

[No. 111, S.]

[Published March 28, 1889.]

CHAPTER 178.

AN ACT to amend chapter 409, laws of 1887, entitled "An act to revise, consolidate and amend an act incorporating the city of Berlin, and the several acts amendatory thereof.

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

Amendment to
chapter 409,
laws of 1887.

SECTION 1. Section 19, of chapter 409, of the laws of 1887, is hereby amended so as to read as follows: Section 19. The treasurer shall collect and receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements in such manner as the common council shall direct. He shall report to the common council as often as required by the council, and annually at least ten days before the regular election in each year, a full and detailed account of all receipts and expenditures from the date of the last preceding annual report, and also the state of the treasury, which statement shall be filed with the city clerk. He shall be collector of taxes as provided by the general laws of the state, and all general laws of the state relating to treasurers of towns as collectors of taxes shall apply to him, and he shall receive the same compensation, except that on all taxes collected on any tax warrant, prior to the tenth day of January, after the receipt of such warrant, he shall remit four-fifths of the five per cent. collection fee, and on all taxes collected thereafter on such warrant, he shall remit three-fifths of the five per cent. collection fee, and on all moneys paid into the city treasury on account of licenses and permits granted by the common council, he shall receive one per centum, to be by him retained from the same.

Appeal to the
circuit court.

SECTION 2. Section 44, of chapter 409, of the laws of 1887, is hereby amended so as to read as follows: Section 44. When any claim against the city shall be disallowed in whole, or in part, such person may appeal from the decision of the com-

mon council disallowing said claim, to the circuit court of Green Lake county, by causing written notice of such appeal to be served on the city clerk within twenty days after the making of the decision disallowing such claim, and by executing a bond to the city in the sum of one hundred and fifty dollars, with two sureties, to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs which shall be adjudged against the appellant. The clerk in case such appeal is taken shall make a brief statement of the proceedings had in the case before the common council, with its decision thereon, and shall transmit the same, together with all the papers in the case to the clerk of the said circuit court, and thereupon the said circuit court shall have full jurisdiction in said matter as though the same had been originally brought therein. Provided, however, that if the appellant shall not succeed on such appeal, or shall not recover a larger sum on such appeal than was allowed by the common council upon such claim, exclusive of interest on such allowance, then the appellant shall pay the costs of such appeal, which shall be deducted from the amount (if any) of the recovery, and when the costs exceed the recovery judgment shall be rendered against the appellant for the excess. If the appellant fails in such appeal he shall pay the costs of the city.

SECTION 3. Section 109, of chapter 409, of the laws of 1887, is hereby amended so as to read as follows: Section 109. Witnesses shall attend in all courts, on behalf of the city, in actions where the city is a party, without the tender or payment to them of their fees in advance, upon subpoena duly served and on their default they may be attached as now provided by law for such failure.

Witness to attend court without fee in advance.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1889.