

land; provided, that said bonds shall not be negotiated, sold or exchanged for such indebtedness at less than their face value.

SECTION 16. All easements of lands outside of the corporate limits of the city of Ashland, now held and owned by the town of Ashland, by dedication or otherwise, shall be and remain the property of said town, and all such easements and lands now owned and held by said town, and situated within the corporate limits of the city of Ashland, as described in this charter, shall be and hereby are vested in said city.

Easements to remain property of town and city.

SECTION 17. The next annual town meeting of the town of Ashland shall be held at such place as the town board of supervisors of said town shall designate, and the said town meeting, and all town meetings of said town, may be held in said city, and the town officers of said town may hold their respective offices in said city, unless otherwise directed by the proper town authorities.

Annual town meeting.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1887.

[No. 38<sup>u</sup>, A.]

[Published March 29, 1887.]

## CHAPTER 128.

AN ACT to incorporate the city of Reedsburg.

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

SECTION 1. From and after the adoption of this charter as hereafter provided, the following described district of country, to-wit: The southwest quarter of the southwest quarter of section two, the south half of the southeast quarter and the south half of the southwest quarter of section three, the east half of section nine, all of section ten, the west half of the southwest quarter, and the west half of the northwest quarter of section eleven, all in township number twelve north, of

Corporate name and boundaries.

range four east, lying and being in the county of Sauk and state of Wisconsin shall be a city, the name of which shall be Reedsburg, and the people inhabiting said territory shall be a municipal corporation, to be known as the city of Reedsburg. Said corporation shall have all the powers possessed by the general statutes of the state of Wisconsin, and in addition thereto the powers hereinafter granted, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all the courts, of purchasing and holding and conveying real estate; and shall have a common seal and may alter the same at pleasure.

Ward  
boundaries.

SECTION 2. Said city shall be divided into two wards the boundaries of which shall be as follows: All that territory lying and being west of Market street shall be known as the first ward, and all that territory lying and being east of Market street shall be known as the second ward, until the boundaries thereof shall be changed.

Corporate  
authority.

SECTION 3. The corporate authority of said city shall be vested in one principal officer, styled the mayor; and three aldermen from each ward, who, with the mayor, shall be denominated the common council; and in such other officers as are hereinafter provided for, or may be created under this act.

#### ELECTIONS.

Annual  
election.

SECTION 4. The annual election for city and ward officers shall be held on the first Tuesday in April in each year, at such place in each ward as the council shall designate; not less than five days' notice shall be given of the time and place of holding all elections and of the officers to be elected, by publication in some newspaper published in said city. The aldermen of each ward shall be the inspectors of election for their respective wards, and may appoint clerks of election for such wards. All elections under this charter shall be conducted in the same manner as the general elections for state and county officers, and the qualifications of voters shall be the same as at such general election and that each elector shall reside in said ward at least ten days prior to such election. In case a special election is to be

held in the city other than a ward election, the council may order a single poll for the entire city, and appoint a place where the election is to be held, and appoint inspectors of election and clerks therefor. Each ward officer shall be a qualified elector in the ward in which he is elected, and each city officer shall be a qualified elector in the city.

SECTION 5. The officers to be elected by the people shall be a mayor, treasurer, assessor, clerk, two justices of the peace and two constables for the city at large and three aldermen, and one supervisor from each ward. All of said elective officers except justices and constables shall be freeholders in said city.

Officers to be elected.

SECTION 6. The president and trustees of the village of Reedsburg shall appoint the places for holding the first election in the several wards of said city, and shall appoint inspectors and clerks for such election, and at least five days prior to such election they shall publish in a newspaper printed in such village, a notice specifying the several places in the wards where such election is to be held. The general laws of this state on the subject of elections and prescribing punishment for illegal voting, so far as they are consistent with this charter, shall apply to said election and to all elections hereafter held in said city. No spirituous or malt liquors shall be sold within said city upon the day of any election held therein until after the polls of the election are closed, and any person offending against this provision of this section shall be guilty of a misdemeanor, and on conviction thereof be punished by a fine of fifty dollars or by imprisonment in the county jail for sixty days, or by both such fine and imprisonment, and the city council shall have power to create and prohibit the same offence by ordinance and to punish it by penalties not exceeding the penalties above prescribed.

Places for holding first election.

SECTION 7. At such first election the clerks and inspectors in the several wards shall canvass the votes in their respective wards, in the manner provided by the general statutes of this state, and shall forthwith make returns of said votes to the president and trustees of the village of Reedsburg, who shall on the day succeeding said election canvass said returns and declare the result of

Canvass of votes in respective wards.

the election and give certificates of election to the several persons elected to office. Such returns, including the returns of the said president and trustees, shall be reduced to writing and shall be filed in the office of the city clerk as soon as said clerk shall qualify and enter upon the duties of his office.

Appointment  
of officers.

SECTION 8. The mayor and common council at the first meeting after the annual election, shall appoint a superintendent of schools and a street commissioner, and may appoint a surveyor, pound master, policeman, marshal, fire wardens, night watchmen, and such other officers or agents as may be necessary to carry into effect the provisions of this act, or any ordinance made in pursuance thereof.

Terms of  
elected officers.

SECTION 9. All officers elected, except justices of the peace, shall, unless elected to fill a vacancy, hold their respective offices for one year and until their successors are elected and qualified; provided, however, that the council shall have power, for due cause satisfactory to them, to expel any of their own number and to remove from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The term of office of every officer elected or appointed under this act, shall commence on the second Tuesday in April of the year for which such officer is elected or appointed, except that the superintendent of schools, which shall commence on the second Tuesday of July, next succeeding the appointment.

Vacancies, how  
filled.

SECTION 10. Whenever a vacancy shall occur in the office of mayor, aldermen, or supervisor, the council may order a new election, and shall give five days notice thereof. Vacancies in other offices shall be filled by the council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof, for the unexpired term, with the same rights and subject to the same liabilities, as the person whose office he may be elected or appointed to fill.

What consti-  
tutes an  
election.

SECTION 11. In all elections by the people a plurality of votes cast shall constitute an election. In case two or more candidates shall receive an

equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct.

SECTION 12. Whenever any officer shall cease to possess the qualifications necessary to his election, his office shall be deemed vacant; and any officer who shall neglect or refuse to qualify within ten days from the time of his notification of his appointment or election, shall be deemed to have vacated the office. Vacated offices.

SECTION 13. Whenever an election shall be held under this charter, the inspectors shall forthwith make their returns, stating the number of votes cast for each person for each and every office, to the city clerk. Within one week after said election the council shall meet and canvass said returns and declare the result as it shall appear from the same. The clerk shall thereupon notify the persons elected of their election. Returns of inspectors.

SECTION 14. Immediately after the charter election in each year, the supervisor and aldermen of each ward shall meet in their respective wards and designate one of the aldermen to attend the meetings of the county board, and act as a member of the county board to represent his ward, in case of the inability of the supervisor of the ward from any cause to act. Member of county board.

#### OFFICERS — THEIR POWERS AND DUTIES.

SECTION 15. Every person elected or appointed to any office under the city charter except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk, and the treasurer, marshal and constable and street commissioner and such other officer as the council may direct, shall severally before they enter upon the duties of their office, execute to the city of Reedsburg a bond, with at least two sufficient sureties, who shall swear that they are worth at least, each of them, the amount of the penalty of the bond over and above all debts and exemptions and liabilities, and such bonds shall count in such penal sums and such conditions as the council shall deem proper and direct. The council may Officers, their powers and duties.

from time to time require new bonds from the treasurer or other officer of the city, and the council may remove from office any officer for refusing or neglecting to give the same. The justices of the peace shall qualify in the same manner as in towns except that their bond shall be approved by the council. And no member of the council shall be security on any bond which the council is required to approve.

Duties of the mayor defined.

SECTION 16. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state, and the ordinances of the city are duly enforced and that all the officers of the city discharge their respective duties. The mayor shall be the chief executive of the city and head of the police force therein, and in case of a riot or other disturbance he may appoint as many special or temporary constables as he shall deem necessary. He shall have the authority to remove the marshal for insufficiency or neglect of duty, and to appoint a marshal in place of the one removed, but the term of office of a marshal who may be appointed by the mayor shall not commence until his nomination shall be approved by a majority of the council. The mayor shall have a vote in the council only in case of a tie, except when the council shall be engaged in the election of any officer, in which proceeding he shall have a vote the same as an alderman. When presiding over the council his style shall be, "Mr. President."

#### POWERS OF THE MAYOR.

Powers of mayor.

SECTION 17. The mayor shall have power to veto any ordinance, act or resolution passed by the council, or the allowance of any claim by notifying the council of his objection thereto, at any time within seven days after the passage of such ordinance or resolution, or the allowance of such claim. In case no session of the council, on any of the days after the passage of the same and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council, by giving notice in the same manner as other special meetings are called, to consider such veto and ob-

jections, and in case the council shall not within one week after receipt of such objections or such filing with clerk, re-enact such ordinance or pass such resolution by a vote of two-thirds of all members of the council elect, the same shall be null and void. If the mayor shall not return any ordinance, act, resolution or claim within seven days after the passage or allowance thereof, it shall take effect in the same manner as if he had signed it.

SECTION 18. At the first meeting of the common council after its election in each year, it shall proceed to elect by ballot, one of its number president, and in the absence of the mayor, the said president shall preside over the meetings of the council; and during the absence of the mayor from the city or his inability for any reason to discharge the duties of his office the said president shall exercise all the powers and discharge all the duties of mayor. In case both the mayor and president shall be absent at any meeting of the council it shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled "acting mayor," and any acts performed by him shall have the same force and validity as is performed by the mayor.

Election of president of the council.

#### DUTIES OF THE CLERK.

SECTION 19. There shall be a city clerk who shall keep the corporate seal, and all papers and records of the proceedings of the city, and keep a record of the proceedings of the council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the council, certified by him under the corporate seal shall be evidence in all courts, in like manner as if the original were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the council, and keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting, the council may appoint a

Duties of the city clerk defined.

clerk pro tem. The city clerk shall have power to administer oaths and affirmations.

#### DUTIES OF TREASURER.

Duties of the treasurer defined.

SECTION 20. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of the city and laws of the state, and shall receive all moneys belonging to the city, and keep an accurate account thereof, together with all disbursements in such manner as the council may direct. He shall report to the council as often as is required, and annually at least, as is required, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have all the powers and duties, and be subject to all the liabilities as treasurers in towns. No person having been city treasurer for two years in succession, shall be eligible to re-election until one year shall have elapsed, nor shall any person, who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office.

#### DUTIES OF MARSHAL.

Duties of marshal.

Section 21. The marshal shall possess all the powers of a constable in towns, and be subject to all the same liabilities. It shall be his duty to execute and return all writs and processes to him directed and delivered for that purpose, and when necessary, in criminal cases, or in case of the violation of any ordinance of this city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city or the laws of this state and forthwith bring such persons before competent authority for examination; and for such services he shall receive such fees as are allowed to



constables for like services, but he shall receive no fees for services performed in behalf of the city. He shall do and perform all such duties as may be lawfully enjoined on him by the ordinances of said city. He shall have power to appoint one or more deputies to be approved by the council, but for whose acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

SECTION 22. The council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of the city charter, and to prescribe their duties and to fix the compensation of all officers of said city where the same is not fixed by statute. The council shall at the last regular meeting before the annual election in each year, fix, by resolution, the salary of the clerk, treasurer, marshal, assessor and school superintendent for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted except by unanimous consent of the council, which vote shall be approved by the mayor; provided, that the salaries of the officers elected at the first charter election shall be fixed by the common council at its first meeting; all salaries to be paid quarterly.

Other and further duties may be required.

SECTION 23. The council at the first meeting after its election, or as soon thereafter as practicable, shall designate a newspaper printed in said city, which shall be the official paper of the city, in which all ordinances shall be published, and other matters required by the city charter or the by-laws or ordinances of the city to be published in a newspaper.

Official newspaper to be designated.

SECTION 24. The city printer, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the clerk of the city a copy of such publication with his or his foreman's affidavit of the time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, as stated in such affidavit.

Official publication to be filed.

SECTION 25. If any person having been an

Penalty for failure to deliver to successor.

officer in said city shall not, within ten days after notification and request, deliver to his successor in office, all property, books and 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 the city, a sum not exceeding one hundred dollars besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Shall not be interested in any job.

SECTION 25. Neither the mayor nor any member of the common council of said city shall be a party to or interested in any job or contract with the city, and any contract in which the mayor or any member of the council may be interested shall be null and void; and in case any money shall have been paid by or for the city on any such contract, the city may sue for and recover the amount paid.

#### OFFICERS OF THE PEACE.

Officers of the peace.

SECTION 27. The mayor, acting mayor, the sheriff of Sauk county and his deputies, and each and every member of the common council, justice of the peace, marshal, constable and watchman of said city shall be peace officers, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of said city, and for such purpose may command the assistance of all by-standers, and if need be all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall pay a forfeiture of not more than fifty dollars; and in case where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present in the order above mentioned in this section shall direct the proceedings.

Actions to be brought in corporate name of city.

SECTION 28. All actions to recover any penalty or forfeiture under the city charter, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by, or before any of the justices of the peace of the city. All forfeitures and penalties collected by any justice in such cases shall be

paid over to the city treasurer. Each justice shall report to the council on the second Monday in March, June, September and December, in each year, a statement of all such forfeitures and penalties collected by him, and at the same time pay over the amount to the city treasurer. No person shall be incapacitated or excused from testifying in any such action by reason of being implicated in the offense or act charged; but the testimony of such witness shall in no case be used against himself.

SECTION 29. The council may elect a city engineer and prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the city clerk, and shall be open to the inspection of the public.

Election of city engineer.

SECTION 30. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect and his office be deemed vacant from the time such resignation shall be accepted by the council.

Resignation of officers, how effected.

SECTION 31. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made by the city, not 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 by the council as by the city charter provided.

Bonds to be filed.

#### THE COMMON COUNCIL — ITS POWERS AND DUTIES.

SECTION 32. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be "the mayor and common council of the city of Reedsburg do ordain." They shall meet at such time and place as they shall fix upon. A majority shall constitute a quorum.

Common council, how constituted.

SECTION 33. The council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their usual places of business or abode.

Stated and special meetings to be held.

SECTION 34. The council shall determine the rules of its own proceedings; shall be the judge of the election and qualification of its own members,

Council to determine its own rules.

and a less number than a quorum shall, at any regular or special meeting, have power to adjourn or compel the attendance of absent members.

Management  
and control of  
finances,

SECTION 35. The council shall have the management and control of the finances of the city and of all its property, and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish and 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, for the prevention of crime, and for the benefit of the trade, commerce and health thereof as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the full force of law; provided, that they are not repugnant to the constitution and laws of the United States, or of this state, and for these purposes shall have authority, by ordinance, resolution or by-laws:

Issue of li-  
censes.

1. To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibitions of caravans, circuses, or theatrical performances, billiard tables, pool tables, bowling saloons, and for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses and regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

Gambling.

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

Riots, distur-  
bances.

3. To prevent riots, noises, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Cleansing  
nauseous  
places.

4. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap fac-

tory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

5. To direct the location and management of slaughter-houses and markets, and regulate the storage and safe keeping of gunpowder or other combustible material.

Slaughter  
houses, gun-  
powder.

6. To prevent encumbering of the streets, lanes or alleys, with carriages, carts, wagons, sleighs and boxes, lumber, firewood or any other materials or substance whatever.

Incumbering  
streets.

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

Hors.-racing.

8. To restrain the running at large of cattle, swine, poultry and geese, and to authorize the distraining and sale of the same, and to prevent the keeping of swine within any portion of the city, where their presence may be offensive to the inhabitants in the vicinity, or may be regarded as nuisances.

Restrain cattle,  
etc.

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

Dogs.

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

Putrid car-  
casses.

11. To regulate and license hacks, cabs, drays, carts and the charges of hackmen, cabmen, draymen and cartmen in the city.

Regulate  
hacks, etc.

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

Boards of  
health, ceme-  
tery grounds.

13. To regulate the size and weight of bread and

- Size and weight of bread.** to provide for the seizure and forfeiture of bread baked contrary thereto.
- Riding or driving on sidewalks.** 14. To prevent all persons from riding or driving any ox, horse, mule, cattle or any other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks.
- Shooting of fire-arms, etc.** 15. To prevent 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 to any citizen thereof.
- Restrain drunkards.** 16. To restrain drunkards, immoderate drinking, vulgarity or obscenity in the streets or public places, and to provide for the arresting and removing and punishing any person or persons who may be guilty of the same.
- Runners and solicitors.** 17. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and regulate the police of the city.
- Public markets.** 18. To establish public markets, and to make regulations for the government of the same; to appoint suitable officers for the overseeing and regulating such markets, and to restrain all persons from intercepting or interfering with the due observance of such rules and regulations.
- Sale of provisions.** 19. To license and regulate butchers' stalls, shops and stands, for the sale of game, poultry, butchers' meat, butter, fish and other provisions.
- Weighing and selling hay.** 20. To regulate the place and manner of the measuring and weighing of and selling of fuel and hay, and to appoint suitable persons to superintend and conduct the same.
- Removal of snow, dirt and rubbish from sidewalks.** 21. To compel owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substance as the board of health shall direct; and in his default to authorize the removal or the destruction thereof, by some officer of the city at the expense of such owner or occupant.
- Contagious and infectious diseases.** 22. To regulate, control and prevent the landing from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.
- Licenses.** 23. To license auctioneers, peddlers and tran-

sient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and require the payment into the city treasury of a certain percentage of the amount received from the sales by auctioneers, peddlers and transient dealers.

24. To appoint watchmen and prescribe their powers and duties. Watchmen.

25. To prohibit and punish by suitable fines and forfeitures, the use of false weights or measures within said city. False weights and measures.

26. To protect trees and monuments in said city. Trees and monuments.

27. To provide for and regulate the construction of sewers in said city. Construction of sewers.

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

29. To regulate and license the ringing of bells and crying of goods, wares and merchandise or other commodities in the streets or vacant lots of said city. Ringing of bells.

30. To regulate the running of locomotives, engines and cars through the city. Locomotives.

31. To regulate and control the erection of awnings and awning posts, and to provide for and control the erection and maintenance of safe and convenient hitching posts and places for fastening teams, at such points as the council may deem necessary. Awnings, hitching posts, etc.

32. To establish public markets and make rules and regulations for the government of the same. Public markets.

33. To direct the location of and regulate and license breweries, tanneries and packing houses. License of breweries, tanneries, etc.

SECTION 36. All ordinances shall be passed by a majority of the council and shall be signed by the mayor, and shall be published in the official paper of the city, but no ordinance shall be in effect until ten days after its publication, and within fifteen days after such publication they shall be recorded, or a duly certified copy thereof, and at all times such record, or a duly certified copy thereof, or a printed book containing the same, purporting to have been published under the sanction of the mayor and council shall be deemed and taken as prima facie evidence of the time and manner of such publication and of the passage of such ordinance.

SECTION 37. The powers upon the said council

Shall not bar  
nor hinder  
suits.

to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings, according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous liquors are sold without the license required, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Common council shall audit accounts.

SECTION 38. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other city officers, at such time as it may deem proper, and also at the end of the year, and before the time for which the officers of said city are elected or appointed shall have expired; and the council shall require each and every such agent and officer to exhibit his books, accounts, moneys and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his moneys, books and vouchers to said council, it shall be the duty of the council to declare the office of such person vacant; and the council shall order proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

#### STREETS AND ALLEYS.

Power to lay out public squares.

SECTION 39. The council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge and extend the same, and to use lands in said city for the purpose of constructing and repairing sewers and drains, as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the 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 enlarging or widening the same, or to use certain lands



within the ward for the purpose of constructing and repairing sewers and drains, giving the courses and distances metes and bounds of all the lands proposed to be taken or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, the council shall, if it deem it necessary to take or use such lands for the purposes specified in such petition, cause notice of such application to be given to the owners or occupants of such land, which notice may be served personally or at the residence of such owner or occupant, or if any portion of such land shall not be in actual occupation of any person, and such notice has not been served upon the owner, then the council shall cause such notice, by describing the premises as near as may be, proposed to be taken, to be published in the official paper of the city for four successive weeks, at least once each week.

SECTION 40. Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of the county of Sauk for the appointment of twelve jurors to view the said premises, and to determine whether it will be necessary to take or use the same for the purposes specified in said petition. Should any of the lands proposed to be taken or used belong to the county judge, then the application shall be made to the sheriff of the county.

What notice shall state.

SECTION 41. Upon presentation of such application and upon proof of the publication of service of the notice herein required, the said judge or sheriff, as the case may be, shall thereupon appoint as jurors, twelve reputable freeholders of the city, but not residents of the ward in which the premises lie, nor interested in the result of such application. The said judge or sheriff shall thereupon issue his precept, directed to said jurors, requiring them, within a time therein specified, which shall be not more than thirty days nor less than ten days from the date thereof, to view such premises to be specified in said precept, and to make return under their hands to the council whether in their judgment it is necessary to take or use

Twelve freeholders to be appointed.

said premises for the purpose specified in said application.

In case jury be disqualified.

SECTION 42. If any juror so appointed shall be disqualified from acting or shall refuse to act, at any time before the completion of their final award the judge or sheriff shall appoint another in his place, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to view premises in a body.

SECTION 43. The jurors, having first taken the oath hereinafter provided for, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Jurors to report of their proceedings.

SECTION 44. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take or use the premises in question for the public use; which report, testimony and precept shall be returned to the council within the time limited therein.

Confirming said report.

SECTION 45. Should the jurors report that it is necessary to take or use such premises, the council shall, if it approve such report, enter an order among its proceedings confirming said report, and directing the jurors to again view the said premises, at a specified time, for the purpose of ascertaining and determining the amount of damages to be paid to the owner of the property proposed to be taken, and also what premises will be benefited by such taking, and to assess and return within a limited time such damages and benefits to the council; provided, however, that in case of sewers and drains the said jurors need not view the premises to be benefited or assess the benefits thereon.

What the jurors shall estimate and determine.

SECTION 46. If there should be any buildings standing, in whole or in part, upon the lands to be taken or used, the jurors, before proceeding to make their estimate, shall first estimate and determine the whole value of the land, and secondly the value of such buildings to remove, except in cases of drains and sewers.

SECTION 47. At least ten days' personal notice

of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper of the city three successive weeks; such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear on a day therein named, and give notice of their election to the council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building he shall have such time for that purpose as the council shall allow.

Ten days' personal notice shall be given.

SECTION 48. If the owner refuse to take the building at the value to remove, or fails to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer for the use of the owner, and shall thereafter be paid to the owner on his application therefor, provided it shall be necessary to remove such building for the proper use of the lands so taken or used.

In case owner fail to take building at the value to remove.

SECTION 49. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and all such other premises as will in their judgment be benefited thereby; provided, however, that in case of sewers or drains need not examine the lands benefited thereby. After hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used and the injury arising to them respectively as damages, which shall be awarded to them respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands shall include the value of the building or buildings, if the property of the owner of such lands, as estimated by them as

Jurors to examine and view premises.

aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

**In case damage be greater than the benefits.**

**SECTION 50.** If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, then, in either case, the jurors shall strike a balance and carry the difference forward in another column so that the assessment will show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collected of them or payable to them.

**If land or buildings belong to different persons.**

**SECTION 51.** If the lands or buildings belong to different persons or be subject to lease, judgment, mortgage or other incumbrance, if there be any estate less than an estate in fee, to such person or interest respectively, the injury done shall be awarded to the person entitled thereto by the jurors, less the benefits resulting to such interests respectively from the proposed improvements.

**Damages to be apportioned and assessed.**

**SECTION 52.** Having ascertained the damages and expenses of the proposed improvements as aforesaid, the jurors shall thereupon apportion and assess the same, together with costs of the proceedings upon the real estate by them deemed benefited in proportion to the benefits resulting thereto from the proposed improvements, as nearly as can be, and shall describe the real estate upon which their assessments may be made, and state the amount assessed upon each separate tract; provided, however, that when the lands are used only for the purpose of a sewer or drain, the damages shall not be assessed upon the lands benefited, but shall be paid by the city as provided by law. The award shall be signed by said jurors and by them returned, together with the testimony taken to the council within the time limited in their order of appointment, and shall be final, unless appealed from in the manner hereinafter provided.

**When lands may be taken.**

**SECTION 53.** The land required to be taken or used for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the parties interested, shall be paid or tendered to them or their agents, or in case said parties or their agents are unknown or cannot be

found, deposited to their credit in some safe place of deposit, to be determined by the council, and then, and not before, such lands may be taken or used and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then in that case, the said city shall have power to go upon said premises at any time and at all times for the purpose of examining and repairing said sewers and drains.

SECTION 54. When the whole of any lot, tract or parcel of land or other premises under lease or other contract or incumbrance shall be taken or used by virtue of the city charter, all the covenants, contracts or liabilities relating to the same or any part thereof shall, after the expiration of the time for the appeal as herein provided, respectively cease and be absolutely discharged.

Covenants and contracts to cease, when.

SECTION 55. When only part of the lot or tract of land or other premises so under lease or other contract, or incumbrance shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrances shall be absolutely discharged as to the part thereof so taken or used, but shall remain valid as to the residue thereof; and the rents, liens and payments due from or on account of the same shall be so appropriated that the part thereof justly and equitably due and payable for such residue, and no more shall be paid or recoverable for the same.

When covenants to be absolutely discharged.

SECTION 56. The damages assessed on each separate lot or tract, shall be paid, tendered, or deposited as herein required within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited all the proceedings in any such case as to any lot or tract of land on which they are so unpaid shall be void. The benefits so assessed from the expiration of the time for appeal, shall become a lien upon the premises upon which they are assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for city improvements are collected. The amounts so collected shall be held by the city as a special fund for the payment of the damages aforesaid,

Damages assessed to be tendered.

and shall be paid out for that purpose and no other.

In case of an infant or other disability.

SECTION 57. When any known owner of lands or tenements affected by any proceedings herein provided for shall be an infant or labor under disability, the judge of the circuit court of Sauk county may, upon application of the council or such party by his next friend, appoint a guardian for such party and all notices required by the city charter shall be served upon such guardian in the same manner as if he were the party interested.

Jurors to severally take an oath.

SECTION 58. The jurors herein provided for, shall before entering upon the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned the county judge shall have power to appoint new jurors in the place of those who shall so neglect or refuse to serve.

When a person may appeal.

SECTION 59. The council, or any party interested may within twenty days from the return of the jurors to the council of the benefits and damages so assessed, appeal to the circuit court of Sauk county from the decision of said jurors, so far as it affects the interests of said appellants. Notice of such appeal shall be filed by the appellant with the clerk of said court within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as the court shall direct.

In case damages be increased.

SECTION 60. In case the total amount of the damages or costs awarded by the jurors, and which formed the basis of their assessment, shall be increased by any proceedings subsequent to the return of said assessment to the council, and founded thereon, such additional sum shall, as soon as determined, be assessed by the city clerk under the direction of the mayor and council, upon the land upon which the first assessment was made, in the same proportion as such first assessment and shall be collected in the same manner. And in case such damages are not so increased, the costs of such appeal shall be taxed

against the appellant and deducted from the damages recovered on such appeal.

SECTION 61. Whenever any streets, alleys, or public grounds shall be laid out, or extended, or sewers or drains constructed, under the provisions above, the council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Accurate survey to be made.

SECTION 62. No street or alley or part thereof shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley in the block in or along such street or alley runs; but the boundaries of streets may be changed upon the petition to the council by the parties interested.

Power to order streets, alleys, etc., to be vacated.

SECTION 63. The council shall have power to change the name of any street and to vacate any plat or portion thereof that may be petitioned for by the proprietors of such plat, or any person interested therein; but no petition for such vacation shall be acted upon, unless notice of such application to the council shall have first been published in the official paper of said city for at least two weeks prior to the meeting of the council.

Power to change name of street.

SECTION 64. All directions given in the foregoing sections from 37 to 63 inclusive, shall be deemed only directory, and no error, irregularity or informality of any of the proceedings thereunder not affecting the substantial justice shall in any way affect the validity of the proceedings.

Directions only directory.

SECTION 65. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, gutters, reservoirs, sewers, drains and sidewalks in the manner hereinafter mentioned and directed, and direct and control the persons employed therein.

Ordering, making and repair of streets.

SECTION 66. The costs and expense of surveying streets, alleys, sidewalks, drains and sewers, and of estimating work thereon in the execution of any public improvement, and of repairing streets shall be charged to the city. The cost of paving, opening, grading or macadamizing streets and alleys and constructing and repairing sidewalks, shall be chargeable and payable by the lots fronting on such street or alley, so that each lot or parcel of land shall pay for the work done be-

Costs and expense of surveying to be charged to city.

tween the front of such lot or tract of land and the center of such street or alley. Sewers and drains may be ordered by the council, and all costs and expenses, as well as the damages which may be sustained by the owners of land through which the same shall pass, shall be charged to and payable by the city.

Public im-  
provement,  
time to be fixed.

SECTION 67. Whenever the council shall determine to make any public improvement, as authorized by the two preceding sections, it shall fix the time within which such work shall be done, and shall give notice by advertisement, to be published once a week for three successive weeks in the official paper of the city, to the owners or occupants of the lots or parcels of land fronting an any streets, alley or sidewalk ordered to be improved, requiring them to do the work mentioned in such notice within the time fixed by the council for the doing of the same, to be therein specified. If such work shall not be done within said time, the street commissioner shall immediately proceed to advertise and contract for doing the same at the expense of the lots upon which the work is chargeable. Proposals shall state gross amount for doing the work in front of any lot, and the contract shall be awarded to the lowest responsible bidder. The council may direct the letting of such work in whole or in part; all bids for doing the same to be approved by the mayor, who shall have the power to reject any and all bids, and may require such contractors to perform such contract within a given time and under such conditions, and to give such security for the performance of the work as he shall direct; such contract shall be executed by the mayor and countersigned by the clerk; notice of the time and place of receiving bids under this section shall be published for ten days in the official paper of the city.

Work to be  
determined by  
council.

SECTION 68. Whenever the council shall require any street to be paved or macadamized, or any gutter to be constructed, it shall determine the manner in which the work shall be done and of what material, and the street commissioner, or such person or officer as the council may designate to have charge of the work, shall let a contract for doing the whole of such work. Public notice of the letting of such contract shall be given by ad-



vertisement in the official paper of the city for at least twenty days, and the contract shall be awarded to some responsible bidder, to whom it shall be deemed most reasonable and proper. The cost of such paving or macadamizing, or of constructing such gutter, shall be chargeable to the lots fronting on the street, so that each lot or parcel of land shall bear its proportionate amount of the expense of such paving or macadamizing, or of constructing such gutter, according to its frontage on the street, but the expense of all engineering and grading necessary to be done to prepare a street for paving or macadamizing or the constructing of a gutter, shall be payable by the city.

SECTION 69. In case no bids shall be received for the performance of the work required to be done by order of the council, it may cause it to be done under the supervision of the street commissioner, or a committee of the council, and the expense for doing the same shall be apportioned and assessed to each lot, according to its frontage on the street, and the amount shall be collected in the same manner provided for the collection of special taxes.

What expense shall be chargeable to the lot owners.

SECTION 70. Whenever the general interest of the city requires deep cutting or extraordinary filling in any street, or the building of sidewalks or grading or otherwise improving a street in front of any property to an amount which may be excessively burdensome upon such property, any person deeming himself aggrieved thereby may represent to the council in writing, within twenty days after the passage of the ordinance requiring the work to be done, that the improvement will exceed the proportion that should be justly and equitably charged upon the property assessed therefor; thereupon the council shall require the marshal to summon five freeholders, not residents of the ward, nor owners of, nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if, in their opinion, the costs of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what part of such work shall be chargeable to such lots or parcels of land respectively, and to make a re-

In case of deep cutting

port thereof, and report as soon as practicable in writing to the council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided in case such owner shall not do such work, and the remainder shall be paid by the city; provided, that should said jury find that said petitioners were not entitled to any division of the expenses as assessed upon their lots or parcels of land, then the expense of all proceedings under this section shall be paid by said petitioners, and the council may require a bond for the payment of the same on the filing of the petition; provided also, that the petition of no owner feeling himself aggrieved, shall be received unless the same shall be presented within twenty days after the publication of the notice requiring the work to be done; and provided further, that when it shall appear to the council that any such lands belong to non-residents, infants or persons under disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands, to the amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

Stagnant  
waters.

SECTION 71. The council shall give written notice to all owners or occupants of lots upon which stagnant waters may be, which may be deemed injurious to health, by reason thereof, to abate such nuisance by draining or filling such lot within a reasonable time, to be specified in such notice, and if such nuisance shall not be abated or removed within the time so specified, the council shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Certificate to  
be given to the  
contractor af-  
ter completion  
of contract.

SECTION 72. After the completion and performance of any contract entered into by the street commissioner for work, chargeable to lots or lands by virtue of this charter, he shall give the contractor or contractors a certificate under his hand, stating therein the amount such contractor is entitled to, and a description of the lot or parcel of land upon which the same is chargeable; which said certificate may be transferred by endorsement thereon; and if the amount thereon

shall not be paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and shall be assessed upon the said lots or parcels of land respectively, and collected therefrom for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof; and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate the assessment. When the tax shall have been paid to the city treasurer, he shall pay over the amount on order of the council, to the persons entitled to receive it. But if the tax on such lot shall not be paid while the roll is in the hands of the city treasurer, it shall be returned to the county treasurer as delinquent and received by such treasurer and collected as other delinquent taxes are received and collected. Then the city shall issue a city order to the amount assessed against the lot in favor of the contractor, upon his application to the council so to do. But in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or county be held responsible for, or on account thereof, or of any proceeding for the collection of the pay therefor, except as hereinbefore provided.

SECTION 73. The council shall appoint a street commissioner for the city, or may by resolution, require that the marshal shall be such street commissioner, who shall have all the powers and perform all the duties required of the street commissioner. The general powers and duties of the street commissioner shall be the same as those of overseers of highways in towns, except as otherwise herein provided. It shall be the duty of the street commissioner to see that all the ordinances of the city, relating to streets, alleys, public grounds, reservoirs, gutters, sewers and water-courses within the city, are duly kept and observed, and direct and control the persons employed thereon; and he shall have the general supervision over all the work let by contract for the improvement of the streets or sidewalks, unless the council shall otherwise provide. Such street commissioner shall be under the direction

Council to  
appoint a street  
commissioner.

and control of the council, and he shall make no order or give any directions for the improvements of streets unless such improvements have been previously authorized by the council or a committee of the council acting under authority. Whenever any place shall occur in any street, whereby the life or property of persons using the street becomes endangered, the street commissioner shall proceed at once to repair such street to a safe and passable condition.

Written notice  
to be served on  
owner.

SECTION 74. It shall also be the duty of the street commissioner, whenever any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant of the lot adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same; and if said owner or occupant shall fail to repair the same forthwith, then in that case the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk; provided, however, that the expense shall in no case exceed the sum of ten dollars, unless such repairs shall be made according to the provisions of the city charter. Service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed a service upon such owner or occupant; and in case the owner of such lot is not a resident of said city or his residence is unknown, and such owner has no agent in said city known to the street commissioner, then in that case it shall be the duty of the street commissioner to forthwith repair the same without notice to the adjoining lot, at the expense of such lot, as hereinbefore provided. The street commissioners shall also have the same powers and duties in relation to removing obstructions from any of the streets in said city as the town board of supervisors have in removing obstructions from highways.

Removal of  
dirt, etc.

SECTION 75. Any owner of a lot may remove the earth, gravel or material of any kind from the street adjacent to his lot prior to the grading of the same, at his pleasure; but in doing so, he shall not impair the usefulness of the street. The street commissioner, however, may take material from any point in the street to make ordinary and ne-

cessary repairs elsewhere on such street. When any street shall have been ordered graded, and the time for doing such work shall have expired without having been performed, the city may take such material from the street in front of or adjacent to, for the purpose of bringing any lot as is not necessary for the purpose of bringing such street along such lot to the established grade; or may authorize any person to take it and use it upon any street in the city.

SECTION 76. The street commissioner shall hold his office for the term of one year from the second Tuesday in April of the year in which he is appointed, unless removed by the council, and may be required by the council, before entering upon the duties of this office, to give a bond in such sum as the said council shall require, with one or more sufficient sureties to be approved by the council, conditioned to render an account to the council whenever required by law or the ordinances of the city, or by a vote of the council to safely keep and account for, and deliver over when lawfully required, all property of said city which may come into his hands; to use, disburse and pay over, as required by law or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Term of office  
of street com-  
missioner.

SECTION 77. The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in front of the same and to protect and preserve them, and in default thereof, to cause the same to be done, and to levy a special tax upon such lots or grounds, to pay the expense of the same. It shall also have power to determine the lines on which the trees shall be set, and the manner of protecting them, and the places where they shall be set and the kind and size of the trees, and for replanting them, when they shall have died or been so injured so as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisance and order their removal where they have hitherto been set out. It shall also have power to provide for and direct the trimming of shade trees to the proper proportions, and to do

May order  
ornamental or  
shade trees to  
be set out.

all other needful acts as to them may seem just and proper to give this section proper effect.

Funds in treasury to be under control of council.

SECTION 78. All funds in the city treasury, except school, state and county funds, shall be under the control of the council and shall be drawn out upon the order of the mayor countersigned by the clerk, duly authorized by the vote of the council, and in no other manner, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

Debts against city to be authorized by a majority.

SECTION 79. No debt shall be contracted against the city or order drawn on the city treasurer unless the same shall be authorized by a majority of the council, and the vote authorizing the same, when it exceeds fifty dollars, shall be entered by the ayes and nays upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by the city charter.

Forfeitures to be paid into city treasury.

SECTION 80. All forfeitures and penalties accruing to the city for a violation of the city charter or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by the city charter. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of three-fourths of the common council.

Property subject to taxation.

SECTION 81. All property, real and personal within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of all its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under the city charter shall have and possess the same powers and perform the same duties as are, or may hereafter be conferred upon and required of assessors of towns; provided, however, that the council may prescribe the form of the assessment roll, and more fully define the duties of assessors.

City to be regarded as a town for equalizing purposes.

SECTION 82. The county board of supervisors shall have the right to regard the city of Reedsburg as a town in equalizing the assessment roll of the several towns in Sauk county, as provided by law,

but in such equalization shall consider the assessment roll of said city as an entire roll and shall not charge the relative valuation of the different wards.

SECTION 83. The said board of supervisors may levy a tax or taxes as now is or may hereafter be authorized by law, in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Levy a tax by board of supervisors.

SECTION 84. Upon receiving the statement of the amount of taxes so levied, the city clerk shall, upon a uniform percentage, compute and carry out upon said assessment roll, or a copy thereof, in one item opposite to each valuation in said assessment roll, the amount required to be raised upon such valuation to make the whole amount of taxes so certified, together with such city and other local taxes as are to be levied uniformly upon all the taxable property in the city; and all other taxes, if any, shall be entered in separate columns, opposite to the valuation of property, to be charged in a separate column, under the head of "taxes unpaid for previous year." The city clerk shall enter opposite each tract of land so returned to him by the county clerk, the year for which such tax remains unpaid. The city clerk shall enter upon said roll a general statement showing the several amounts of taxes levied on the city or any part thereof, and for what purpose. Said roll, when so completed, shall be the tax roll of the city of Reedsburg, and shall be preserved by said clerk as a record in his office.

City clerk to make out tax roll.

SECTION 85. The tax roll made out and preserved as aforesaid, shall be prima facie evidence in all courts of record in this state, that every act or thing required by law to be done relating to assessing or levying of taxes, from the election of officers to the completion of the tax roll, inclusive, has been done regularly, correctly and as required by law.

Tax roll to be prima facie evidence.

SECTION 86. Immediately after making out the

Duplicate copy  
to be made out.

tax roll aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax roll, in the manner provided by law; and the said clerk shall on or before the first day of December, of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of the delivery of the same on the tax roll preserved in his office.

City treasurer  
to collect.

SECTION 87. The city treasurer, upon the receipt of the duplicate tax roll, shall proceed to collect the same in like manner, and shall have the like power and be subject to the like requirements, liabilities and restrictions as town treasurers, except as otherwise herein provided. On all taxes paid or tendered prior to the tenth day of January the treasurer shall collect one per cent. and on all taxes paid after the tenth day of January he shall collect five per cent., which shall be in full for his fees for collecting said taxes.

Delinquent tax  
list to be made  
out.

SECTION 88. The said treasurer shall make out and return to the treasurer of Sauk county, at the time required by law, in the case of towns, a list of all lands and lots upon which the taxes have not been paid, and shall settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said treasurer shall also, at the same time, make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest penalties or fees to such delinquent returns as are allowed or required by law upon delinquent returns from the several towns.

Sale of delin-  
quent lands.

SECTION 89. The county treasurer shall sell all delinquent lands and lots returned from the city of Reedsburg, at the same time and in the same manner as other delinquent lands are sold in the county.

All real estate  
subject to  
special taxes.

SECTION 90. All the real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks



and the improvements in streets in front of the same.

SECTION 91. All the directions hereby given for the assessing of lands and of levying, collecting and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any officers entrusted with the same, not effecting the substantial justice of the tax itself, shall vitiate or in any way affect the validity of the tax or assessment.

D'rections only directory.

SECTION 92. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares, gas, electric lights and other purposes of public utility; but no such tax shall be levied unless the same shall be recommended by the council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, they shall specify the amount to be raised and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual election.

Special taxes may be levied for purchase of fire-engines.

SECTION 93. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans, at the legal rate of interest, for supplying the deficiency of all funds to meet any deficiency in the treasury.

Prompt payment of orders.

SECTION 94. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact on the first regular meeting of the council.

Duty of treasurer when lacking funds.

SECTION 95. The council shall meet on Monday evening two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, prior to the second Tuesday of April following, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their term.

Last meeting of council.

SECTION 96. All surplus moneys in the city treasury, not belonging to the school fund, may, by direction of the council, be temporarily used

Loaning surplus funds.

for the purpose of paying orders drawn on any other funds, but all funds so used shall be replaced.

Bridge taxes.

SECTION 97. A special tax not exceeding three thousand dollars in any one year may be levied by the council whenever it shall appear necessary for the building or repairing of bridges, or for any other necessary purpose, which taxes shall be collected as other taxes. Whenever the council shall recommend the issue of bonds for any lawful purpose, and the people shall vote to issue such bonds, the same may be issued; provided, such bonds shall not draw a greater rate of interest than seven per cent., and shall not be negotiated for less than their face value.

Fire limits may be prescribed.

SECTION 98. The council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall be erected, repaired or moved, 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 removal of buildings into such fire limits, or the removal of any building or buildings situated or located within said fire limits, to or on any other lot or lots within such fire limits, 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. The council shall have no power to authorize wooden buildings to be moved into the fire limits, or from one point within the fire limits to another point within the fire limits.

Construction of chimneys.

SECTION 99. The council shall have the power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boiler 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, in such manner and time as it shall prescribe, and to regulate them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing fire or promoting the same;

to compel the owners and occupants of buildings to have scuttles in the roofs and stairs or ladders leading to the same; to authorize the mayor, aldermen, supervisors, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons; to compel by-standers to aid in the extinguishment of a fire, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires and the protection of property at fires, as it may deem expedient, and to enforce the foregoing provisions and the ordinances by suitable penalties.

SECTION 100. The council shall have power to authorize the formation of fire-engine, hook and ladder and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time, and to prohibit their meeting, as such, when disbanded; which companies shall be officered and governed by their own by-laws; provided, such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member in good standing of any such company shall be exempt from serving on any juries and from poll tax, and from military duty except in case of war, invasion or insurrection; and whenever a member of a fire, hook and ladder, or bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Formation of fire-engine and hook and ladder companies.

SECTION 101. The council shall have the power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city, and the moneys arising therefrom shall be expended under the direction of the council for fire purposes.

Fire tax.

SECTION 102. The council is hereby authorized and empowered to construct reservoirs throughout the city and provide means for filling the same.

Reservoirs.

#### SCHOOLS.

SECTION 103. All the district of country within the corporate limits of the city of Reedsburg and

School district.

the west half of the west half, of section number two, the north half and the north half of the south half of section three, and the south half of the northeast quarter of section four, all in town twelve, range four east, shall constitute a school district until the same shall be changed as hereinafter provided, to be known as school district number one of the city of Reedsburg. Any territory outside of and adjoining said city may be attached to said city for school purposes and the boundary lines of said district may be altered and changed at any time by the joint action of the mayor and common council of the said city, and the supervisors of the town of Reedsburg; the said alterations to be made and the school tax levied and collected in the same manner as is now provided by law in the case of joint districts in towns.

School commissioners.

SECTION 104. At the time fixed for holding the annual election of officers, in the school districts in towns, next after the adoption of this charter, there shall be elected in the manner now provided by law for the election of officers in school districts, three school commissioners in said district, whose term of office shall be, one for one year, one for two years and one for three years respectively, and annually thereafter at the same time shall elect in like manner a commissioner for three years in place of the one whose term of office expires. The present officers of school district number one of the town of Reedsburg, shall remain as the officers of such district, until such commissioners shall have been elected as above prescribed.

Women eligible for school superintendent.

SECTION 105. Every woman of the age of twenty-five years and upwards, residing in the city, shall be eligible to the office of superintendent of schools and to the board of education.

Board of education, how constituted.

SECTION 106. The said school commissioners, so appointed, in conjunction with the superintendent of schools of the city of Reedsburg, shall constitute a board to be designated, "the board of education of the city of Reedsburg." Said board shall appoint and hold stated meetings, and a majority thereof shall constitute a quorum for the transaction of business. At the first meeting of said board in each year the members thereof shall elect one of their number president, and whenever he shall be absent a president pro tem. may be ap

pointed. The superintendent of schools shall be clerk of said board, whose compensation shall be fixed by the council. The said commissioners shall not receive any compensation for their services.

SECTION 107. 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 a transcript thereof, certified by the president and clerk, shall be received in all courts and places as prima facie evidence of the facts therein set forth, and such records and all books and accounts of said board shall at all times be subject to the inspection of the council, and of any committee thereof. The clerk of said board shall visit all schools in the city at least once in each month and report their condition to the board of education, with such suggestions for their improvement as he may deem proper. He may also make such suggestions to said board as he may deem necessary for improving and repairing school houses, grounds and appurtenances thereunto belonging. When any repairs shall be ordered the board may employ some suitable person to superintend the making of said repairs, and such compensation may be paid for such service as the board may deem just and reasonable.

Duties of clerk  
of said board.

SECTION 108. The clerk of said board shall in each year, and at the time and in the manner now and hereafter required of town clerks, make and transmit to the state superintendent, a report in writing, which report shall be such as is now or hereafter may be required by law to be made annually by town clerks and transmitted to the county superintendents. He shall also make and submit to the council, at least ten days before the annual election in each year, a report showing the receipts and expenditures by the board since the last report to the council at its first meeting in July. Such account need only show the gross amount of receipts and expenditures by the board for each of the various purposes required by the report. Such report shall include the salaries of teachers and all other expenses up to the second Tuesday in April following, and all salaries or bills that will be due at that time, may be paid before making the report. The report shall also show the gross amount of the receipts and expenditures

Further duties  
of clerk.

since the preceding annual report. If the receipts and expenditures since the June report are more or less than the estimates, then the report shall state the amount more or less, and the report shall also state whether if any, how much more or less than the estimates will be needed for the entire school year ending in June.

School regula-  
tions.

SECTION 109. The council shall have power to pass such ordinances and regulations, as the board of education may report as necessary and proper for the protection and safe keeping, care and preservation of the school houses in said city, and lots and appurtenances to the schools, and also to impose penalties for the violation thereof. All such penalties shall be collected in the same way that other penalties authorized to be imposed by said council, under the city charter, are collected.

Title of school  
houses to be  
vested in city.

SECTION 110. The title of the school-houses, sites, furniture, apparatus and appurtenances, and other property herein mentioned, shall be vested in the city of Reedsburg, and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city shall be able to take, hold, and dispose of any real or personal estate transferred to it by gift, grant, bequest or device, for the use of the schools of said city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any person or persons, or body for the use of said schools.

Treasurer to  
demand school  
money.

SECTION 111. The treasurer of said city is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer of Sauk county, all moneys appropriated for the use of 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 the schools in said city, and the said county treasurer is hereby directed and required, on demand of the said city treasurer, to pay over to him the said money without delay or set-off, taking his receipts as such city treasurer therefor, and all such money shall be placed to the credit of the school fund of said city. A statement of all school moneys so received shall forthwith be re-

ported to the city superintendent of schools by said city treasurer.

**SECTION 112.** The said board of education shall have power and it shall be its duty: Powers of board of education.

1st. To establish and organize such and so many schools in said city, or the several wards thereof, as they shall deem necessary and expedient and to alter and discontinue the same.

2d. To have the custody and safe keeping of the school-houses, books, furniture and appendages, and to see that the ordinances and regulations of the council in relation thereto are observed.

3d. To contract and employ in behalf of the city, all teachers in such public schools of the city, who may be duly licensed to teach.

4th. To have in all respects the superintendence, supervision and management of all the public schools in said city, and from time to time adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one school to another, and generally for the promotion of their good order, prosperity and utility.

5th. Whenever in the opinion of said board it may be advisable to sell any of the school-houses, lots or sites, or any of such school property belonging to the city to report the same to the council.

6th. To prepare the report to the council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school-houses, lots, sites and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to the council, at its first meeting in October of each year, the amount of money in their opinion, necessary or proper to be raised for school purposes, specifying the sum required for each of the purposes therein named and the reason therefor.

8th. In the name of the city of Reedsburg to contract for the repair of school-houses and their appurtenances, and for all things necessary and proper for the support and maintenance of schools in said city, and generally to have the entire and

exclusive supervision and control of all property belonging to said city used for said purpose. The board of education shall have the power, by and with the consent of the council of said city, to erect, construct, hire and purchase all buildings suitable for school-houses, buy and lease sites for school-houses with the necessary grounds, and to furnish the school-houses in the said city with the necessary fixtures, furniture and apparatus. No greater amount shall be expended by the board of education in any year, under the provisions of this section, than shall be appropriated by the council for school purposes during such year.

Annual school tax may be levied.

SECTION 113. The council of the city of Reedsburg shall have power to annually levy and collect a school tax not exceeding two per cent, on the real and personal property of said city, to meet the expense of erecting and repairing school-houses, purchasing or hiring sites for school-houses, and supporting and maintaining schools.

Board of education to audit school accounts.

SECTION 114. It shall be the duty of the board of education to audit and allow each and every indebtedness of said city for school purposes, and to issue orders therefor, signed by the president and clerk of the board of education; and all moneys received by or raised in the city of Reedsburg for school purposes, shall be disbursed by the treasurer of said city upon the said orders of the president and clerk of the board of education and in no other way.

Non-resident children may be allowed to attend city schools.

SECTION 115. The said board of education shall have power to permit the children of persons not residents of said city to attend any of the schools therein, under the care of the board, upon such terms as said board shall prescribe, fixing the tuition which shall be paid therefor. Permits to enter the schools shall be issued by the city superintendent, but no such permit shall be issued which shall interfere with the proper instruction of resident pupils. He shall report his action under this section to the board of education as often as he may be required, and shall not issue any greater number than may be authorized or sanctioned by the board of education. All permits shall specify the amount to be paid by non-residents, and no such pupil shall be admitted to any school of the city until he has exhibited



the receipt of the city treasurer, that the amount specified in such permit has been paid to him. At the end of each term and such other times as he may be required by the board, every teacher who has admitted to the school under his charge any non resident pupil under the city superintendent's permit shall return to the board of education all permits under which pupils have been admitted. All moneys so received shall become a part of the school fund of said city. It shall be the duty of the board of education to report to the council at its first meeting in the month of July in each year, the condition of the several schools in the city, and the average number of pupils in attendance, names and rate of compensation of the several teachers, the cost of supporting each and all of said schools since the previous report, and the estimated cost thereof to the time of their next succeeding report as in this section required, specifying the items thereof on their appropriate heads together with such other matters as they may deem proper or the council may require; provided, that nothing in this act contained shall be deemed to authorize said board of education or the council or both, to appropriate, contract or expend for school purposes in any one year any greater sum than is provided for in this charter in addition to the school moneys derived by said city from the state and county school funds and such fines and penalties, forfeitures and tuition moneys as shall properly belong to the city school fund unless first authorized by a vote of two-thirds of the legal voters of said city.

SECTION 116. The council of the city of Reedsburg, on the application of the board of education may borrow money for the erection and completion of school-houses in said city not exceeding the sum of five thousand dollars and may issue bonds of said city for the payment of the same, bearing interest not exceeding seven per cent. per annum, payable annually or semi-annually and becoming due within ten years or less, as the council may by ordinance prescribe. In case said bonds are issued the council shall annually levy a tax on the taxable property of said city, as other taxes are levied and collected, sufficient to pay the principal and interest of said bonds as the same may become due; and the money thus raised shall

May borrow money.

be applied to the purpose for which it was raised and no other; provided, that no bonds issued in pursuance to this section shall be sold for less than their par value.

#### MISCELLANEOUS PROVISIONS.

Credit of city shall never be loaned.

**SECTION 117.** The credit of the city shall never be given or loaned in aid of any individual, association or corporation, except as provided by the general laws of this state.

One per cent. only for general fund.

**SECTION 118.** No tax for general city purposes shall be levied in any year exceeding one per cent. of the assessed valuation of the property in the city in that year.

Regarding borrowing money.

**SECTION 119.** The city shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the fiscal year, which shall commence on the first day of December of each year, except as otherwise herein provided.

Work to be let to the lowest bidder.

**SECTION 120.** All work for the city which shall be estimated by the council, or the proper officer of the city, to exceed one hundred dollars in amount shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract. And the city printing shall be let by the year to the lowest responsible bidder; provided, that said city shall never pay for publishing proceedings of the common council.

No extra compensation allowed.

**SECTION 121.** No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into, nor shall any compensation be paid to the mayor or any member of the common council for their services.

Annual settlements to be had by council.

**SECTION 122.** The council shall settle all just claims and demands against the city, and settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city, for the information of the citizens, at least three days before the charter election in each year.

Disputes—how settled.

**SECTION 123.** In all prosecutions for the violations of the city charter, or any by-law or ordinance, the first process shall be by summons, unless oath be made for a warrant as in other cases.

SECTION 124. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed, according to law. The execution shall require the defendant in any such action, in case no goods or chattles, lands or tenements whereof the judgments can be collected be found, to be imprisoned for a term not exceeding three months, in the discretion of the court rendering judgment, unless the same be paid or discharged by order of the court or of the council.

Execution or rendition of judgment.

SECTION 125. No person shall be incompetent to act as judge, justice, witness or juror by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Shall not work incompetency.

SECTION 126. If any election by the people or council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize or to perform any other act 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 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 a specified time be not done or performed, the council may appoint another time, at which time the said acts may be done or performed.

Failure on part of council shall not suspend corporation.

SECTION 127. When any suit or action shall be commenced against the city the service of summons or process therein may be made by leaving a copy thereof with the mayor, or in his absence from the city, or in case he cannot be found, by leaving a copy with the president of the council, or city clerk, whose duty it shall be forthwith to inform the council thereof, or to take such other proceedings as by the ordinances or resolutions of said council may be in such cases provided.

Copy of summons against city may be left with mayor.

SECTION 128. When a judgment shall be recovered against the city of Reedsburg, or against any city or ward officer in an action prosecuted by or against such officer in his name of office, where the same should be paid by the city, no execution shall be awarded or issued upon such judgment, except as hereinafter provided. The person recovering such judgment may file a cer-

In case judgment be recovered against city.

tified copy or transcript thereof with the city clerk who shall lay the same before the council at its next regular meeting, and unless the council shall determine to appeal from such judgment, it may provide for the payment of the same out of the general fund. Unless so paid the amount of such judgment shall be added to and included with the other city taxes, by the clerk in making the next annual tax roll, and shall be collected as the other city taxes and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged upon the delivery of a proper voucher therefor; but if payment thereof be not made in sixty days after the city treasurer is required to make his return of city taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution, on special application therefor. No real or personal property of any inhabitant of said city, or of any individual or private corporation, shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

City may purchase or lease real estate.

SECTION 129. The city may lease, purchase and hold real or personal estate for municipal purposes, and may sell and convey the same, and the same shall be free from taxation while owned by the city; provided, that no debt shall be incurred in any such purchase, which cannot be paid out of the revenue of the fiscal year.

No general law can effect.

SECTION 130. No general law of this state, contravening the provisions of this charter, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

#### LICENSE — BY WHOM SIGNED.

Licenses.

SECTION 131. Every license issued under the charter, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal, but no such license shall be issued by such 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 or selling or vending spirituous,

vinous or malt liquors, unless the same shall have been authorized by the council, and the applicant shall have filed his receipt as aforesaid, together with the bond as required by the laws of this state, which shall be approved by the council; provided, that the amount to be paid shall not be less than the amount fixed by the laws of this state, and that all licenses shall be granted to expire on the second Tuesday next following in each year.

SECTION 132. The council of said city is hereby authorized and empowered to cause to be made by some competent person, a plat of all pieces or parcels of land within said city, which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated therein, and each tract or lot of land embraced in said plat shall be designated by a number placed thereon. The said plat, when completed, shall be certified to by the person making the same and shall be acknowledged before some officer authorized to take the acknowledgment of deeds, by the mayor and clerk of the said city, and when so certified and acknowledged shall be recorded in the office of register of deeds of Sauk county.

Plats to be made.

SECTION 133. The said plat shall be called and known as "assessor's subdivision of lands in the city of Reedsburg," and for the purpose of assessment and taxation, it shall be deemed a sufficient description of any piece of land described and designated in said plat to designate the same by its number as it appears on said plat, and any deed of any such tract or piece of land which may be executed pursuant to the laws of this state by reason of the non-payment of any tax hereinafter assessed shall be as valid and effectual to pass the title to the lands therein described, as it would be if said premises had been described by metes and bounds, and the said plat, or the record thereof, shall be received in evidence in all courts and places as correctly describing the several pieces or parcels of land therein designated and numbered.

Name of plat. 1

SECTION 134. The city shall have a right of action against any of its officers, agents or employes, and against any person or corporation, to

Right of action for default of officers.

recover all damages which it has been compelled to pay on account of the act, default, tort or neglect of such officer, agent, employe, person or corporation.

Annual town meeting.

SECTION 135. The next annual town meeting of the town of Reedsburg, shall be held at the place of the last town meeting, unless changed as provided by law, and thereafter the town meeting of said town may be held within said city, if said town shall so elect, and the town officers of said town may hold their respective offices in said city, unless otherwise directed by the town officers.

Joint meeting of town and city.

SECTION 136. As soon as possible after the next town meeting of the town of Reedsburg, there shall be a joint meeting of the town board of supervisors of the town of Reedsburg and the common council of said city at the council rooms in said city, at which meeting they shall ascertain the amount of the indebtedness of the town of Reedsburg, justly chargeable to said town, and the amount of all judgments against said town, and shall divide and assume the same respectively, in such proportions as the aggregate amount of the last assessment roll of said town shall bear to the aggregate amounts of the assessment of the property within the city limits, as shown by said assessment roll.

Division of indebtedness and judgments.

SECTION 137. All outstanding indebtedness of the town of Reedsburg, justly and legally chargeable against said town, and all judgments against said town, shall be borne and paid by said city and said town respectively, in the aforesaid proportions; and all moneys and property belonging to the town of Reedsburg shall be divided between the town and city in the same proportion.

Poor laws.

SECTION 138. The laws of this state for the relief of the poor and the support of the same shall apply to said city, and the council may make such rules and regulations, ordinances and provisions relative to the same as it shall deem proper.

Actions, where they lie.

SECTION 139. No action upon any claim or cause of action, for which a money judgment only is demandable, except upon city orders, bonds and coupons, shall be maintained against said city of Reedsburg except as hereinafter provided.

Statement to be sworn to.

SECTION 140. A statement or bill of such claim shall first be made, sworn to and filed with the clerk, as provided in the next section.

SECTION 141. Such statement or bill shall distinctly specify each item, its nature, date and amount; or if the claim be incapable of being itemized, such statement shall plainly set forth the facts constituting the claim and the amount claimed. Such statement shall be verified by the affidavit of the claimant, his agent or attorney, and such affidavits shall state whether or not any part of such claim has heretofore been paid or presented to the common council for allowance.

Items to be specified.

SECTION 142. The city clerk shall lay such claims before the common council at the next regular meeting thereafter, and the common council shall examine and audit every claim presented in the manner above required, at least as soon as the second regular meeting after the meeting at which such statement was first presented to it, and the city clerk shall make an annex to such statement, a copy of all the items disallowed therein, or if disallowed in full, a statement of that fact. But no such claim or demand shall be received or filed by the city clerk, nor acted upon or considered by the common council, unless the statement or bill thereof shall have been made out, verified and filed in the manner above required.

Auditing claims.

SECTION 143. If such statement or bill shall not be made out, verified and filed as above required, and the council shall for that reason refuse to consider the same, the city clerk shall write upon the back of such statement the words, "statement insufficient," and shall sign such endorsement and at any time within sixty days after such refusal the claimant may file a new statement, which shall be made out and verified as above required.

Duty of city clerk when claims are laid over.

SECTION 144. When the claim of any person against the city shall be disallowed in whole or in part by the council, such person may appeal to the circuit court of the county of Sauk within ninety days after such disallowance, by serving a notice of such appeal upon the mayor or city clerk. The city clerk shall thereupon file with the clerk of the circuit court a duly certified copy of such claim, and of the record of its disallowance, and within twenty days after the filing of the appeal, and the service of the notice of appeal the city shall file with the clerk of the circuit

Appeal may be made in circuit court of Sauk county.

court its answer or demurrer to the claim, or its objection thereto.

**Trial of appeal.** SECTION 145. The appeal shall be brought to trial and tried in the circuit court, as cases originally brought in said court.

**Taxing costs.** SECTION 146. If the recovery upon such appeal shall not exceed the amount allowed by the city council, exclusive of interest upon such allowance the appellant shall pay the costs of such appeal, which costs shall be taxed before the entry of judgment, and deducted from the amount recovered, and judgment shall be entered for the balance. When the amount of costs exceeds the amount recovered, judgment shall be entered against the appellant and his sureties for such amount.

**Determination to be final.** SECTION 147. The determination of the council disallowing in whole or in part any claim, shall be final unless appealed from; provided, that if the council shall refuse or neglect to act upon a claim duly made and presented, an action may be brought for the recovery of the same.

**Easements to remain property of city.** SECTION 148. All easements and lands outside of the corporate limits of the city of Reedsburg, now held and owned by the town of Reedsburg, by dedication or otherwise, shall be and remain the property of said town, and all such easements and lands now held and owned by said town, and situate within the corporate limits of the city of Reedsburg, as described in this chapter, shall be and are hereby vested in said city.

**Use of all school-houses for district number one.** SECTION 149. School district number one of the city of Reedsburg shall have the free use of all school-houses, sites and appurtenances within the limits of said school district, and the old school district, as it shall be constituted after this act takes effect, shall have the free use of all school-houses, sites and appurtenances without the city limits until such time as a settlement can be made, and a division of the property and indebtedness under the statutes in such cases made and provided.

**School district officers of number one to remain in office.** SECTION 150. The school district officers of school district number one, of the town of Reedsburg, shall continue and remain in office and act as the school board of said school district, and perform all the duties thereof, and may hold their offices and their school board meetings, in



the city of Reedsburg, until the annual school meeting in the year 1887. It shall be their duty acting as such school board, to designate a proper and suitable place for the holding of the annual school meeting in such school district for the year 1887, and to give proper and suitable notice thereof. At the annual school meeting of said school district number one, of the said town of Reedsburg, in the year 1887, there shall be a full complement of school officers elected for said school district.

SECTION 151. The city of Reedsburg shall, from and after the third Tuesday in February, A. D. 1888, be the owner in severalty of such proportion of the entire amount of the property, claims and demands then belonging to the town of Reedsburg as is provided in and by section 140 of this act, except when special provision as to such ownership is made by this act. And the said city of Reedsburg may, as soon as organized, or at any time thereafter, present a claim in the usual form, verified by its mayor or clerk, to the county board of Sauk county, for its proportion of any indebtedness that may upon any account be due, or claimed as due, from said county to the town of Reedsburg, and such claim shall be audited by said board of county supervisors as other claims presented against counties.

City to be owner in severalty.

SECTION 152. The common council shall have the power, and it is hereby granted power, to annually levy a tax of not exceeding five mills upon the assessed valuation of all the property in said city for a highway tax, and also a tax of one dollar and fifty cents upon each male inhabitant of the city of Reedsburg, who is over the age of twenty-one years and under the age of fifty years, excepting such as are by the laws of this state exempt from paying poll tax. Such tax shall be levied by the common council by resolution, not later than the first Monday in May, in each year. Upon the adoption of such resolution by the council, the clerk shall immediately proceed to make out a tax list of all persons and property in the same manner, as is now, or may hereafter be required of town clerks to make out, for the collection of highway taxes, and shall file a duplicate of said tax list in the office of the city clerk, and shall attach thereto a warrant directed to the

Highway tax—how assessed.

street commissioner of said city, and commanding him forthwith to collect such tax either in money or in labor, as has been ordered by the council, which shall be signed by the mayor and countersigned by the city clerk. The city clerk shall deliver such list with the warrant attached, to the street commissioner, on or before the first day of June in each year. The said street commissioner shall proceed to collect the taxes charged therein in the same manner as overseers of highways in towns are authorized to collect highway taxes and for that purpose he shall have all the powers and authority possessed by overseers of highways in towns, and he shall add to said list the names of all persons that shall have been omitted, and collect in the same manner the taxes of the persons so omitted. The taxes so collected shall be expended in building and repairing roads, streets and highways, under the direction and by the order of the council. The street commissioner shall annually, not later than the last Monday of November, make a report in writing to the council, giving the amount of taxes by him collected, the names of the persons paying the same, and the amount by him expended, and the place and manner of expenditure, and also the amount of said taxes uncollected, with a description of the person and property against which such taxes so remained unpaid, which report shall be verified by affidavit. Upon the receipt of the same, the city clerk shall enter upon the tax roll for the year, opposite said persons and property, the amount of the taxes so remaining unpaid.

Powers of justices of the peace.

SECTION 153. The justices of the peace residing within said city shall have and possess all the powers, jurisdiction and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state.

Submission of charter.

SECTION 154. This charter shall be submitted to the electors residing within the limits of the territory heretofore described, and voting at a meeting called for that purpose by the trustees of the village of Reedsburg, in the manner provided by chapter 40, revised statutes of 1878, and held in said village, and conducted in the same manner as special meetings are held in said village. The

polls of such meeting shall be open from ten o'clock A. M. until four o'clock P. M. Every elector of this state residing within said territory shall be entitled to vote at said meeting. The vote upon that question shall be by ballots upon which shall be written or printed the words, "For the charter," or "Against the charter." If a majority of the ballots cast at such meeting have thereon the words, "Against the charter," then this act shall not take effect. If a majority of such ballots have thereon the words, "For the charter," this act shall have full force and effect. The inspectors of said election shall make and certify returns of the result thereof, and file duplicates of the same in the office of the county clerk of Sauk county, of the town clerk of the town of Reedsburg, and of the village clerk of the village of Reedsburg, and such returns shall be evidence of the facts therein stated, and the regularity of all the proceedings in relation to such meeting.

SECTION 155. This act is hereby declared a public act, and shall be liberally and favorably construed in all the courts of this state, and shall take effect as hereinbefore provided. Public act.

Approved March 24, 1887.

[No. 640, A.]

[Published April 5, 1887.]

## CHAPTER 129.

AN ACT for an act to amend chapter 84, of the laws of 1883, entitled, "an act to revise, codify and amend chapter 102, laws of 1882, entitled, 'an act to incorporate the city of Menomonie,'" approved March 21st, 1883.

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

SECTION 1. Section 5, of chapter 84, laws of Wisconsin, approved March 21st, 1883, entitled, "an act to revise, codify and amend chapter 102, laws of 1882, entitled, 'an act to incorporate the city of Officers of the city named."