, and from time to time shall perform such other duties as the common council may direct. The comptroller shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto. Such records shall be open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party.

Duties of
city attorney.

SECTION 5. The common council shall have power to elect a city attorney, who shall perform all professional services incident to the office, and when required shall furnish opinions upon any subject submitted to him by the common council or its committees. It shall be the duty of the city attorney to prosecute and defend all suits and actions originating and pending in any court of this state to which the city is a party, or in which, in the opinion of the common council, the interests of the city are brought into controversy or in which the official acts of any of its officers, servants or agents are involved. He shall draft all ordinances, bonds, contracts, leases, conveyances and such other instruments as may be required by the business of the city. He shall perform all such other services in the line of his profession, connected with the business of the city, though not herein specially enumerated. He shall attend the meetings of the council when requested by a majority thereof, or chairman of any of its committees. He shall keep a record of all legal opinions given by him in writing. He shall keep a book or docket, in which he shall enter an abstract of all suits pending and judgments in favor of or against the city of Hudson, in tabular form, substantially as follows: Names of parties, suits, when brought, in what court, nature of action, names of witnesses, proofs, etc., for the city; what steps taken at last term, what preparatory steps before the next term, amount of judgment, date of judg-

ment, date of execution, to what officer delivered, where returnable, judgment, when satisfied, remarks. He shall prosecute an appeal, writ of *certiorari*, or writ of error, in any case in which the city is concerned, when he shall see proper, and to make the necessary affidavits therefor, and in all cases of appeal, writ of *certiorari*, or writ of error, the mayor is authorized to procure, on behalf of the city, such securities as may be required by law, and the mayor, and such securities as may execute any appeal or other bond in behalf of the city, shall be kept harmless by the city therefor. He shall report to the common council within five days after the adjournment of each term of any court of records, in which any suit or suits may be pending, in which the city is a party or interested in the disposition thereof, and such other information as in his opinion may be for the interest of the city. In case of absence from the city, sickness, or other inability to attend court, he may at his own expense, with the approbation of the common council, appoint some person to act in his stead, for the occasion, in the city.

SECTION 6. The treasurer shall receive all moneys belonging to the city, including license moneys and fines, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk, and a copy of the same shall be published in the official paper of the city. The compensation of such treasurer shall not exceed three hundred dollars annually. And all the fees and percentage heretofore charged and collected by such treasurer, shall still be charged and collected by him, and when so collected, no part thereof shall belong to such treasurer, but the same shall be paid into the city treasury for the benefit of the city; and the salary of such treasurer, as determined by the common council, shall be paid in full for all his services as such treasurer, and shall be paid at such time or times as the council may determine.

Duties of treasurer.

Duties to
police and
watchmen.

SECTION 7. All police officers and watchmen of said city shall be under the control and direction of the mayor, and shall possess the powers of constables at common law, or by the laws of this state, and it shall be their duty to execute and serve all warrants, processes, commitments, and all writs whatever, issued by the police justice for any violation of the laws of the state of Wisconsin, or of the ordinances or by-laws of said city; and they shall have power to pursue and arrest any person fleeing from justice, in any part of this state, and when performing the duties of constables as aforesaid, shall be entitled to like fees.

Duties of street
commissioner.

SECTION 8. It shall be the duty of the street commissioner to render his personal service and perform labor in repairing the streets of said city, and to superintend all local improvements throughout the said city, under the direction of the common council and the committee on streets, in relation thereto, and perform such other duties as may be herein prescribed to be performed by street commissioners or ordered by the common council. Said street commissioner shall receive a compensation to be fixed by the common council, not exceeding three dollars per day for the time actually engaged in the discharge of his duties, and shall keep accurate accounts of all expenditures incurred in the discharge of his duties as the council may direct, and render monthly accounts thereof to the common council if required.

Duties of
assessor.

SECTION 9. The assessor shall be a resident of said city, who shall perform all the duties required by law of assessors of property for the purpose of taxation for state, county, city and other purposes: the assessment rolls to embrace the property subject to taxation in each ward separately, and on the completion of such assessment, the assessment rolls, with the valuation of such assessor correctly footed up, shall be returned as required by law; that said assessor shall hold his office for the term of one year, and in case of vacancy in said office, by failure to elect or otherwise as heretofore provided, the common council shall fill such vacancy by the appointment of an assessor for said city at any regular or special meeting of the council, and shall receive such compensation

as the council, shall determine, not to exceed two hundred dollars per year.

SECTION 10. The police justice shall have sole and exclusive jurisdiction to hear all complaints and conduct all criminal examinations and trials within the city cognizable before a justice of the peace, and of all offenses against the provisions of this charter, and the ordinances, by-laws and police regulations of the common council of the city, or of the laws of the state of Wisconsin; and in cases of contempt the police justice shall have the same powers and authority as justices of the peace. He may administer oaths and take acknowledgements the same as justices of the peace. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe. In case of vacancy in the office of the police justice, or the absence, inability or sickness of the police justice, the mayor by warrant may authorize any justice of the peace within the city to perform the duties of police justice. Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace; provided, that in case of prosecution for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery or breach of the peace, or an affray not indictable, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than twenty-five dollars.

Jurisdiction of
police justice.

SECTION 11. The justices of the peace of said city shall have the jurisdiction and powers vested in justices of the peace by the general laws of this state so far as the same are not inconsistent with the provisions of this act; provided, that when any of said justices of the peace shall act as police justice of said city, he shall sign his name to all papers, process, writs and proceedings whatever, with the addition, "justice of the peace acting as police justice," and such signing shall be *prima facie* evidence in all courts of the absence from said city, or inability to act, of said police justice.

Powers of
justice of the
peace.

SECTION 12. The police justice elected under this act, or the justice of the peace acting as police

Further regard-
ing police jus-
tice and jus-
tices of the
peace.

justice, are authorized and empowered, in cases where a person be committed to the county jail of St. Croix county, or to the police station or watch-house of said city for a special term of imprisonment for the non-payment of any penalty and costs, for violating the ordinances of said city, to direct in the warrant of commitment or execution requiring imprisonment, that the person so to be detained by the virtue of such commitment or execution, be required to perform hard labor during the term of such imprisonment, The chief of police, or such person as the common council shall appoint, shall faithfully see that said conditions and requirements of said commitment or execution be complied with and observed, and to that end the common council is authorized and empowered to require all such persons so committed, to work or labor, or do any kind of labor in said city which the common council may see fit to designate; provided, that no such prisoner, during the term of his imprisonment or detention, shall remain away from the police station during the night-time.

Police justice
shall report to
council.

SECTION 13. The police justice shall, as often as she common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him and belonging to said city; and said justice shall be entitled to receive from the county of St. Croix such fees in criminal cases as are allowed to other justices in the county for similar services.

Duties of city
surveyor.

SECTION 14. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at the council chamber in said city, and the common council shall prescribe his duties and fix the fees and compensation of any service performed by him. All surveys, profiles, plans or estimates made by him for the city, or either of the wards, shall be the property of the city, and shall be carefully preserved and filed in the office of the city clerk, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over to his successor or

the common council at the expiration of his term of office.

SECTION 15. The common council, at its first meeting in each year, or as soon thereafter as may be, shall designate one newspaper printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper.

Official paper.

SECTION 16. The city printer, immediately after the publication of any notice, ordinance or resolution, 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 conclusive evidence of the publication of such notice, ordinance or resolution.

Duties of city printer after publishing notices, etc.

SECTION 17. If any person having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of said city a sum not to exceed one thousand dollars, and, in addition thereto, all damages caused by his neglect so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of the state.

Penalty for refusing to deliver books, etc., to successor.

SECTION 18. Every member of the common council of the city of Hudson, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as inspectors of elections, members of the board of registry, or for extra work on committee; any member of the common council or any other city officer who shall be directly or indirectly interested in any contract made with or in behalf of said city, and any member of said council or other city officer who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the

Member of council shall not be interested in any contract with city—penalty.

full amount thereof shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the police justice, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail for not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his office; and any contract made in violation of the provisions of this section shall be void.

Officers of
the peace.

SECTION 19. The mayor or acting mayor, sheriff of St. Croix county, and each alderman, all justices of the peace, police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose therefor may command the assistance of all by-standers, and, if need be, of all citizens; and if any citizen by-stander or person shall refuse to aid in maintaining the peace when so required, every such person, by-stander or citizen shall forfeit and pay a fine of not more than fifty dollars, and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order named in this section shall direct the proceedings.

Officer may
resign his
office.

SECTION 20. 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 council.

Relating to
bonds and
sureties.

SECTION 21. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any officer required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by the city charter provided.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common
council

SECTION 1. The aldermen shall constitute the common council, and the style of all ordinances

shall be, "The common council of the city of Hudson do ordain, etc." The common council shall meet at such time and place as they by resolution may direct. A majority of the aldermen may constitute a quorum.

SECTION 2. The common council shall hold its annual meeting in each year on the first Monday of May after the annual election, and thereafter stated meetings at such times as it shall appoint, and the mayor may call special meetings by notice to each member, to be delivered personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members and enforce its rules; to punish by fine and imprisonment, 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.

Annual meeting of council.

SECTION 3. The common council shall have the management of and control of the finances and the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, intemperance, and for the benefit of the trade, commerce and health as it shall deem expedient. They shall have the power to establish and maintain a city prison and watch-house for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever, in any way cognizable before the police justice; to make all rules and regulations for the government and management of such prison and watch-house; to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation. The keepers of such prison and watch-house shall have and possess all the powers and authority of jailors at the common law or by the laws of the state. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any

Council to have control of the finances and property of the city.

person or persons who may violate any of the provisions of any ordinance, rule or by-law passed and ordained by them, and all such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinance, resolutions or by-laws:

To license and regulate shows, etc

1st. To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibitions of caravans, circuses, concerts and theatrical performances, and all places of amusement where an admittance fee is charged; and also to license and regulate all auctioneers, billiard tables, pool tables, pigeon-hole tables, nine or ten pin alleys, bowling saloons, butchers' shops and butchers' stalls, and venders of butchers' meat, pawnbrokers, insurance offices and insurance agencies, groceries, taverns, lager beer saloons, victualing-houses, and all persons vending, dealing in or diffusing of spirituous, vinous, malt or fermented liquors; provided, that this act shall not be so construed as to prevent pork packers from disposing of offal or trimmings of hogs, nor shall any person selling game, or who may dispose of any animals or poultry raised or fattened by him, or who may sell fresh meats by the carcass or quantities not less than by the quarter, be deemed or held to be venders of fresh or butchers' meats under the provisions of this act.

To restrain and prohibit gambling, etc.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gaming in said city; and to restrain any person from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

To prevent disturbances.

3d. To prevent any riots, noise, disturbance and disorderly assemblages in said city; and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

Abatement of nuisances.

4th. To compel the owner or occupant of any

grocery, meat market, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy or any other unwholesome, nauseous house or place to cleanse, remove or abate the same from time to time as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

5th. To direct the location and management of slaughter-houses and markets, breweries, distilleries and pawnbrokers, and to establish rates for and license venders of gunpowder, and to regulate the storage, keeping and conveying of gunpowder or other explosive materials.

To direct the location of slaughter-houses, etc.

6th. To prevent the incumbering of streets, alleys, sidewalks, lanes, public grounds or wharves with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, railroad cars or locomotives, awnings or other materials or substances whatever.

Incumbering of streets, etc.

7th. To prevent and punish horse racing, immoderate riding or driving in the streets; to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of said city.

To prevent horse racing.

8th. To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinance.

To restrain the running at large of cattle.

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

Dogs.

10th. To prevent any person from bringing, depositing or having within said city any putrid carcass or unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid carcass or unsound beef, pork, fish, hides, or skins of any kind; and on default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

Relating to unwholesome substances.

11th. To make and establish pounds, pumps, wells, hydrants, cisterns and reservoirs, and to provide for and control the erections of water-

Establish pounds, pumps etc.

works for the supply of water to the inhabitants; to regulate and license hacks, drays, carts, omnibusses, and the charges of hackmen, draymen, cartmen, and omnibus drivers in the city; and to erect lamps and to provide for lighting the city; and to control the erection of gas-works or other works for lighting the streets, public grounds and public buildings, and create, alter, and extend lamp districts.

Regulate boards of health, etc.

12th. To establish and regulate boards of healths, provide hospitals and hospital grounds, pest-houses, the registration of births and deaths, and the returns of the bills of mortality, and to regulate or prevent the burial of the dead within the city limits.

Regulate the weight of bread.

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

Prevent persons from riding or driving on sidewalks.

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

Prevent shooting of fire-arms.

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

Prevent obscenity.

16th. To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Restrain porters, runners, etc.

17th. To restrain and regulate porters, runners, agents and solicitors for boats, vessels, stages, carts, public-houses or other establishments.

Establish public buildings and markets.

18th. To establish public markets and other public buildings, and make rules and regulations 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.

Regulate the weighing and selling of hay.

19th. To regulate the place and manner of weighing hay and selling the same, and the measuring and selling of fire-wood, coal and lime, and

to appoint suitable persons to superintend and conduct the same.

20th. To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley 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.

Obstructions of sidewalks.

21st. To control and regulate the construction of piers or wharves, or grading said wharves into Lake St. Croix, within the limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and remove all obstructions in the waters of said lake; and to prescribe and regulate rates of wharfage and pierage to be charged to any boat or vessel landing or mooring at any pier, wharf or landing within the limits of said city, and paid to said city, and to regulate the landings, levee, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

Construction of piers, wharves, etc.

22d. To regulate, control and prevent the landing of persons from boats, vessels or railroad cars whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city, and also to regulate, control and prevent the landing and conveyance of paupers and persons in a destitute condition into said city, and not having a legal settlement or residence therein, by any boat, vessel, railroad car or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons bringing or leaving them into said city.

Contagious diseases.

23d. To regulate the time, manner and place of holding auctions or vendues, together with the charges therefor.

Auctions and vendues.

24th. To provide for watchmen, and to prescribe their number and duties, and to regulate the same; and to create and establish the police of said city, and to prescribe the number of po-

Watchmen.

lice officers and their duties, and to regulate the same.

Weights and measures. 25th. To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, and to provide for the punishment of the use of false weights and measures.

Inspection of provisions. 26th. To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors, and provisions.

Inspection of building materials. 27th. To regulate the measurement and inspection of lumber, shingles, timber and building materials.

Weighers and gaugers. 28th. To appoint inspectors, weighers and gaugers, to regulate their duties and prescribe their compensation.

Ornamental trees. 29th. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Abatement of nuisances. 30th. To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city in a summary manner.

Protect public health. 31st. To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any building which, by reason of dilapidation, defects in structure, or other cause, may have or shall become imminently dangerous to life and property, and to provide for the punishment of all persons who shall cause or maintain such nuisances, and to charge and assess the expense of removing or abating the same upon the lot or lots upon which such nuisance or dangerous building may be maintained.

Suppression of disease. 32d. To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within the city limits.

Punish vagrancy. 33d. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Penalties, etc. 34th. Fines, penalties and punishments, imposed by the common council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred

dollars, and imprisonment in the city prison or county jail not exceeding six months, or both, and to be fed on bread and water, at the discretion of the police justice, and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months and in a sum not exceeding five hundred dollars.

35th. The common council of said city may provide by ordinance that any one convicted of an offense before the police justice, subjecting such offender to imprisonment under the charter and ordinance of said city, may be kept at hard labor during his term of imprisonment, at such work-house or upon the public streets and improvements of said city, or both; and may also provide by ordinance that anyone convicted of an offense before the police justice as aforesaid, and committed upon the non-payment of the fine imposed, may be kept at hard labor either in such work-house or upon the public streets and improvements, or both, until such person shall work out the amount of such fine, at such rate of compensation as said common council may prescribe, for a time not exceeding the term of such commitment; and the common council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and to prevent their escape and insure proper discipline, and shall have power to establish a suitable work-house in said city for the purposes aforesaid, and under such regulations as the common council may provide; provided, that the common council aforesaid shall be and is hereby authorized to use the jail of St. Croix county as the work-house of the city of Hudson, provided for in this act, the prisoners of the city to be as at present in the custody of the sheriff of St. Croix county, except when employed upon the public streets and improvements of said city.

Prison labor.

36th. To regulate and control the running of engines and cars through or into the city and the rate of speed of the same.

Running of engines.

SECTION 4. All ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the members of the common council present, by ayes and noes, and published in the official paper, before the same

How ordinances shall be passed.

shall be in force, and shall be admitted as evidence in any court in the state, without further proof; and they shall be recorded by the city clerk in books to be provided for that purpose. No appropriation shall be made without a vote of a majority of the common council present in its favor, which shall be taken by ayes and noes, and entered among the proceedings of the council.

Shall not bar
or hinder suits.

SECTION 5. The powers conferred upon the common 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, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Examination
and adjustment
of accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, police justice, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said city were 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 officer or agent shall refuse to comply with the orders of said common council in the discharge of said duties, in pursuance of this section, or shall refuse or neglect to render his accounts or present the books and vouchers to said council, or a committee thereof, 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 and agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER V.

FINANCES AND TAXATION.

SECTION 1. All funds in the city treasury, belonging exclusively to the city, 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, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment of any debt or demand due to or tax or assessment levied by authority of the city except taxes levied for school purposes.

Control of funds.

SECTION 2. No debt shall be contracted against the city, or order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and a vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Shall not contract debts against city.

SECTION 3. The common council shall have power to annually levy and collect as hereinafter provided, a tax upon all the property, real and personal, in said city, subject to taxation, to defray the current expenses of the city.

Annual tax levy.

SECTION 4. For the purpose of providing a fund to meet the orders upon the treasury of said city, the common council of said city are authorized to issue the bonds of said city to an amount not exceeding ten thousand dollars, payable in not less than ten years from date, bearing interest not to exceed five per cent. per annum, payable annually, and to negotiate said bonds for the purpose aforesaid, and to provide for the payment of the interest, and for a sinking fund for the payment of the principal, by a tax to be levied and collected annually, as other taxes of said city.

Issue of bonds, limit.

CHAPTER VI.

OPENING STREETS, ETC., BY PETITION.

Opening
streets, etc.

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 one ward shall, by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside for public use, for the purpose of laying out public squares, grounds, streets or alleys or the enlarging, widening or straightening 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 may then by resolution, resolve to grant the prayer of such petitioners; and it shall forthwith cause an accurate survey and plat of all lands necessary for said purposes, to be made and filed with the city clerk, and it may purchase or take by donation, such grounds as shall be needed, by agreement with the owner, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution declare its purpose to take the same and therein described by metes and bounds, the location of the proposed improvement and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a district owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place, when and where it will apply to the county judge of St. Croix county for a jury to condemn and appraise the same.

Condemnation
of land.

SECTION 2. It shall thereupon cause to be made by the city clerk a notice of the adoption of said resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street commis-

sioner or any policeman of said city, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evidence of the facts stated therein. If the notice cannot be so given as to all of the parcels, then the same shall also be published once in each week for three consecutive weeks in the official newspaper published in said city; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and such publication made for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice be a minor or of unsound mind, the county judge shall, before proceeding on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the county judge, and act for such ward.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice as provided in the last section, shall be filed with the county judge, who shall thereupon make a list of twenty-four competent jurors, residents of St. Croix county and not interested in said application. He shall hear and decide any challenges for cause or favor made to any one, and, if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of said county judge, each party, the common council by the city attorney of said city on the one side, and the owners of land or their agents present, or if none be present, or if they disagree, a disinterested person appointed by the county judge on the other, shall challenge six names one at a time alternately, the common council beginning. To the twelve jurors remaining, the county judge shall issue a precept requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view the lands and appraise damages, in the said proceeding, and

Resolution to
be filed with
county judge.

at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the street commissioner or any policeman of said city at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode, in presence of a member of his family.

Jurors shall appear at the time and place named.

SECTION 4. The jurors summoned shall appear at the time and place named; and if any be excused by the county judge or fail to attend, he shall direct other qualified, disinterested persons to be forthwith summoned in their stead until twelve be obtained. The county judge shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury shall view the lands to be taken.

SECTION 5. Under the direction of said county judge the jury shall view the lands to be taken, and shall sit before him to hear such competent evidence as shall be produced by any party; and for such purpose such county judge shall possess the same powers as a court in session, with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict in writing, signed by it, in which it shall find whether it be necessary to take such lands or any part thereof for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damage to each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof; in estimating which it shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages and shall sign the same. Any technical error in such consent may be immediately corrected with the consent of the jury, and shall be thereupon discharged and its verdict filed by the county judge. In case the jury shall fail to find a verdict, another jury shall be then and there selected, and shall be sum-

noned and sworn and shall proceed in the same manner.

SECTION 6. Within twenty days after such verdict, any land owner, whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict, to the circuit court, by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole award to him, or a part, and if a part, what part, and therewith an undertaking, with two sufficient sureties, to be approved by the county judge, to pay all costs that may be awarded against such appellant on appeal, and paying said county judge for his return thereof. The city may likewise appeal from the award of damages to any owner, by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole award of such owner, or a part, and if a part, what part, and paying said county judge for his return on said appeal. Any party not so appealing, shall be forever concluded by such verdict. Upon an appeal being taken, the county judge shall transmit to the clerk of the circuit court, within ten days, the notice of appeal and undertaking, and thereto annex a copy of all the papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers, including verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify, and the city clerk shall record all such proceedings.

Appeal when
and how taken.

SECTION 7. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury unless waived; and costs shall be awarded against the appellant if a more favorable verdict be not obtained than the one appealed from; otherwise against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Filing of appeal
shall be con-
sidered an ac-
tion pending.

SECTION 8. If the verdict of the jury shall de-

In case the jury determine it is necessary to take such land.

termine that it is necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out, widening or straightening any such street, public square, grounds or alleys, but shall not enter upon any such land therefor until the owner be paid in full the damages awarded him by such verdict or appraisal, or such damages be set apart for him in the hands of the city treasurer, there permanently to remain subject to his order. At any time before causing such land to be actually taken or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceedings shall be paid by the city except when it recovers costs in the circuit court or supreme court. All jurors and witnesses in proceedings under this chapter shall receive the same fees as jurors and witnesses in the circuit court.

Damages may be assessed.

SECTION 9. For the payment of the expenses, including all damages and costs incurred for the taking of private property and of making any improvement mentioned in this chapter, the common council of said city may, by resolution, levy and assess the whole or any part, not less than one-half, of such expenses as a tax upon such property as it shall determine is specially benefited thereby, making therein a list thereof, in which shall be described, every lot or parcel of land so assessed, with the name of the owner thereof if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and city clerk, shall be published once in each week for two weeks in the official newspaper published in said city, and a notice therewith that at a certain time therein stated, the said common council will meet at its usual place of meeting and hear all objections which may be made to said assessment or to any part thereof. At the time so fixed the said common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and at the conclusion of such hearing may modify such assessments in whole or in part and shall adopt a reso-

ution which shall be published in the same manner as ordinances of said city, levying said assessment as the same shall have been finally determined by said common council. The sums so assessed shall be a lien upon said lands upon which they are assessed from the date of the passage of said resolution, and the said several amounts shall be entered against said lot or lots or parcels of land in the tax roll, in addition to and as a part of all other city taxes therein levied on such land to be collected therewith.

CHAPTER VII.

CITY IMPROVEMENTS.

SECTION 1. The common council of the city of Hudson shall have power to establish the grade of the streets of the city of Hudson, 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 damage by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages; but no suits shall be commenced against the city therefor, until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

Power to establish grade of streets.

SECTION 2. The common council shall have power, by a vote of two-thirds of all the members of the council, to order the building, construction, reconstruction or repair of sidewalks in the city of Hudson, in such manner as it may deem proper. Sidewalks shall be constructed, reconstructed or repaired as near as may be upon the established grade of any street in said city, of such width, in such manner, of such materials, and such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. The common council shall require the street commissioner to notify the owner or owners of any such lot or piece of ground to make or repair such sidewalk at his own proper

Building and repair of sidewalks.

cost and charge, by publication in the official paper for ten days. If such work is not done in the manner and within the time prescribed, the common council shall order the same to be done at the expense of the lots adjoining such sidewalks, and the expense thereof shall be assessed upon such lots chargeable therewith by the street commissioner, and returned to the common council, and shall be entered in the next tax roll of said city, in the column headed "special tax," and collected in the same manner as other city taxes are, and shall bear a like rate of interest. Whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, is dangerous, and will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the cost of such repairs, specifying the lot and block or piece or parcel of land, in front of which said work was done, and shall forthwith present the same to the owner of such lot or piece of land, if a resident of the city of Hudson, for payment; and if the owner of such lot, or piece or parcel of land shall refuse or neglect to pay for the same for ten days, the street commissioner shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, or 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 Hudson, the said commissioner shall return the said account to the common council, with his certificate, stating the fact, and the council thereupon shall levy a special tax to pay the same, in the manner in this section provided.

Costs and expense of surveying, repairing streets, sewers, etc., to whom chargeable.

SECTION 3. The costs and expenses of surveying streets, alleys, sidewalks and sewers, and estimating work thereon, repairing and cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to and payable out of the general fund of the city. Planking, grading, graveling, macadamizing or paving streets and alleys to the center thereof

shall be chargeable to and payable by the lots or parcels of land fronting on such street or alley within the line of improvement as far as the work extends; and the whole of the expense thereof shall be assessed upon such lots or parcels of land in proportion to their fronts thereon. Sewers and drains communicating with the main sewer and drains may be built by order of the common council through any street or alley, for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof may be assessed upon the lots so drained and benefited in such blocks, and being within the line of improvements; provided, that in all cases where improvements or work of any kind is chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund of the city, in proportion to the width of the streets or alleys or public grounds. No grading, graveling, paving or macadamizing of streets or alleys to be done at the expense of lots fronting such improvements, and no sewer, the expense of which is to be charged to the lots drained or benefited, as before provided, shall be ordered by the common council except upon petition in writing of a majority of the owners of the property residing on the line of the proposed improvements, and chargeable therewith, unless by a two-thirds vote of the common council, and whenever the council shall thereon determine upon a public improvement under this section, they shall pass a resolution to that effect, and shall require the street commissioner, with the assistance of the city surveyor, to examine the premises and report an estimate of the whole expense thereof, and the lots or parcels of land chargeable with the expense, and the owner's name, if known, and the proportion of the expense to be assessed to each lot or parcel of land, and in case of grading, graveling, paving or macadamizing a street or alley a proper grade, and the common council may adopt, revise, correct or remand the same with instructions upon such report being adopted; an accurate survey and profile of such grade shall be prepared by the city surveyor and filed in his office for record. The common council may thereupon order the said

work to be placed under contract upon such terms and under such regulations as they deem advisable, or order of the same to be done under the supervision of the street commissioner and the city surveyor. Where any work provided for in this section shall be completed, or the contract performed to the satisfaction of the street commissioner and the city surveyor, said street commissioner shall give notice by publication in the official newspaper of said city, for three weeks, that the expense thereof (in case of streets and alleys) will be assessed upon the lots or parcels of land fronting such streets or alleys within the line of such improvement in proportion to their fronts thereon, and in case of sewers chargeable to the lots as hereinbefore provided, that the lots in the blocks fronting such improvement drained or benefited thereby (which lots shall be designated in the notice) will be assessed in proportion to their size or area. Any owner of such lots or parcels of land to be charged as aforesaid, feeling himself aggrieved by such assessment, may, before the expiration of the publication of such notice, file a petition with the street commissioner, showing, in case of streets and alleys, that his lot or lots or parcels of ground will not be benefited to the extent of the expense apportioned to such lot or parcel of ground, and that such assessment in his case would be unequal and unjust; which said petition shall be sworn to by the petitioner or some one having knowledge of the facts. The street commissioner shall thereupon require the chief of police to summon three disinterested freeholders of said city, and non-residents of the ward wherein such improvement is located, as commissioners to attend at some convenient time and place, of which notice shall be given by publication in the official paper in said city at least five days before the time appointed for such commissioners to meet. At the time of meeting, such commissioners shall be examined under oath touching their qualifications to act, and in case of disqualification or absence the street commissioner shall require the chief of police to forthwith summon others to supply the vacancy. Said commissioners shall be sworn faithfully and impartially to discharge the trust reposed in them, and shall view and examine the premises in ques-

tion, and shall have the power to hear the parties, and administer oaths and examine witnesses. It shall be their duty, as early as practicable, and within ten days from the time they entered upon their duties, to report to the street commissioner their decision in writing, accompanied by any testimony or proof, or the substance thereof, taken before them, and shall in each case determine whether such assessment (in case of grading, paving, graveling or macadamizing streets and alleys) would be unequal and unjust, and whether, and how much, the same will exceed the benefit, and (in case of sewers) whether the lot or lots in question will be drained or benefited by the sewer, and thereupon what abatement or exemption, if any, should be allowed. The street commissioner shall thereupon complete his assessment for such improvement making the necessary abatement or exemptions, in accordance with the report of the commissioners, and the amount deducted for such abatement shall be assessed upon the other lots or parcels of land chargeable with the expense aforesaid in the manner before prescribed. Such assessment, when completed, shall be returned to the common council, and the said common council shall thereupon fix a time for the confirmation thereof, of which notice shall be given in the official papers of the city. Upon the confirmation thereof, such assessment shall become a lien upon said premises and shall be levied and collected as other taxes and assessments.

SECTION 4. The common council shall have power to regulate and cause to be constructed, altered and maintained, wharves and piers, or grading and paving along the banks of the St. Croix Lake, and shall have and exercise the same powers and control over the said lake and waters within the limits of the said city that they may possess over streets, alleys or highways, so far as such power and control may not be inconsistent with the laws of the United States or of this state. The expense of constructing, altering and maintaining such wharves, piers, grading and paving shall be paid out of the general fund of the city.

Construction of
wharves and
piers.

SECTION 5. No error or informality in the proceedings shall vitiate the assessments made by virtue of this chapter where the notices herein-

No error shall
vitate assess-
ments.

before provided shall have been given, and all assessments for work or expenses chargeable to the lots hereinbefore provided, shall be payable from the time of confirmation thereof by the common council; and the common council shall order the same to be entered in the annual tax roll (if not before paid) and collected as other taxes of said city.

Amounts shall be paid into the general fund.

SECTION 6. All amounts collected from assessments for improvements under this chapter shall be paid into the general fund of the city, and all contracts and claims for improvements chargeable to lots under this chapter, shall be audited and adjusted as other claims against the city, and paid and discharged as other claims against the city; provided that during the progress of any work done under the provision of this chapter the common council shall have power to pay all contractors thereof not exceeding seventy-five per centum of the amount of such work reported to the common council by the street commissioner and city surveyor.

Vacating streets, alleys, etc.

SECTION 7. No street or alley, or part thereof, shall be vacated except upon petition of the owners of three-fourths of the front upon such street or alley; but the boundaries of streets may be changed upon petition to the council by the parties interested.

CHAPTER VIII.

ASSESSMENT, LEVYING AND COLLECTING TAXES.

Levy and collection of taxes.

SECTION 1. All property, real and personal, within this city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government and payment of its debts and liabilities, and the same shall be assessed and the taxes thereon herein as provided, levied and collected in the manner provided by law.

General laws to remain in force.

SECTION 2. 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.

CHAPTER IX.

FIRE DEPARTMENT — FIRE LIMITS.

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

Fire department.

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

Building and construction of buildings.

SECTION 3. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-

Power to purchase fire-engines.

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, and such apparatus may be sold if the common council so direct, and the proceeds of such sale shall be paid into the city treasury. Each company shall consist of not to exceed twenty-five able-bodied men between the ages of fifteen and fifty, and may elect their own officers and frame their own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed shall be exempt from highway work and poll tax, from serving on juries, and military duty during the continuance of such membership; and any person having served for the term of five years in either of said companies, shall be forever thereafter exempt from serving on juries, from poll tax, and from military duty, except in case of insurrection or invasion.

Annual meeting of the fire department.

SECTION 4. There shall be a meeting of said companies on the third Monday of November in each year, at such places as may be designated by the chief engineer, when they may elect and recommend to the common council for appointment, one chief engineer and two assistant engineers, and the common council shall thereupon confirm said elections, and the persons so appointed shall perform such duties as the common council may prescribe.

Firewardens may be nominated.

SECTION 5. At the same time the members of said companies shall nominate, and the common council appoint the same, three firewardens who shall perform such duties as the common council may prescribe, and they may at any time enter into or upon any house, barn or other building or enclosure for the purpose of inspecting the same and with a view to guard against fire.

Fines to be paid to the fire department.

SECTION 6. The net proceeds of all fines and penalties recovered for the breach of any ordinance, by-law, or regulation made in pursuance of this chapter, shall be paid to the fire department.

SECTION 7. Whenever any person shall refuse

to obey any lawful order of any engineer, fire-warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or direct orally any constable, police officer, 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 every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful orders, or 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 fifteen dollars.

Penalty for refusal to obey lawful orders.

SECTION 8. The common council shall have power to organize a sack company, which shall be known as sack company number one, to consist of not more than fifteen members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Hudson, and are hereby vested with all the power and authority which now is or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by-laws and regulations as it may deem necessary, not inconsistent with this act and the laws of the state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbances of the peace, have free access to all licensed places of amusements in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully perform the duties of their said office, and when any

Power to organize a sack company.

member of said company shall cease to be a member thereof, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

CHAPTER X.

BOARD OF EDUCATION.

School district boundaries.

SECTION 1. All territory within the present corporate limits of the city of Hudson, and all territory which may hereafter be attached to and incorporated in the limits of said city, and also the northwest quarter of section thirty, township number twenty-nine, range number nineteen west, lying in the town of Hudson, shall constitute and form one school-district, and the board of education of the city of Hudson in all respects shall have the supervision and management of the schools in said district.

School commissioners.

SECTION 2. There shall be elected two commissioners of common schools in each ward of the city of Hudson, who shall be residents of the ward for which they are elected, and they shall, within ten days after their election, take the oath of office prescribed by the constitution of this state, and file the same with the city clerk, and shall hold their offices for two years and until their successors are elected and qualified. At the next annual charter election, and at each annual charter election thereafter, there shall be elected one commissioner of common schools from each ward in said city, who shall hold his office for two years and until the successor is elected and qualified.

Superintendent of schools.

SECTION 3. Said commissioners of common schools shall, at their annual meeting on the third Monday of April in 1885, and annually thereafter, elect a superintendent of common schools for said city, who shall be a resident of said city, and whose term of office shall commence on the third Monday of April of each year, and continue for one year and until his successor is elected and qualified.

Board of education.

SECTION 4. The commissioners of common schools of said city, and the superintendent thereof, shall constitute the board of education of the city of Hudson, which board shall be a corporate body in relation to all the powers and

duties conferred on them by this act, and a majority of said board shall constitute a quorum. At their annual meeting on the third Monday of April in each year, besides electing a superintendent, they shall elect one of their number president; and whenever the president shall be absent or unable to act, a president *pro tem.* may be appointed.

SECTION 5. The superintendent of schools shall be clerk of the board of education, unless he be absent or unable to serve, in which case the board may appoint a clerk *pro tem.* The clerk of said board shall keep a record of the proceedings thereof and perform such other duties as the board may prescribe, which record or transcript thereof, certified by the clerk and president, shall be received in all courts as *prima facie* evidence of the facts therein set forth. And all such records, books and accounts of said board shall at all times be subject to the inspection of the common council or any committee thereof. No member of the board of education, except the clerk, shall be allowed any compensation for any of the services prescribed in this act; the clerk shall receive such compensation for services as clerk and superintendent as prescribed by said board.

Clerk of board
of education.

SECTION 6. The superintendent shall, at such time as town superintendents are now or may hereafter be required by law to make their reports, each year make and transmit to the county clerk of St. Croix county a report of all such matters and things as may be required by law of town superintendents.

Annual report.

SECTION 7. The superintendent of schools, before entering upon the duties of his office, shall take the oath of office prescribed by the constitution of this state, and file the same with the city clerk. He shall also execute to the city of Hudson an official bond, in such sum and with such security as the board of education shall direct and approve, which bond shall be filed with the city clerk; and in case any such superintendent or clerk of the board shall defraud the school-district of said city, the said board of education shall therefor, in the name of the city of Hudson, commence and prosecute upon said official bond, such suit or suits as they may deem necessary and proper.

Oath of office
to be taken.

Does not interfere with existing laws.

SECTION 8. Nothing in this chapter shall be construed to supersede any officer or officers of said board now acting by virtue of the act incorporating public schools in the city of Hudson, or acts amendatory thereto heretofore passed; such officer or officers shall continue in office as heretofore, till his or their term of office shall expire.

Passing of ordinances by board of education.

SECTION 9. It shall be the duty of the common council of said city to pass such ordinances and regulations as the board of education may report to them as necessary and proper for the preservation of and protection of the school-houses, sites and all other property belonging to and connected with the public schools of said city, and impose proper penalties for the violation thereof; and all such penalties shall be collected in the same manner as penalties for the violation of the city ordinances, and shall be paid to the treasurer, and be subject to the order of the board of education, and shall be expended by said board for the use of the said schools in said city.

Title of school-houses, etc. shall be vested in city.

SECTION 10. The title of all the school-houses, sites, furniture, books and apparatus shall become and be vested in the city of Hudson, and the same while used 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.

Sale of school-houses.

SECTION 11. Whenever said board of education shall report to the common council that it is advisable to sell any of the school-houses or sites now or hereafter belonging to said city, the common council may dispose of the same, but no such conveyance of real estate shall be made except upon the recommendation of the board of education, nor shall any school-house or site, belonging to said city for school purposes, be used for any other purpose, without the unanimous consent of said board.

Removal from office.

SECTION 12. Any commissioner of common schools in said city may be removed from office for official misconduct, by the common council, by a vote of two-thirds of the aldermen present, but in all cases shall be granted a full and fair hearing before such removal.

Power of board of education defined.

SECTION 13. The board of education shall have power, and it shall be their duty:

1st. To establish and organize such schools in

said city as they may deem expedient and necessary, and in their discretion to discontinue the same.

2d. To purchase or lease school-houses or lots, or sites for school-houses, and to fence or otherwise improve the same as they may deem proper upon such lots, and upon any sites now owned by said city; to build, enlarge, improve and repair school-houses, outhouses and their appurtenances as they may deem proper; provided no purchase of school-house sites or real estate shall be made without the approval of the common council.

3d. To purchase, exchange, repair or improve school apparatus, furniture, books for indigent pupils, to purchase and provide for a school library for the children and the teachers of the public schools, and provide rules for the government of the same, and to provide fuel for the schools, and to defray their contingent expenses.

4th. To have custody and safe keeping of the school-houses, outhouses, books and furniture belonging to the schools in said city, and see that the ordinances of the common council relating thereto are strictly observed.

5th. To employ and contract with all teachers in the common schools, to whom the necessary certificates may have been given by the superintendent and at their pleasure to remove them; provided, that no contract for the employment of teachers shall extend beyond the first day of July next succeeding the date of such contract; to have in all respects the supervision and management of the common schools in said city, and from time to time make, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils from other districts, and the transfer of pupils from one department to another, and generally for their good order and utility.

6th. To make such orders and regulations in regard to the examination of teachers as they may deem proper; provided, that such examination shall be conducted by the superintendent, or in his presence, and none but the superintendent shall be authorized to issue and give certificates of qualification.

Terms upon which non-residents may attend.

SECTION 14. The said board shall have power to allow children of parents not residents of the city to attend any of the schools of said city, and to fix the amount of tuition to be paid by them, and the terms upon which they may attend such schools.

Board to expend money.

SECTION 15. The said board shall be trustees of the school-district library in said city, and shall expend all moneys appropriated by law or gift for enlarging or establishing the same.

Annual statement to be made.

SECTION 16. The said board shall each year prepare a correct statement of all receipts and disbursements of school moneys during the preceding year, specifying from what source received, and for what purpose expended, which statement shall be published at least ten days before the annual charter election, in the official paper of said city.

Sums for current expenses to be certified.

SECTION 17. The said board of education shall determine and certify to the common council of said city sums of money as they may deem necessary, for defraying the current expenses of the public schools, but such sum, so certified in any one year, shall not exceed seven mills on the assessed valuation of all the real and personal property in the school-district of the city.

School money to be paid to city treasurer.

SECTION 18. All moneys raised by this act for school purposes shall be paid to the city treasurer, who shall be accountable therefor in the same manner as for other moneys of said city.

Regarding suits, etc.

SECTION 19. The board of education may cause a suit or suits to be commenced and prosecuted in the name of the city of Hudson, upon the official bond of the treasurer of said city, for any default, delinquency, or official misconduct in relation to the collection, safe keeping and disbursement of any school moneys that may come into his hands.

Detached from the office of county superintendent.

SECTION 20. The city of Hudson is hereby exempt from the provisions of the revised statutes in relation to the office of county superintendent of schools, except in the matter of making reports to the state superintendent.

Money due city to be demanded by city treasurer.

SECTION 21. The city treasurer of said city is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer of St. Croix county, all moneys appropriated for the use of the schools in said city, and

all other moneys in possession of said county treasurer, at any time raised, appropriated or intended for the use and benefit of schools in said city, and the county treasurer is hereby directed and required, on demand of the said treasurer, to pay over to him the said moneys without delay or set-off, taking his receipt as such treasurer therefor, and all such moneys shall be placed to the credit of the school fund of said city.

SECTION 22. The said board of education shall be subject from time to time to the rules and regulations made by the state superintendent of schools so far as the same may be applicable and not inconsistent with the provisions of this act.

Board of education to be subject to state superintendent.

SECTION 23. The city clerk shall, on or before the fourth Monday of November in each year, certify to the town clerk of the town of Hudson the per centum of taxes levied by the common council for school purposes for the current year. The town clerk, receiving such certified statement, shall assess said per centum upon all real and personal property liable thereto, placing the same in a separate column in the tax roll of his town, and deliver it to the town treasurer for collection, and such tax shall be collected and returned in all respects as other taxes, and when collected the money shall be paid over to the treasurer of the city of Hudson.

Annual tax levy for school purposes.

SECTION 24. It shall be the duty of the city clerk, immediately after the election or appointment of any person as commissioner of common schools, to notify him of his election; and if any such person so notified shall not, within ten days thereafter, take and subscribe the constitutional oath, and file the same with the city clerk of said city, the common council may consider it a refusal to serve, and proceed to supply the vacancy occasioned by such refusal.

Notice of election of commissioner.

SECTION 25. It shall be the duty of the board of education to audit each and every indebtedness of said city for school purposes, and all moneys received by or raised in the city of Hudson for school purposes shall be under the control of the board of education, and shall be drawn out upon the order of the president, countersigned by the clerk, duly authorized by a vote of said board, and in no other manner, and all such orders shall be received in payment of any debt or demand due

Audit of indebtedness.

to, or tax or assessment levied by authority of the city for school purposes.

No general law shall affect.

SECTION 26. No general law of this state, contravening the provisions of this chapter, shall be construed as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this chapter; and all general laws which are in conflict or inconsistent with the provisions of this chapter are hereby repealed, so far as the same applies to this chapter.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

All work shall be let by contract.

SECTION 1. All work for the city or either ward thereof, unless performed by the city, shall be let by contract to the lowest reasonable responsible bidder, and due notice shall be given of the time and place of letting such contract; provided, that the council shall have power to reject any and all bids.

No moneys shall be appropriated unless expressly authorized.

SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act; and no vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Remission of penalties.

SECTION 3. No penalty for judgment recovered in favor of the city shall be remitted or discharged except by a vote of two-thirds of the aldermen elect.

All actions to be brought in corporate name of city.

SECTION 4. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act or by-law or ordinance under which the penalty or forfeiture is claimed, and to give special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigency of the case may require. In all cases where an action might be brought by the city of Hudson against any person, company or corporation, such action may be commenced and prosecuted in the

name of the city by any resident of said city; provided, that before any person, other than the proper officers of said city, shall prosecute any such action, the person or persons so commencing shall enter into bonds, with sufficient surety to the opposite party to be approved by the judge or justice before whom such action shall be brought, conditioned that they will pay all costs that might be recovered against the city in such action. After the filing of such bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of such action; but such costs, where the action shall fail, may be recovered against the party commencing the same, upon the bond filed as aforesaid; provided, that nothing herein contained shall be so construed as to prevent any peace officer from arresting without process any person in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said court can reasonably hear and dispose of such offender.

SECTION 5. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the police justice pursuant to any ordinance or by-law of the said city of Hudson, or pursuant to any provision of the charter of said city, as a punishment for any offense, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of St. Croix county, unless otherwise provided, and shall there be imprisoned for a term not exceeding six months, in the discretion of the police justice, unless the fine or penalty aforesaid be sooner paid or satisfied; and in all cases where the punishment of such offenders shall be by imprisonment, such imprisonment shall be in the said jail of St. Croix county; and from and after the time of the arrest of any person or persons for any offense whatsoever, until the time of the trial or hearing, the person or persons so arrested may be imprisoned in the said jail of St. Croix county, or in the city prison; and in all cases where the said police justice is or may be

Committing
offender to jail.

authorized to commit any person or persons for any other cause by virtue of the provisions of the charter of said city, he may commit such person or persons to the jail of St. Croix county or to the city prison. The sheriff of St. Croix county and jailors and prison keepers of said common jail of St. Croix county, and each of the deputies, are required to receive such persons in custody and confine them safely in said common jail of St. Croix county until they may be discharged by due course of law; and such sheriff, jailors, prison-keepers and their deputies offending in the premises, shall be liable to the same fines and penalties and the parties aggrieved shall be entitled to the same remedies against them, or any of them, as if such prisoners had been committed to their custody by virtue of legal process, issued under the authority of this state. The said city of Hudson shall be liable to pay for the support and keeping of said prisoners the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of the state.

Shall not work incompetency.

SECTION 6. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city may be a party in interest.

To remain in force.

SECTION 7. All ordinances, regulations or resolutions now in force in the city of Hudson, not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the common council after this act shall take effect.

Actions to be prosecuted by corporation.

SECTION 8. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation herein created.

Failure to hold election does not invalidate.

SECTION 9. If any election of the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on 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 of the city, to be done by any officer at any specified time, and the same are not so done or performed, the common council may appoint another time at which said acts may be done and performed.

SECTION 10. Whenever any suit or action shall be commenced against said city, the service thereof may be had by leaving a copy of the process, by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by the ordinance or resolution of said council may be in such case provided.

How suits are commenced.

SECTION 11. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land-marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of St. Croix county.

Accurate surveys and boundaries to be made.

SECTION 12. The surveys and land-marks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets and alleys, public grounds, wharves and blocks in all cases in which they shall be drawn into controversy in all courts in this state.

Shall be prima facie evidence.

SECTION 13. 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 profile thereof, to be made, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be effected or injured in consequence of the alteration of such grade.

Establishing the grades of streets, etc.

SECTION 14. The city may lease, 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.

Lease and purchase of real estate.

SECTION 15. When the city of Hudson deeds

When city
deeds or leases

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

Mayor to ex-
ecute the deed
when ordered.

SECTION 16. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose describe the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Copy of ordi-
nance to be
attached to
deed.

SECTION 17. 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; which 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.

General fund.

SECTION 18. All moneys paid to the city on account of any or all licenses whatsoever, granted or issued by the common council of said city, and all penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury and become a part of the general fund of said city.

Real estate ex-
empt shall be
subject to
special taxes.

SECTION 19. Real estate exempt by the laws of this state from general taxation, shall be subject to special taxes for the building or grading of streets, sewers, sidewalks, repairing and cleaning of sidewalks, removal of nuisances, and such other work and labor for which a special lien is given, and the making of local and general improvements, and all the property of the city shall be subject thereto; provided, that the property of the city shall be exempt from all taxation except such special tax.

Private prop-
erty not avail-
able for city
debts.

SECTION 20. No real or personal property of the city, or any of its inhabitants, or of any individual or corporation therein shall be levied on or sold by

virtue of any execution issued to satisfy any judgment against said city.

SECTION 21. No interest shall be allowed or paid on any city order or certificate of indebtedness, unless the same is expressly authorized by the common council.

No interest on city orders.

SECTION 22. The regular committees of the common council shall be as follows: On finance, streets, ordinances, fire department, claims, health and licenses, and shall be appointed by the president of the council at the annual meeting, on the first Monday of May, or as soon thereafter as convenient.

Regular committees.

SECTION 23. The common council may by unanimous vote thereof, remit any tax or special assessment, or any part thereof whenever the same shall be manifestly illegal or unjust.

Remission of taxes.

SECTION 24. No general law of this state contravening the provisions of this act, shall be construed as repealing, annulling, or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this chapter or this act, and all general laws which are in conflict or inconsistent with the provisions of this act, are hereby repealed, so far as the same applies to the city of Hudson.

No general law shall repeal.

SECTION 25. This act shall be deemed a public act, and may be read in evidence without further proof, and judicial notice thereof shall be taken in all courts and places; and all ordinances, orders, rules, resolutions or regulations and by-laws of said city, when printed and published, as in this act provided, with a certified copy of the resolution of the common council, adopting such book or pamphlet, attaching to the cover thereof, shall be received and read in evidence in all courts and places without further proof; also the book in which the ordinances of said city are recorded at length by the city clerk shall be received and read in evidence in all courts and places without further proof.

Public act.

SECTION 26. The common council may at any time publish in book or pamphlet form all ordinances, by-laws, rules, regulations, and all by-laws, rules and regulations of the board of education, board of health, or of any other body of board authorized by this act to be elected or appointed, and may in the same book publish this act, and

Publishing ordinances, by-laws, etc.

embody any subsequent amendment to this act duly made therewith, and such book when so published, and, by resolution, duly passed by the common council, adopted as the charter, ordinances, by-laws, rules and regulations of said city, such publication in book or pamphlet shall be deemed and held to be a legal and sufficient publication of said ordinances, by-laws, rules and regulations.

Altering or amending this act.

SECTION 27. This act, nor any part thereof, nor any act in any way affecting the municipal government of the city, or any part thereof, shall be altered, amended, repealed or passed, unless the same be recommended by a majority of all the members of the common council.

Representation of county board.

SECTION 28. The supervisors elected under this act shall represent the city of Hudson on the county board of supervisors of St. Croix county, and shall have the same powers and duties as other members of such board.

Verifying accounts.

SECTION 29. No account shall be allowed by the common council unless the same is verified by the claimant thereof or some person in his behalf.

Prohibiting the sale of liquor to common drunkards.

SECTION 30. The common council, by resolution, may forbid any and all persons in said city who are or may be licensed to sell strong, spirituous, ardent or intoxicating liquors, from selling or giving to any person, naming him, who, in the opinion of the council, is drinking or using spirituous, ardent or intoxicating liquors, to such excess as to make or render such person disorderly or liable to be disorderly; and if any person licensed as aforesaid shall sell or give to any such person any strong, ardent or spirituous liquors, or allow any other person or persons on his premises to sell or give to such person, or any other person for him, any spirituous, ardent or intoxicating liquors of any kind whatever, the council may, upon proof thereof, by resolution declare the license of such person forfeited and revoke the same; and such person, or any other person who shall sell, give, buy or procure for such person any strong, ardent or spirituous liquors or beer, shall be liable to a penalty of twenty-five dollars, which shall be sued for and recovered, with costs, of such persons violating this section, in an action wherein the city shall be plaintiff, in the same manner as for

the violation of city ordinances hereinbefore provided in this act.

SECTION 31. The paupers of said city shall be removed to the poor-house of the county of St. Croix by order of the supervisors of the several wards, in like manner as they are removed from the several towns in said county; provided, that if by reason of contagious or infectious disease, or for any other reason, such pauper cannot be so removed to the county poor-house without danger to the public health, the city of Hudson shall care for such pauper until such time as he may be so removed, and the expense of such care so incurred shall be chargeable to and paid from the poor fund of St. Croix county.

Removal of paupers to poor-house.

SECTION 32. The city of Hudson shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of this city or any magistrate to the jail of St. Croix county for any offense punishable under the state laws.

Jail fees, city not responsible.

SECTION 33. No sale under execution, or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall direct or affect the lien on any assessment for any tax, or for any improvements, works or benefits chargeable to or assessed against property under this act, although the confirmation of such assessment may be subsequent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

Affecting lien on any assessment.

SECTION 34. The common council of said city shall have, and it 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, except as otherwise provided in this act, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax and to be appropriated to the improvements of streets, roads, alleys and cross walks in said city.

Poll taxes.

SECTION 35. On or before the regular meeting of the council in June in each year, the city clerk shall make out from the (poll) lists in his office the names of all male persons over twenty-one years of age and under fifty, liable to pay such polltax, with the amount thereof set opposite each person's name, and submit the same to the common council for correction. When such list

Poll lists to be made out annually.

is corrected, the common council shall by order (to be signed by the mayor and clerk, sealed with the seal of said city and annexed thereto) direct the same to be delivered forthwith to the street commissioner for collection. The street commissioner shall forthwith proceed to the collection of said tax, and shall demand the same once from each person named in the list, and if any person liable therefor neglects to pay for the same for two days thereafter, then such street commissioner shall, in the name of the city, sue for and collect such tax, with fifty per centum damages on the same, with costs of suit, before the police justice, and in default of payment of such judgment, execution shall issue against the defendant as in cases of tort, and the first process in such action shall be by civil warrant; and the street commissioner, while said list is in his hands for collection, may put upon the same the names of all persons liable to such tax as may have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such list; and may also erase such names as are not liable to such tax.

Street commissioner to be chosen.

SECTION 36. The common council shall, at their first meeting for organization in each year, choose by ballot a street commissioner, who shall, in addition to the collection of the poll tax, as above provided, under the direction of the common council, expend the same on the streets, culverts, cross walks or highways in said city.

Term of office.

SECTION 37. Nothing in this act shall be construed to supersede any officer or officers of said city now acting by virtue of the act incorporating said city, or acts amendatory thereto heretofore passed. Such officer or officers shall continue in office as heretofore till his or their term of office shall expire.

Board of review.

SECTION 38. The mayor, clerk, and assessor shall constitute the board of review, and shall meet at the chambers of the common council on the last Monday in June in each year, and shall proceed in all respects as town boards are by law required to proceed.

License shall be signed by city clerk.

SECTION 39. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal of the city; but no license shall be

issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been authorized by the common council, together with a bond as required by the laws of this state, which bond shall be approved by the common council; every such license shall contain a clause prohibiting the selling, vending or giving away any such strong, vinous or fermented, ardent, intoxicating and malt liquors, on any general or special election, or on the Sabbath day, or at any time, to any minor or habitual drunkard, or after eleven o'clock at night.

SECTION 40. No assignee of any license shall be permitted to pursue the occupation or business licensed, except by a vote of two-thirds of the common council.

Assignee of license.

SECTION 41. No assignee of any license shall be permitted to pursue the occupation or business licensed except upon the same premises where the business was conducted by the original holder of said license.

Assignee of license to do business on original premises.

SECTION 42. The common council of the city of Hudson are empowered, in their discretion, after being requested thereto by a resolution of the board of education of the city of Hudson, to authorize the issue by the mayor and clerk of bonds of said city having not less than five years to run, with interest payable annually, the proceeds of which shall be used for the purpose of building school-houses and purchasing sites therefor; and they may make such arrangements as they see fit with holders of bonds to extend the time of payment of said bonds, and for that purpose may issue new bonds to be exchanged for old ones; and the taxation to pay the interest and principal on said bonds shall be on all the property in the school-district established. The common council shall also have power to issue bonds having not less than five years to run, to aid in purchasing fire-engines and equipments necessary for extinguishing fires; provided, however, that the common council shall not in any case, or for any purpose whatever, have power to issue bonds or any other evidence of indebtedness

Bonds for building school-houses.

bearing a greater rate of annual interest than five per centum; and provided, further, that they shall not have power to issue bonds for all purposes whatsoever, which shall amount in the aggregate to more than one-tenth of the assessed valuation of the real and personal property of said city.

Appropriation of five hundred dollars may be made.

SECTION 43. The common council shall have power to appropriate annually a sum not exceeding five hundred dollars 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.

Penalty for setting up gambling houses, etc.

SECTION 44. Any person who shall set up or keep a common gaming house, or a gambling house or place, or a house of ill-fame, or a bawdy house or place, and all persons or inmates thereof or found therein, within the limits of the city of Hudson, and on trial and conviction be adjudged guilty, in an action wherein the city shall be plaintiff, in the same manner as for violation of city ordinances hereinbefore provided, shall be punished by imprisonment in the city prison or county jail of St. Croix county, not to exceed six months, or by a fine not to exceed one hundred dollars, or by both such fine and imprisonment, as the police justice of the city of the court before whom the trial is had may think proper; and on trial of persons for the violation of this section, proof of the general reputation of the house or place kept shall be sufficient *prima facie* evidence of the fame and kind of place or house kept.

Mayor may grant pardons.

SECTION 45. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting, with the reasons therefor.

Regarding actions in tort.

SECTION 46. No action in tort shall lie or be maintained against the city of Hudson, unless a statement in writing, signed by the person injured, or claiming to be injured, of the wrong, and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occurring or happening of the tort alleged.

SECTION 47. All acts and parts of acts conflict-

ing with the provisions of this act are hereby re- Repealing section.
pealed.

SECTION 48. This act shall be considered a public act, and shall be liberally construed in all courts of this state, and shall be in force and take effect from and after its passage and publication. Public act.

Approved March 30, 1885.

[No. 293, A.]

[Published April 11, 1885.]

CHAPTER 212.

AN ACT to amend section 2, of chapter 2, of chapter 306, of the private and local laws of 1866, entitled, "an act to consolidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof, approved April 6, 1866."

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

SECTION 1. Section 2, of chapter 2, of chapter 306, of the private and local laws of 1866, entitled, "An act to consolidate and amend the act to incorporate the city of Berlin and the several acts amendatory thereof, approved April 6, 1866," is hereby amended so as to read as follows: Section 5: The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or by the laws of this state. All money raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order signed by the mayor or acting mayor, by order of the city council, and countersigned and attested by the clerk. He shall keep an accurate account of all moneys or other things coming in his hands as treasurer, in a book 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 Section 2, ch. 2, amended.