

mayor shall be president of the board, and the city clerk, clerk thereof. The members of said board shall receive such compensation as the common council may allow, and not less than three nor more than five dollars per day while in session. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization shall be recorded by the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied; but not exceeding the authorized percentage, specifying the purposes for which the same are levied. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic assessed for personal tax, from the delivery of the warrant for collection thereof until paid.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1887.

[No. 132, A.]

[Published March 21, 1887.]

CHAPTER 57.

AN ACT to revise, codify and amend the charter of the city of Seymour, approved March fifth, 1879, and the several acts amendatory thereof.

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

CHAPTER I.

SECTION 1. All that district of country in the county of Outagamie hereinafter described, shall be a city, by the name of the city of Seymour, and the people now inhabiting and those who shall hereafter inhabit said district, shall be a

municipal corporation, by the name of the city of Seymour, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SECTION 2. The west half of section twenty-eight, the east half of section twenty-nine, the east half of section thirty-two, and the west half of section thirty-three, all in township number twenty-four north, of range number eighteen east, shall be included in and constitute the limits of the city of Seymour.

City boundaries defined.

SECTION 3. The city shall consist of two wards. The center of the main track of the Green Bay, Winona & St. Paul railroad shall be the division line of said wards. All the territory south of said line within the limits of said city shall be known as the first ward of the city of Seymour; and all the territory north of said line within the limits of said city shall be known as the second ward of the city of Seymour.

Number and boundaries of wards.

SECTION 4. The corporate authority of said city shall be vested in one principal officer styled the mayor; in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, and such other officers as are hereinafter mentioned or may be created under this act.

Corporate authority in whom vested.

ELECTIVE OFFICERS.

SECTION 5. The elective officers of said city shall be a mayor, a clerk, a treasurer, an assessor for the city at large, one supervisor, three aldermen, one justice of the peace and one constable for each ward; and the appointive officers shall be, a city marshal, a street commissioner and three health commissioners, who shall constitute the board of health for the city at large, and one fire warden for each ward. The common council may appoint a city attorney, a city surveyor, a chief engineer, an assistant chief engineer, a city physician and such other officers and agents as may be

Elective officers defined.

provided for by this act, or as the common council may determine to be necessary. All elective officers, except aldermen and justices of the peace, shall hold their respective offices for one year, unless elected to fill a vacancy, and until their successors are elected and qualified; the aldermen shall be elected for a term of three years, excepting, however, that on the first Tuesday in April, 1887, one alderman for each ward shall be elected for a term of one year, one for a term of two years, and one for a term of three years, and then annually thereafter one alderman for each ward shall be elected for a term of three years; provided, however, the common council shall have power for due cause to expel any of its own number, and to remove from office any officer or agent, except justices of the peace, under the city government, due notice and an opportunity for a hearing having been first given to the officer proposed to be removed. The justices of the peace shall hold their office for two years, and until their successors are elected and qualified. The term of every officer elected under this act shall commence on the third Monday in April, of the year for which such officer is elected, and the term of office of all appointed officers shall expire with that of the body appointing them.

Regarding vacancies, how filled.

SECTION 6. Whenever a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and be subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Annual city election, when held.

SECTION 7. The annual election for city and ward officers herein designated, shall be held on the first Tuesday in April in each year, at such place in each ward as the common council shall designate, and shall be presided over by the inspectors of elections, appointed under the general laws of this state, who shall have and exercise the same powers and duties in conducting said election as is required by the general laws of this

state at general elections. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until sundown.

SECTION 8. When an election shall be closed, and the number of votes for each candidate or person voted for shall have been counted and ascertained, the said inspectors shall make two returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver one of said returns to the city clerk within one day and direct and return the other to the county clerk of Outagamie county. The common council shall on the first Thursday after such election, meet and canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

Returns of election to be made.

Elections to be by ballot.

SECTION 9. All elections by the people shall be by ballot, and the plurality of votes cast shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as it shall direct.

SECTION 10. All persons who are qualified electors of the state of Wisconsin, shall be deemed qualified electors of said city and wards.

Qualified electors defined.

SECTION 11. Each elective city officer shall be a qualified elector and freeholder of said city, and each elective ward officer, except constables, shall be a qualified elector and freeholder in the ward for which he is elected.

Officers to be qualified electors and freeholders.

SECTION 12. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by inspectors of election, as provided by this act, and the returns thereof shall be made in the same manner and form as of annual elections; provided, however, that in case a special election is to be held in the city other than for ward purposes, the common council may order a single poll for the entire city, and appoint the place where the election is to be held, and the inspectors of election and the clerks therefor.

Special elections to fill vacancies.

SECTION 13. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his

When office is deemed vacated.

election or appointment to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

OFFICERS — THEIR POWERS AND DUTIES.

Officers, their powers and duties defined.

SECTION 14. Every person elected or appointed to any office under this act, except justices of the peace shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, together with the official bond, with the clerk of the city and the treasurer, clerk, marshal, constable, street commissioner and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city, of Seymour a bond, with at least two sureties, who shall swear that they are worth in the aggregate the penalty specified in said bond, over and above all debts, exemptions and liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and it may from time to time require new and additional bonds, and remove from office any officer refusing or neglecting to give the same. The amount of the penalty to be specified in each bond shall be fixed by the common council at the regular meeting in March in each year, and the penal sum to be expressed in the treasurer's bond shall be double the amount of the last tax roll. The treasurer shall execute a bond with at least two, and not more than six, sureties, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities and exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in said bond.

Powers and duties of the mayor.

SECTION 15. 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 observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the common council such information and recommend such measures as he may deem advantageous to the

city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance or apparent necessity, he may appoint as many special or temporary constables, as he may deem necessary. The mayor shall have power to suspend the marshal or any police officer or watchman appointed by the common council for insufficiency or neglect of duty, or when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created, for the time being. The mayor shall have a vote in the council only in case of a tie, and when the common council shall be engaged in the election of any officer, he shall have a vote the same as an alderman. He shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and in case the council shall not, within one week after the receipt of such objections, or such filing with the clerk, re-enact such ordinance or pass such resolution by the votes of two-thirds of the aldermen elect, the same shall be null and void.

SECTION 16. At the first meeting of the council, after its election, in each year, it shall proceed to elect, by ballot, one of its members 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 the mayor except the signing of city bonds. In case both the mayor and the president shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer who for the time being shall discharge the duties of the mayor. The president, or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled, "acting mayor," and acts

President of the council and his duties.

performed by them, or any of them, shall have the same force and validity as if performed by the mayor, but the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the common council, and the temporary presiding officer, as acting mayor shall have no power to sign city bonds or orders.

Duties of the clerk defined.

SECTION 17. The clerk shall keep the corporate seal, and all the papers and records of said 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 common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. It shall be his duty to call a special meeting of the common council to act upon any veto which may have been filed at his office by the mayor. The clerk shall make the tax roll of said city at the time and in the manner as provided in this act. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed and the renewals thereof shall be as valid and legal as if the same had been filed in the town clerk's office of any town. Whenever the clerk shall be absent from any meeting of the common council, the council may appoint a clerk pro tem. The clerk shall have power and authority to administer oaths and affirmations.

Duties of the treasurer defined.

SECTION 18. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by this act and by the ordinances of said city or by the laws of the state. He shall receive all moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise under the authority of this act or ordinances of the said city and keep an accurate and detailed account thereof,

together with an account of all disbursements, in a book provided for that purpose, which shall remain the property of said city. He shall report to the common council as often as required and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also of the state of the treasury. The city treasurer shall be the collector of taxes in said city, and for his services receive the same compensation as town treasurers are allowed under the general laws of the state, except as herein otherwise provided; and he shall have the same powers and duties, and be subject to the same liabilities, as treasurers in towns. He shall in the same manner, before receiving the tax roll of the city, execute his bond to the treasurer of the county of Outagamie, which bond shall be approved by the county treasurer, and upon filing the same the treasurer of said county shall give him a receipt therefor, and upon filing the receipt with the clerk of said city, the said clerk shall deliver the tax roll of the city to him.

SECTION 19. The assessor shall assess all the taxable property of the city of Seymour, as required by the general laws of this state, and shall complete and return the same, as required by said laws. Assessor.

SECTION 20. The supervisors of said city shall represent their respective wards in the board of supervisors of Outagamie county. Supervisors.

SECTION 21. The justices of the peace elected under this act shall qualify at the same time and in the same manner as is provided by the general laws of this state, and shall have the same jurisdiction in civil and criminal cases, and perform all duties of justices of the peace, as provided by said laws, and in addition thereto, shall have exclusive jurisdiction of all criminal cases arising within the city limits, cognizable by justices of the peace, and in all cases arising under the provisions of this act, and under the ordinances heretofore or hereafter passed by said city, unless therein otherwise provided. Said justices may hold their office anywhere in said city not otherwise prohibited by the laws of this state, and in all prosecutions under this act or under the ordinances of said city, they shall receive the same fees as are allowed to Justices of the peace and their duties.

justices of the peace by the general laws of this state.

Powers and duties of constables.

SECTION 22. The constables elected under this act shall have the same powers and perform the same duties, and shall qualify in the same manner as constables elected in organized towns, except the official bond of such constable shall be approved by the common council and filed with his oath of office in the office of the city clerk.

Powers and duties of the marshal.

SECTION 23. The marshal shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs to him directed by the mayor, and when necessary in criminal cases, or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall attend all the meetings of the common council, and shall perform all such duties as may lawfully be 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 official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Powers and duties of the city attorney.

SECTION 24. The city attorney shall be a person duly admitted to practice in the courts of record, conformably to the laws of this state. It shall be his duty to conduct all law business in which the city shall be interested, and when requested by the mayor or council, he shall furnish written opinions on subjects submitted to him in which the city or any department thereof, may be interested. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be ordered by the council and to perform such other duties as may be prescribed by the ordinances of the city, or by any resolution of the council. The salary of the city attorney shall be fixed by the

council, at a sum not exceeding one hundred dollars a year, payable quarterly.

SECTION 25. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and to report to the common council, recommending what, in his opinion, is necessary and ought to be done thereto. On the receipt thereof the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations the street commissioner shall be informed by the committee on streets and bridges of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report, and under the supervision and directions of the committee on streets and bridges. Any freeholder or freeholders may petition the common council for any work or improvement that they may particularly desire to be done, and the said council may act thereupon as they may deem fitting and proper. The street commissioner shall, at other times, make such other reports as the necessities of the case may require. It shall be his duty to employ men and teams, and when authorized by the common council or its committee, procure utensils, implements, materials and whatever may be needful in performing such street and city work; he shall superintend all such work when directed by the council or its committee so to do, and shall keep an accurate account of all materials procured, and of all teams and utensils and men employed by him, and be able to certify to the account therefor. He shall do and perform, or cause to be done, any and all other duties pertaining to his office that may be prescribed from time to time by the common council. The street commissioner shall receive for his services such compensation for every day's actual service as the common council shall annually determine.

Duties of the street commissioner defined.

SECTION 26. There may be elected by the com-

Duties of city surveyor and engineer may be prescribed.

mon council a city surveyor and engineer. The common council shall prescribe his duties and fix the fees and compensation for any service performed by him, or he shall be paid such sum, for the services required to be performed by him, as he and the common council may agree upon. All surveys, plats, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city and shall be carefully preserved in the office of the city clerk, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office shall be delivered by him to the clerk of said city at the expiration of his term of office. The certificate of the city surveyor shall have the same force and effect in all courts, as the certificate of the county surveyor.

Officers' duties may be prescribed by resolution.

SECTION 27. All other officers or agents appointed by the common council, shall perform such duties and receive such compensation as the common council shall by ordinance or resolution prescribe.

Other and further duties may be prescribed.

SECTION 28. The common council shall have the power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers appointed by it, where the compensation is not fixed by the statute or this charter.

Salaries to be fixed by resolution.

SECTION 29. The common council shall at the regular meeting in the month of March preceding the annual charter election, fix by resolution, the salary which shall be paid to the clerk, assessor and marshal, and the compensation which the street commissioner shall receive for each day's actual service, or it may in lieu thereof fix a salary for his services for the ensuing year, and such salary shall not be increased or diminished during the term of the officers elected.

Common council not entitled to compensation except acting on special committee.

SECTION 30. The common council shall not be entitled to any compensation for their services, except for work on special committees. The city clerk, marshal and street commissioner shall receive such compensation, not exceeding one hundred dollars a year each, for their services, and the assessor shall receive such compensation, not ex-

ceeding fifty dollars a year, as shall be determined each year by the common council. The assessor's salary shall not be paid until after the assessment has been completed, and the salary of the clerk, marshal and street commissioner shall be paid quarterly.

SECTION 31. The common council, at its first meeting in each year, or as soon thereafter as may be, may designate a newspaper printed in said city, or in the county of Outagamie, in which shall be published all ordinances and other proceedings and matters required by this act.

Public newspaper to be designated.

SECTION 32. The printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Affidavit to be filed by the publishers.

CHAPTER II.

COMMON COUNCIL.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Seymour do ordain, etc." The council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Common council—how constituted.

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

Meetings of the council.

vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two-thirds of its members may expel any member for cause.

Control of finances by the council and its powers.

SECTION 3. The common council shall have the control and management of the finances, except school moneys, and of all the property of the city, and shall likewise in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of the trade, commerce and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided 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 ordinances, resolutions or by-laws:

Licenses for everything.

1. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibitions of caravans, circuses, theatrical performances, billiard or pool tables, and bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances of the city or the laws of this state; and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and revoke the same for a violation thereof; provided, that the sum to be paid for any such license for vending or dealing in spirituous, vinous, fermented or malt liquors shall not be less than the amount fixed and provided for by the laws of the state, and that all such licenses granted shall run from the first Tuesday in May in each year; provided, however, that when any such license may be applied for after that day the same may be granted, on the applicant paying pro rata therefor.

2. To restrain, prohibit and suppress all des-

criptions of gaming and fraudulent devices and practices, and all playing of cards, dice and other games of chance, for the purpose of gaming, and to restrain any person from vending, giving away or dealing in spirituous, or vinous liquors, unless duly licensed by the common council.

Prohibit gambling, etc.

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

Riots and houses of ill-fame.

4. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Abate nuisances.

5. To direct the location and management of slaughter houses and markets, and to establish rates for and regulate the storage, keeping and conveying of gunpowder or other explosive materials, and to prevent and prohibit the manufacture, keeping or storing of nitro-glycerine.

Management and location of slaughter-houses.

6. To provide for the making, grading, improving and repairing the streets of the city of Seymour, and to provide for the making, constructing and repairing of gutters and sidewalks in said city; to prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or other materials or substances whatever.

Repairing of streets and sidewalks.

7. To lay out, make, open, alter or discontinue any highways, streets, lanes and alleys, and to change the name thereof, and to alter, change and amend the plat of said city, and to cause the several lots, parcels and tracts of lands on said plat to be renumbered.

Opening and discontinuing streets, alleys, etc.

8. To protect trees and monuments in said city.

Trees and monuments.

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

Horse-racing and immoderate driving.

10. To prevent all persons riding or driving any mules, horses, cattle or other animals on the sidewalks in said city.

Driving on sidewalks.

- Restrain stock on streets.** 11. To restrain the running at large of horses, mules, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.
- Restrain dogs.** 12. 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 ordinances of said city.
- Hitching horses.** 13. To prohibit the leaving of any horse, mule or team on any street without being securely fastened or hitched.
- Boards of health.** 14. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation.
- Contagious diseases.** 15. To regulate, control and prevent the landing of persons with contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.
- Putrid carcasses and their removal.** 16. To prevent any person from bringing, depositing or having within said city any putrid carcasses or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and on default to authorize the removal by some competent officer at the expense of such person or persons.
- Shooting fire-arms and crackers.** 17. To prevent shooting off fire-arms or crackers, and to prevent the exhibition of fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to citizens thereof.
- Public pounds—cisterns.** 18. To make and establish public pounds, pumps, wells, cisterns and reservoirs in the city; and to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen; to erect lamps and to provide for lighting the streets and public grounds with gas or otherwise.
- Removal of rubbish, etc.** 19. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, 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 destruction of the objectionable substance, by some officer of the city, at the expense of such owner or occupant; provided, however, that snow shall be removed from the sidewalks of unoccupied lots at the expense of the city, by such person or persons as the council may employ.

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

Public markets, butcher stalls, etc.

21. To regulate the place and manner of weighing and selling hay, measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same; and to appoint a fish inspector and lumber and shingle inspector.

Hay, produce, fish, lumber, etc.

22. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using or keeping any false weights or measures.

Weights and measures.

23. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise and other property at public auction and to prescribe and fix the amounts to be paid for such licenses; provided, that nothing in this section shall prohibit or effect in any manner sales at auction permitted by the laws of this state.

Public auctions and venduers.

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

Size and weight of bread.

25. To make rules and ordinances for the government and regulation of the police of the city.

Regulation of the police.

26. To appoint watchmen and to prescribe their duties.

Watchmen.

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

Restrain drunkards.

Lights, etc.

28. To regulate the use of candles and lights in barns, stables, shops and outbuildings.

Railroads, crossings, etc.

29. To compel railroad companies and other corporations and persons to do all needful and proper draining, grading and filling upon the lands owned or occupied by them within the limits of said city; to construct and keep in repair suitable street crossings and carriage ways over their several tracks, and to prevent the obstruction of streets, lanes and highways by the cars of said companies.

Abate nuisances.

30. To prevent, restrain, remove and abate nuisances.

Repeal of ordinances.

31. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act.

Powers shall not bar or hinder suits.

SECTION 4. The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than fifty pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses, or places where spirituous, vinous or fermented liquors are sold, without the license required thereof, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Laws and ordinances, how passed.

SECTION 5. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after their passage respectively, be published once in the official paper of said city, if one has been designated, or in pamphlet form, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall

be deemed and taken as sufficient evidence of the time and manner of such publication, and such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk, under the seal of the city, or any printed book or pamphlet containing the same, purporting to have been published under the sanction of the mayor and common council, shall be deemed prima facie evidence of the due passage and publication of such law, ordinance, regulation or by-law.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, street commissioner, and all other officers or agents of the city, at such time as it may deem proper, and also at the end of each year and before the time for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers, for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the penalty fixed in his bond forfeited to said city; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Examine and
adjust ac-
counts.

SECTION 7. The council shall meet on the last Thursday in March of each year for the purpose of auditing accounts and of disposing of its unfinished business, and shall not thereafter, during its term office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

Annual meet-
ing of council.

SECTION 8. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax sufficient to defray the

Annual levy of
taxes.

same; provided, said common council shall not levy a tax for general purposes exceeding one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum, by the majority of the electors of said city at a general or special election. The common council of said city shall have and is hereby granted power to tax annually each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax, and in addition to said poll tax the common council may levy upon all the taxable property in said city a tax not exceeding five mills on the dollar of the assessed valuation, as shown by the last assessment roll of said city to be known as highway and street tax, the same and the poll tax to be used exclusively for the improvement of highways, bridges, streets, walks and crossings, within the limits of said city. All taxes levied under this act shall be paid in United States currency, treasury notes, coin or coin certificates, except as herein otherwise provided.

Power to issue bonds.

SECTION 9. The common council of said city shall not have power to issue bonds or other evidences of debt, payable at a day subsequent to the date of issue thereof, except in cases specially authorized by law, nor shall the common council issue, in any one year, orders upon the city treasury to an amount greater than the amount of funds paid into the treasury during the fiscal year from all sources.

When taxes may be levied.

SECTION 10. Taxes shall be levied by the common council on the first Monday in December, except highway taxes, which shall be levied on the first Monday in May, in each year. Special taxes may be levied by the common council at any regular meeting, for the purpose authorized by this act, and also for the payment of bonds or other evidences of debt hereafter issued or created in accordance with the provisions of this act, or by any authority of law; provided, however, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds or indebtedness, at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by

law for assessing and levying the annual taxes. All special taxes shall be collected at the same time other city taxes are collected.

SECTION 11. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Appropriation
of moneys.

SECTION 12. The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, may be invested as the council may direct, and all interests and profits arising from such investment shall belong to the city, and shall be accounted for in the same manner that other funds are accounted for.

Use of surplus
funds.

CHAPTER III.

FINANCES AND TAXATION.

SECTION 1. 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 a vote of the common council, and in no other manner, and for all orders drawn upon the treasury it shall specify on the stub of each order, the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall be made payable to the order of the person in whose favor they may be drawn.

Finances to be
under control
of the council.

SECTION 2. All forfeitures and penalties accruing to the city for a violation of this act or 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 a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city, shall be remitted or discharged, except by a vote of two-thirds of all aldermen elect.

Forfeitures and
penalties to ac-
cruce to city.

SECTION 3. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

Verifying ac-
counts.

SECTION 4. Neither the city nor any officer thereof shall be liable for any damage that may happen, by reason of any defect or insufficiency

Regarding de-
fects in side-
walks.

in any sidewalk, street, highway or bridge in said city, unless the street commissioner shall have first had actual notice of such defect or insufficiency and reasonable time thereafter to repair the same, or place the same in good order, or unless the same shall have existed for so long a time that notice may be presumed.

How action
may be main-
tained against
city.

SECTION 5. No action shall lie or be maintained against the city unless a statement in writing, signed by the person injured or claiming to be injured by any act or neglect of the city, or any of its officers, setting forth time, place and circumstances thereof and the amount of damages claimed, shall be presented to the common council within thirty days after the occurring or happening of the injury alleged; nor unless such action be commenced within one year after the date of such injury.

When action
shall not be
maintained.

SECTION 6. No action for injury to the person shall lie or be maintained against the city unless the person claiming injury shall permit the mayor or common council, by physicians of his or its appointment, to make personal examination of the alleged injury, as often as requested after the time of its infliction, until the amount of damages is adjusted.

Claim must be
presented first
before action
against city
shall be main-
tained.

SECTION 7. No action shall hereafter be maintained by any person against the city, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim or demand to the common council of said city.

May appeal to
circuit court.

SECTION 8. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Outagamie, by causing a written notice of such appeal to be served on the clerk of said city, within thirty days after the making of such decision, and executing a bond to said city with sufficient surety to be approved by the clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

SECTION 9. The city clerk upon such appeal being taken, shall immediately give notice thereof

to the mayor and common council, or shall take such measures as by ordinance or resolution of said council, he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with its decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Outagamie, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of such appeal, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

City clerk to give a title to mayor and council of appeal.

SECTION 10. The determination of the common council, disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless an appeal be taken from the decision and determination of such common council, as hereinbefore provided, or unless such council shall consent to the institution and maintenance of the action; provided, however, that when the council shall refuse or neglect to act upon a claim to it duly presented, this chapter shall not be construed as to prevent the institution and maintenance of the action by said claimant against said city.

Determination of council to be final.

SECTION 11. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act 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, except so far as they may be altered by this act;

All property subject to taxation except exempted by law.

provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessor, and make such rules and regulations in relation to revising altering or adding to such rolls as it may, from time to time deem advisable.

Board of equalization how constituted.

SECTION 12. The mayor, the city clerk, and assessor shall constitute the board of equalization, and shall meet at the office of the city clerk on the last Monday of June, each and every year at 9 o'clock in the forenoon, and shall proceed in all respects, as town boards are required to proceed by law, and perform the same duties and receive the same compensation as provided by law.

Copy of assessment roll to be transmitted to county clerk.

SECTION 13. Upon the correction and completion of the assessment roll, as provided by law, the city clerk shall ascertain and on or before the fourth Monday in August, transmit to the county clerk a detailed statement of the aggregate of each of the several items, specified in said assessment roll, with a statement of the numbers of acres of land and the aggregate value thereof, and the aggregate value of all city lots as appears from said roll.

City to be regarded as town for equalizing purposes.

SECTION 14. The county board of supervisors of Outagamie county shall have the right to regard the city of Seymour as a town in equalizing the assessment roll of the several towns in Outagamie county as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Respecting the levy of taxes.

SECTION 15. 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.

Uniform percentage to be computed.

SECTION 16. 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, the total 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, in separate columns, opposite the several sums set down, as the valuation of real and personal property to be charged; and all other taxes if any, shall be entered opposite the valuation of the property to be charged in separate columns, and in a column under the head of "taxes unpaid for previous year" shall be entered after each tract of land returned to him by the county clerk, the year for which such tax remains unpaid. The city clerk shall add in an additional column prepared for that purpose in the assessment roll, five per cent. for the expense of collection. 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 Seymour, and shall be preserved by said clerk as a record in his office.

SECTION 17. The tax roll made out and preserved as aforesaid, shall be *prima facie* evidence in every court 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 the officers to the completion of the tax roll inclusive, has been done regularly, correctly and as required by law, and that the lands and persons therein named were subject to taxation.

Tax roll to be prima facie evidence of correctness.

SECTION 18. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and upon all personal property of any person or body politic assessed for personal taxes, until such taxes shall be paid, and no sale or transfer of such real or personal estate shall effect said lien.

Taxes and assessments to remain a lien.

SECTION 19. Immediately after making out the tax roll aforesaid the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the 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 third Monday in December of the same year, deliver the same to the city treasurer for

Duplicate copies of tax roll to be made out.

collection, and make a record of such delivery on the tax roll preserved in his office. The warrant annexed to said duplicate copy of the tax roll shall be substantially in the following term:

Forma.

The State of Wisconsin—

To _____, treasurer of the city of Seymour, in the county of Outagamie:

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

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

_____, City Clerk.

City treasurer to collect taxes.

SECTION 20. The city treasurer, upon the receipt of such duplicate tax roll, shall proceed to collect the same in like manner, and shall have like power and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise herein provided.

Fees for collecting.

SECTION 21. The treasurer shall be entitled to receive and collect, as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him; and in case of distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; provided, however, the common coun-

cil may, by resolution allow said treasurer to receive an extra fee of not exceeding three per cent. on all taxes collected by him after the first day of February of each year, and he shall receive no other or further compensation for his services as treasurer, except his fees for making his return to the county treasurer.

SECTION 22. The said treasurer shall make out and return to the treasurer of Outagamie county, on the first Monday in March each year, a list of all lands and lots upon which the taxes have not been paid, and shall also 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 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. The said treasurer shall also, at the same time, deliver to the city clerk a list of all delinquent personal property taxes for the same year.

Delinquent tax roll to be made out.

SECTION 23. The county treasurer shall sell all delinquent lands and lots returned from the city of Seymour, at the same time and in the same manner as other delinquent lands are sold in the county.

Sale of all delinquent lands.

SECTION 24. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of same.

Special taxes.

SECTION 25. All the directions hereby given for the assessing of lands, and the levying, collection 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 of the officers entrusted with the same not affecting the substantial justice of the tax itself shall vitiate or in any wise affect the validity of the tax or assessment.

Directory only.

CHAPTER IV.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within

Fire limits.

which wooden buildings or buildings of other materials that shall not be considered fire-proof shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe penalties for the violation of any resolution or ordinance passed under this section.

Dangerous construction of chimneys, &c.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same removed or placed in a safe and secure condition, when considered unsafe or dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories, dangerous in causing or promoting fire; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, alderman, fire wardens and other officers of the city or fire companies, to keep away from the vicinity of the fire all idle and suspected persons, and compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishments of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Purchase of fire engines.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their apparatus to be delivered up. Each company shall not exceed

sixty able bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant chief engineer, and form their own laws, not inconsistent with the laws of this state, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway and poll tax to an amount not exceeding five dollars annually, and from serving on juries and military duties, except in cases of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax military and jury duty, except as in cases before mentioned.

SECTION 4. The fire wardens appointed for each ward shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store or barn or inclosure for the purpose of inspecting the same.

Duties of fire-wardens.

SECTION 5. When any person shall refuse to obey the lawful order of any engineer, fire warden, mayor, aldermen, city marshal, deputy city marshals, or commanding officer of any fire-engine, hook and ladder or hose company, at any fire, it shall be lawful for the officer giving such order to arrest or direct, orally, the marshal, constable or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to arrest, or aid in arresting any person shall be liable to such penalty as the common council may prescribe, not exceeding twenty-five dollars.

Penalty for refusal to obey lawful order of any engineer.

SECTION 6. The secretary of each fire-engine, hook and ladder or hose company in said city shall annually, on or before the first Monday in May, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof by res-

Secretary of each fire company.

ignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Record of the members of the several companies to be kept.

SECTION 7. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as hereinbefore provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall cease to be a member of either of said companies, the clerk shall note the fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Outagamie, a list of all persons who are members of said companies, exempt from jury duty, on or before the day now appointed, or which hereafter may be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Five mills tax to be levied.

SECTION 8. The common council shall have power to levy a tax not exceeding five mills on the dollar of the taxable property within said city, in any one year, for fire apparatus, the same to be assessed and collected in the same manner and at the same time with the general taxes, and be expended under the direction of the common council.

CHAPTER V.

IMPROVEMENT OF STREETS AND SIDEWALKS.

Improvement of streets and alleys.

SECTION 1. The common council of the city of Seymour shall have power to establish the grade of the streets of said city, and change and re-establish such grade as it shall deem expedient; provided, that whenever it shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

SECTION 2. Sidewalks shall be constructed, reconstructed or repaired, upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground, in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk, shall be let to the lowest reasonable responsible bidder, and notice shall be given by publication in the official paper of the city, or by posting notices in three public places in said city, at least for three days, of the time and place of receiving such bids.

Grades and construction of sidewalks.

SECTION 3. The common council shall have power by a vote of two-thirds of all the members of said council, to order the building, construction, reconstruction or repair of sidewalks in said city, in such manner as it may deem proper.

May order repair and construction of walks.

SECTION 4. Every ordinance, resolution or by-law providing for the construction, reconstruction or repairing of any sidewalk or gutter, or for the grading, repairing or improving of any street at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee; and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the common council had relative thereto, at the meeting when such ordinance, resolution or by-law was adopted, shall have been published.

Ordinance for the repair of sidewalks.

SECTION 5. The city clerk shall receive all proposals for constructing, reconstructing or repairing sidewalks which were not built in compliance with the ordinance, resolution or by-law directing the same to be built, by the owners of the lots or parcels of land abutting or fronting such side-

Duty of street commissioner.

walk, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder; provided, such bid is a reasonable one, subject to such provisions, in the case of violation of the contract, and to such other particular provisions as the council may prescribe. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the street commissioner or a member of the street committee, will not cost to exceed the amount of five dollars in front of any lot to repair the same, it shall be authorized, and it is hereby made its duty to cause the same to be immediately repaired; and when the same is completed the street commissioner shall make out an itemized bill of the cost of such repair, specifying the lot and block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk. All bills for constructing, reconstructing and repairing sidewalks incurred by the provision of this section, shall be paid out of the general fund of the city. The amount so appropriated shall be charged to the lots so returned, and if not sooner paid, shall be entered by the city clerk in the next annual tax roll opposite to the lots so returned, in the same manner as other special taxes are entered under the head of sidewalk taxes.

Duty of street commissioner.

SECTION 6. It shall be the duty of the street commissioner to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water-courses in said city are duly observed and kept.

Further duty of street commissioner.

SECTION 7. It shall also be the duty of the street commissioner, whenever in his opinion 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 fail to repair the same forthwith, then, and in that case, the same shall be repaired as herein otherwise provided.

Costs and expenses of surveying lands, streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of

SECTION 8. The costs and expenses of surveying lands, streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of

any public improvement, shall be chargeable to and payable by the city. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed; provided, however, that when sewers or gutters are constructed through alleys, no lot shall be assessed therefor, except those situated in the block through which such sewers or gutters may be constructed; and provided further, that in all cases when improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground.

SECTION 9. The common council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and crosswalks, and direct and control the persons employed therein, and provide for the payment of the costs, charges and expenses incurred thereby, out of the city moneys collected for highway and poll taxes.

Power to order making of paving, etc.

SECTION 10. The common council, instead of letting such work by contract to the lowest bidder, may order the grading, repairing or improving of any street or the making of an public improvement, to be done directly by the street commissioner and under the supervision of the street committee.

Council may order work done without letting out to contract.

SECTION 11. The city clerk shall within fifteen days after the common council shall have levied a highway tax as herein otherwise provided, make out a list of all persons liable to pay highway tax in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year, and if such lot or tract was not separately described in such roll, then in such proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a

List of persons liable to pay poll tax.

part, and the amount of such tax shall be carried out in a separate column opposite the name of each person, or persons, or corporation to whom each item of taxable property upon said list is to be assessed. And within the same time aforesaid the city clerk shall make out a list of names of all male persons over the age of twenty-one, and under the age of fifty years, liable to pay a poll tax, with the amount thereof set opposite to each person's name, and annex said list to the list of highway taxes.

Duplicate copies of list to be made.

SECTION 12. The city clerk shall make a duplicate of such list, both of which shall be signed by the mayor and countersigned by the city clerk, one of which shall be filed in the office of the city clerk and the other shall be delivered to the city treasurer on or before the twenty-fifth day of May in each year.

Warrant to be annexed.

SECTION 13. The city clerk shall annex to each such tax list a warrant signed by the mayor and the city clerk, which shall be in substance in the following form:

Form of warrant.

The state of Wisconsin to ———, treasurer of the city of Seymour:

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

Dated at Seymour, this — day of —, 18—.

_____,
Mayor.

_____, Clerk.

Powers of treasurer in regard to collection of taxes.

SECTION 14. The treasurer shall have the same powers and proceed to collect said taxes in the same manner as in the collection of general taxes except as herein otherwise provided for the collection of poll taxes; and in case the said treasurer shall be unable to collect any portion of said tax, he shall, on or before the first Monday in November in each year, make out and deliver to the clerk of said city a list of all such unpaid taxes, which list shall contain the name of all persons, corporation or corporations, and the description of all real estate or personal property in-

cluded in said tax list, and the amount of such tax against each of such descriptions or items so uncollected, which said list shall be sworn to by said city treasurer before some officer authorized to administer oaths. The treasurer shall, immediately upon the receipt of the list of persons liable to pay a poll tax, proceed and collect the same, and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice, posted at three public places within said city, or by publishing such notice for three successive weeks in the official paper of the city, if there be one designated, on or before the first day of July each year, shall be liable to and shall pay a penalty of two dollars in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Seymour. The process shall be by warrant, as provided for in this act; and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail ten days.

SECTION 15. The mayor, clerk and treasurer shall constitute a board to determine the liability of persons to pay a poll tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said list shall be delivered to the treasurer aforesaid.

Liability of board.

SECTION 16. The city treasurer shall receive the same fees for collecting highway and poll taxes as he does for collecting general taxes.

Fees.

SECTION 17. The city clerk shall at the time of making out the general tax roll of said city for the year, place in a separate column on said roll the amount of delinquent highway tax against the proper description of real estate upon which the taxes so remain unpaid, and such taxes shall be collected in the same manner as other city taxes are collected.

Delinquent highway tax.

OPENING OF STREETS, ALLEYS, ETC.

SECTION 18. The common council shall have power to take, for the use of the city, in the manner hereinafter provided, any lots or any land

Opening streets, how done.

for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire-engine house, or any other lawful municipal purpose, or for erecting hospitals or pest-houses for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with, or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter, or any act amendatory thereof; and may take the same, and whether within or without the city, by conveyance from the owner upon a bargain and sale, or upon a donation thereof, or in manner as follows: Whenever it shall, in the opinion of the common council, be necessary, said council shall declare, by resolution, that it is necessary to take any such lots or lands for any of the purposes above set forth, giving the description of the premises, defining separately each parcel thereof separately owned, and the purpose for which they are to be taken. The common council shall thereupon cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners thereof, if the place of residence of such owner or owners is known or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of the state, or their place of residence, after due diligence by the clerk of said city, cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident, owner or owners, or the owner or owners the residence of whom cannot be ascertained, by causing the same to be published for six weeks in the official paper of the city, if there be one designated, or in a paper published in the county of Outagamie, at least once each week, and by causing such notice to be mailed, postpaid, to the address of such owners within five days from the time of the first publication of such notice, when the post-office address of such owner is known.

Notice, how
signed.

SECTION 19. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy

thereof, and further, that at a time and place therein named, not less than ten days after 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 Outagamie for a jury to inquire and determine whether it is necessary to take the land or any part thereof described in such resolution for the purpose therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet and discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereafter mentioned, and no other notice thereof shall be necessary.

SECTION 20. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint twelve reputable persons having the qualifications of jurors in and for the county of Outagamie, and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be disqualified. The said judge shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council whether in their judgment it is necessary to take such premises for the purposes specified in such resolution, and the said jurors before entering upon the discharge of their duties shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Twelve jurors
to be chosen.

SECTION 21. The city marshal shall serve his precept immediately on the jurors therein named, by reading the same to every one that can be found; and immediately after such service he shall return the said precept to the judge who issued the same, together with his doings thereon.

Marshal to
serve his pre-
cept.

SECTION 22. If any one of the jurors so appointed cannot be found, or shall be disqualified from acting, the judge shall appoint others in

Other jurors to
be appointed.

their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to view premises in a body.

SECTION 23. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses. After viewing the premises in question, and hearing such testimony as may be offered the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for public use, which said report, testimony and precept, shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report and direct the same jurors, within twenty days thereafter, or such future time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council. And after the jurors shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any, who shall neglect to serve in ascertaining the amount of compensation as above; and all jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

In case there is any building on premises.

SECTION 24. If there should be any building in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in hav-

ing such building taken from him; and, secondly, the value of such building to him to remove.

SECTION 25. At least ten days' personal notice of such determination shall be given to the owner or owners or its agent, if known and a resident of the city, by leaving such notice at his usual place of abode. And if not known or a non-resident, notice to all parties interested shall be given by publication in a newspaper printed in said county or in the official paper of said city, if there be one designated, three successive weeks. Such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day named therein, or give notice of their election to the common council either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove such building. He or they shall have such time for this purpose as the common council may allow.

Notice of determination to be given.

SECTION 26. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner or deposited to his use.

In case owner refuses to take building.

SECTION 27. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively in consequence thereof, which shall be awarded to such owner or owners respectively as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such land) as estimated by them as 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

Jurors to examine and view premises.

value and the whole estimated value of such building or buildings, according to section 24, of this chapter.

If belonging to different persons.

SECTION 28. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively shall be awarded to them by the jurors.

Award to be signed by jurors.

SECTION 29. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept.

In case person is dissatisfied with the compensation allowed.

SECTION 30. Any person whose property is taken, or for whom any assessment is made, who shall be dissatisfied with the amount of compensation for said property, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Outagamie county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in chapter 3, section 8, of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal, by giving notice to the opposite party, within ten days, without giving bonds.

Damages must be paid before land can be taken.

SECTION 31. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or in case the said owner or his agent cannot be found, or is unknown, deposit to his or their credit in some safe place of deposit, and then and not before such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city; and whenever said damages have been so paid, tendered or deposited it shall be the duty of the common council to enter an order amongst its proceedings, to take and appropriate such lands for the purposes required.

Must be paid or tendered within one year.

SECTION 32. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, ten-

dered or deposited, all the proceedings in any such case shall be void.

SECTION 33. When the whole of any contract or lot or other premises, under lease or other contracts shall be taken by virtue of this act, all the covenants, contracts or engagements between the landlord and tenant or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

Contracts to
cease when
land is taken.

SECTION 34. When only a part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes above said, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved payable and to be paid for or in respect to the same shall be so apportioned, that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid, or recoverable for or in respect to the same.

In case only a
part is taken.

SECTION 35. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under any disability, the judge before whom the proceedings are pending, may, upon the application of the common council or such party, or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

In case owner
is l. b. ring
under disability.

SECTION 36. The judge or court before whom proceedings are pending, shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary or cause new parties to be added, and to direct such further notices to be given to any party in interest, as he deems proper, and also to appoint other jurors in place of any who shall die or neglect to serve, or be incapable of serving.

Judge may
amend defect
or informality.

SECTION 37. Roads or streets may be laid out by the council, through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Roads and
streets in un-
platted lands.

SECTION 38. All the foregoing directions given

Directions only
directory.

in this chapter, shall be deemed only directory and no error, irregularly or informality of any of the proceedings, under the provisions of this act, not affecting substantial justice, shall, in any way effect the validity of the proceedings.

CHAPTER VI.

ACTIONS TO RECOVER PENALTIES.

Actions to re-
cover penal-
ties.

Section 1. All actions to recover any penalty or forfeiture under this charter, or the ordinances or by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and shall be heard or determined by, or before any justice of the peace in the city. It shall be lawful to declare generally in debt for such penalty or forfeiture stating the section of this act, or the section of the ordinance, by law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All fines 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 first Monday in January, April, July and October, in each year, a statement of all such fines and penalties collected by him, and at the same time, pay over the amount thereof to the city treasurer.

Actions—how
commenced.

SECTION 2. In all prosecutions of any violations of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases, before justices of the peace, under the general statutes of the state for the time being.

Form of sum-
mons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

County of Outagamie, }
City of Seymour. } ss.

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

You are hereby commanded to summon —
—, if — shall be found within your county, to appear before the undersigned, a justice of the peace in and for said city, on the — day of —,

A. D. 18—, at — o'clock in the — noon, to answer the city of Seymour to the damage of said city, two hundred dollars or under. Given under my hand this — day of —, 18—.

A. B.,

Justice of the Peace.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by laws of this state for the commencement of actions before justices of the peace by summons, and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of this state for the time being, relative to actions commenced by summons and triable before justices of the peace.

When returnable.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

Complaint.

The City of Seymour,) In Justice Court,
 against) before C—D—,
 A—B—.) Justice of the Peace.

Form of complaint.

The plaintiff complains against the defendant, on the — day of — 18—, at the said city, did violate section — of this act, or section — of an ordinance or by-law or regulation of said city (describing it by its title), which said — is now in force. By reason of such violation, an action hath accrued to the city of Seymour, to recover from the defendant the sum of — dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases when oath is made for a warrant, the complaint shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

Form of warrant.

The City of Seymour,) In Justice Court,
 against) before C. D.,
 A. B.) Justice of the Peace.

COUNTY OF OUTAGAMIE—SS.

—, being first duly sworn, on oath complains to —, justice of the peace, in and for the city of Seymour, in said county, that A. B. on the — day of —, 18—, at the said city, did violate section — of this act, or section — of an ordinance, or by-law, or regulation of said city, (de-

scribing it by its title), which said — is now in force, as this complaint verily believes, and prays that A. B. may be arrested and held to answer to said city of Seymour.

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

C. D.,

Justice of the Peace.

It shall be sufficient to give the number of the section of this act, or the section of the ordinance, by-law or regulation violated in the foregoing form of complaint; and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint, with the justice of the peace, he shall issue a warrant in the following form:

COUNTY OF OUTAGAMIE, }
 City of Seymour. } ss.

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

Whereas, — — has this day complained to me, in writing, on oath, that A. B., on the — day of —, 18—, at said city, did violate (section —, of chapter —, of this act, or section —, of an ordinance, by-law or regulation of said city, describing it by the title), which said — is now in force as the complainant believes; therefore, you are commanded to arrest the body of the said A. B., and to bring him before me forthwith, to answer to the city of Seymour on the complaint aforesaid.

C. D.,

Justice of the Peace.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it shall be adjourned for cause or by consent. If the case be adjourned, the defendant, if required by the court to do so, shall recognize, with security to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or in default therefor, may be put in charge of the officer, or be committed to the common jail of Outagamie county, and shall be received and kept therein the same as in criminal actions, except as modified by this act, or the ordinances, by-laws or regulations of said city. The complaint aforesaid shall be the only complaint required; and the plea

of not guilty shall put in issue all the subject matter embraced in the action.

SECTION 7. A printed copy of an ordinance, by-law, or regulation passed by the common council and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Printed copy shall be prima facie evidence.

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

No payment of fees in advance.

SECTION 9. In city prosecutions both plaintiff and defendant shall enjoy the right of trial by jury, as in civil actions in justices' courts, and the findings of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture presented in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of such suit shall be taxed against the city. Upon rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in cases of tort, in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall, in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and shall also insert such time in the execution or commitment. Such execution shall be in the following form:

Trial by jury for both.

COUNTY OF OUTAGAMIE,)
City of Seymour,) ss.

Form of execution.

The State of Wisconsin, to the sheriff or any constable of said county, or to the marshal of said city, and to the keeper of the common jail of Outagamie county.

Whereas, the City of Seymour, on the — day of —, 18—, recovered a judgment before the undersigned, justice of the peace in and for said

city, against — —, for the sum of ——— dollars, together with ——— dollars and ——— cents, costs of suit, for the violation of (section — of chapter — of this act, or section — of an ordinance, or by-law, or regulation of said city, describing it by title), you are hereby commanded to levy distress of the goods and chattels of the said — —, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me within twenty days; and for want of such goods and chattels whereupon to levy, to take the body of said — — and him convey and deliver to the keeper of the common jail of Outagamie county; and the said keeper is hereby commanded to receive and keep in custody in said jail the said — — for the term of — — unless the said judgment, together with all the costs and fees, are sooner paid or he is discharged by due course of law.

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

C. D.,

Justice of the Peace.

Commitment.

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

Appeals, how made.

SECTION 10. In any case, the defendant may appeal from such judgment to the circuit court for the county of Outagamie; provided, that such defendant within twenty-four hours enter into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice, from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Appeal to stand for trial.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived, in a manner provided by law, in said circuit court, at the next

term thereof, after the day the judgment of the justice shall be rendered unless continued; provided, said judgment is rendered at least ten days prior to the commencement of the term of said circuit court.

SECTION 12. If the judgment of the justice shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them, and his or their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

If judgment be affirmed.

SECTION 13. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Shall not work incompetency.

SECTION 14. When any suit or action shall be commenced against the city, the service thereof may be made by leaving a copy of the summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

How action shall be commenced.

SECTION 15. Judgments against said city shall be collected in the same manner as judgments against towns.

Judgments against city, how affirmed.

SECTION 16. All fire-engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment, wherein the city shall be a party.

City property exempt from attachment.

SECTION 17. In all cases where a defendant shall be convicted of any violation of any ordinance, by-law or police regulations of said city, or provisions of this charter, the court before whom the same is tried shall have power to sentence the defendant to a term of imprisonment in the common jail of Outagamie county for any period not exceeding six months.

Sentences.

Use of county
jail.

SECTION 18. The use of the jail of Outagamie county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of such county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

Power to employ attorney.

SECTION 19. The common council shall have power to employ an attorney to prosecute or defend any action for said city.

Power to grant pardons, by the mayor.

SECTION 20. The mayor shall have power to grant pardons or commutations after convictions, against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting, with his reasons therefor.

Officers may command the peace whenever necessary.

SECTION 21. The mayor or acting mayor, sheriff of Outagamie county, and each and every alderman, justice of the peace, marshal, under-sheriff and deputy-sheriff of Outagamie county, constable, policeman and watchman, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting or disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens and military companies. And if any person, bystander, military officer or private citizen, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct proceedings.

CHAPTER VII.

SCHOOLS.

Control of the common schools.

SECTION 1. The common schools of the city of Seymour shall be under the control of the school district boards, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between towns and schools therein, and the same reciprocal powers and duties; provided, however, that all the territory

within the limits of said city be one school district, and be known as school district number one of the city of Seymour.

CHAPTER VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city or either wards, including all printing and publishing, may in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder and due notice shall be given of the time and place of letting the contracts.

Work to be let to the lowest bidder.

SECTION 2. The credit of the city shall never be given or loaned in aid of any individual, association or incorporation.

Credit of the city.

SECTION 3. 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.

No extra compensation shall be allowed.

SECTION 4. Every member of the common council of the city of Seymour who shall, directly or indirectly, vote for himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of this charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as inspector of elections, members of board of equalization, or for extra work on committee; any member of the common council who shall be directly or indirectly interested in any contract made with or in behalf of said city, and any member of said council or other city officer who shall, directly or indirectly, purchase, or be interested in the purchase, of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars, nor less than twenty dollars, or by imprisonment in the county jail for not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his office; and any contract made in violation of the provisions of this section shall be void.

Penalty for voting money to self.

Ordinances, by
wh. m signed.

SECTION 5. Every license issued by the authority of this act or the ordinances of the city shall be signed by the city clerk and sealed with the corporate seal of the city, but no such license shall be issued until such license shall have been granted by the common council of said city, and the applicant shall have filed with the clerk the receipt of the city treasurer for the amount required to be paid therefor, together with a bond as required by the laws of this state; which bond shall be approved by the common council.

Remission of
taxes.

SECTION 6. The common council may by unanimous vote thereof, remit any tax or special assessment, or any part thereof, whenever the same shall be manifestly illegal or unjust.

Resignation of
officers, how
effected.

SECTION 7. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect and his office shall be deemed vacant from the time such resignation shall be accepted by the council.

Power to levy
tax.

SECTION 8. The common council shall have power to levy a tax to pay any and all judgments against the city.

Accurate sur-
veys may be
made.

SECTION 9. The common council may at any time cause a new and accurate survey to be made of the lines, and boundaries of all streets, alleys, sidewalks, public grounds and blocks, and may cause to be established such permanent land marks as it may deem necessary; and it is hereby authorized and empowered to cause to be made by some competent person a plat of all pieces or parcels of land which are not embraced and described in any of the recorded plats of said city; and it may cause a new and accurate survey made of the recorded plats of said city, or cause the same to be amended, and cause each tract of land or lot, which has a separate ownership, to be given a number; and any tract of land may be divided into two or more lots, if deemed advisable in the making of said plats. Said plat or plats shall plainly define the boundary of each tract designated thereon. The major portion of any lot, which is altered by a new plat, shall retain the original number given to the lot, and a new number shall be given to the tract detached. The said plat or plats, 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 said city, and when so certified and acknowledged, shall be recorded in the office of the register of deeds of Outagamie county.

SECTION 10. The said plat or plats so made shall be called and known as "Assessor's plat of the city of Seymour," 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 hereafter 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. The surveys and landmarks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

SECTION 11. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

SECTION 12. In all cases where an action might be brought by the city of Seymour against any person, company or corporation, to recover any penalty under this act, or under ordinance, by-law or regulation of said city, such action may be commenced and prosecuted in the name of the city by any freeholder of said city.

SECTION 13. The laws of this state for the relief and support of the poor in towns, shall apply

Name of plat.

Penalty for failure to deliver to successor in office.

How actions against the city may be brought.

Poor laws of state shall apply to city.

to said city, and the council may make such rules and regulations, ordinances and provisions relative to the same, as it shall deem proper.

City may purchase and hold real estate.

SECTION 14. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by the said city shall be exempt from taxation.

Deeds and lease.

SECTION 15. When the city of Seymour deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Seymour, and the person or persons authorized to execute such deed or lease need not be named in the body thereof. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided for the execution of deeds.

Mayor to execute deed or lease.

SECTION 16. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. When any such deed or lease is executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with said deed or lease; and such copy so attached and record thereof shall be in all courts prima facie evidence of the authority of the mayor to make and execute such deed or lease.

In case of failure to hold election.

SECTION 17. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day, by order of the common council; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or per-

formed, the common council may appoint another time at which said act shall be done.

SECTION 18. The city of Seymour shall constitute no part of a road district. No part of a road district.

SECTION 19. The fiscal year of said city shall commence on the first day of December each year. Fiscal year.

SECTION 20. The regular committees of the common council shall be: On finance, streets and bridges, ordinances, taverns and groceries, public grounds, poor, and fire and police, and shall be appointed by the mayor at the first meeting after the annual election, or as soon thereafter as convenient. Regular committees.

SECTION 21. In all matters arising under the provisions of this act, not particularly provided for by the provisions of this act, the same shall be governed by the general provisions of law on that subject. General provisions.

SECTION 22. No general law of this state contravening the provisions of this act, shall be considered as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this chapter or this act. Not repealing.

SECTION 23. This act is hereby declared a public act, and shall be liberally construed in all courts of this state. Public act.

SECTION 24. Chapter 241, of the laws of 1879, entitled, "an act to incorporate the city of Seymour," approved March 5, 1879, and the several acts amendatory thereof, and all acts or parts of acts, inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, acts or suits, claims, penalties or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said act incorporating said city, or of the acts and parts of acts amendatory thereof, or any of them; but the same shall exist and be enforced and carried out, and be completed, as fully and effectually to all intents and purposes as if this act had not been passed, and all ordinances, resolutions, regulations, rules, by-laws and orders of the common council, or parts thereof, not repealed, suspended nor made

void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

SECTION 25. This act shall take effect and be in force from and after its passage and publication.
Approved March 17, 1887.

[No. 35, S.]

[Published March 19, 1887.]

CHAPTER 58.

AN ACT to incorporate the city of Juneau, in the county of Dodge and state of Wisconsin.

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

CHAPTER I.

INCORPORATION.

Corporate
name.

SECTION 1. All that district of country contained within the limits and boundaries hereinafter described shall be a city by the name of Juneau, and the people now inhabiting, and who shall hereafter inhabit the said district of country, shall be a municipal corporation by the name of the city of Juneau, have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.