

council annually at a regular meeting to be held in the month of June.”

SECTION 5. This act shall take effect and be in force from and after its passage and publication. Approved April 8, 1889.

[No. 460, A.]

[Published April 12, 1889.]

CHAPTER 332.

AN ACT to incorporate the city of New Lisbon.

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

CHAPTER I.

CORPORATE NAME.

Corporate
name.

SECTION 1. All that district of country in the county of Juneau hereinafter described, including the present village of New Lisbon, and the people who now or may hereafter inhabit said district, shall be a municipal corporation by the name of the city of New Lisbon, and shall have the general powers possessed by municipal corporations at common and statute laws, and also the powers hereinafter specially 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 with, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

CHAPTER II.

CITY BOUNDARIES.

City
boundaries.

SECTION 1. The south half of the northeast quarter and the southeast quarter of section seven, the south half of section eight, the south

half of the northeast quarter and the south half of the northwest quarter of section eight, the northwest quarter of section seventeen and the north half of the northeast quarter of section seventeen, and the north half of the southwest quarter of section seventeen, the northeast quarter of section eighteen, and the north half of the southeast quarter of section eighteen. The present village of New Lisbon, all in township sixteen north, range three east, in Juneau county, Wisconsin, shall be included within and constitute the territory comprising the city of New Lisbon.

SECTION 2. The city is hereby divided into two wards, as follows: The first ward shall be all that portion of said city lying east of the center line of Division street and the continuation thereof north to the boundary line of said city, and all that portion of said city lying east of the center line of Webster street and the continuation thereof south to the boundary line of said city. The second ward of said city shall be all that portion thereof lying west of the first ward as heretofore described.

Ward boundaries.

CHAPTER III.

CITY OFFICERS.

SECTION 1. The elective officers of said city shall be a mayor, treasurer, assessor, one police justice and one city marshal from the city at large and one supervisor, two aldermen, one justice of the peace and one constable for each ward. All other officers necessary for the proper management of the affairs of said city shall be elected by the common council.

City officers.

SECTION 2. All elective officers except justices of the peace and police justice, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; said police justice and justices of the peace shall hold their respective offices for two years; provided, however, that the common council shall have power, for cause, to expel any of its own members except the mayor, and to remove from office any officer or agent under the city government, due notice in writing being first

Terms of office.

given to the officer complained of, and an opportunity to be heard by counsel or otherwise in his own defense.

Qualifications
of officers.

SECTION 3. All elective officers shall be qualified electors of said city. The assessor and aldermen shall be freeholders in said city, and the aldermen, supervisors, justices of the peace and constables shall be residents of the respective wards for which they may be elected or appointed.

Election.

SECTION 4. The qualified voters of the city of New Lisbon shall hold an election on the first Tuesday in April in each year for the election of the officers named in section 1, of this chapter, at such place in each ward as the common council shall designate, which election shall be presided over by inspectors of election appointed by the common council in the manner provided by the general laws of the state of Wisconsin now in force or hereafter enacted, governing general elections, who shall see that the ballots are safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count and canvass the ballots at the close of the polls, and shall make, certify and seal two returns; and shall forthwith direct and return or deliver one of said returns to the city clerk of the city of New Lisbon, and the other to the county clerk of the county of Juneau. The common council shall constitute a board of canvassers who shall within five days after such election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board the mayor shall notify by a certificate, to be served as a summons is served in justice's court, the persons elected to the respective offices; the clerk shall also notify the clerk of the circuit court of Juneau county of all elections of justices of the peace and police justice, city marshal and constables, and shall notify the county clerk of the election of treasurer, supervisors and assessors; and the polls shall be kept open from nine o'clock A. M. till five o'clock P. M. with the proviso that an adjournment may be had for one hour between the hours of twelve o'clock M. and one o'clock P. M. upon due notice thereof, given at the opening of the polls. The city clerk shall give at least six days' notice of such election by posting notices in two

Board of
canvassers,
how con-
stituted.

conspicuous places in each ward, stating the time and place in each ward of holding the same, the officers to be elected thereat, and also of any special action to be taken or asked at such meeting.

SECTION 5. All elections by the people shall be by ballot, and a plurality of votes shall elect. In case of a tie vote, the election shall be determined by casting lots in the presence of the common council, at such time and in such manner as they shall direct.

Election to be by ballot.

SECTION 6. All persons who are qualified electors of the state of Wisconsin, and who are actual residents of the territory within the city limits, shall be entitled to vote for any officer to be elected in the ward in which they reside, and be deemed qualified electors at the city elections.

Who entitled to vote.

SECTION 7. The votes for mayor and all elective officers shall be on one ballot, and may be either printed or written, or partly printed and partly written, and votes for other than elective officers shall not be counted or canvassed in any manner whatever, and the evident intention of the voter shall in all cases govern in canvassing the result of any election under this act.

Ballot may be written or printed.

SECTION 8. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector before receiving any such vote, shall require the voter offering to vote to take the following oath: "You do solemnly swear (or affirm as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election; that you are a legal resident of this ward, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a wilful and corrupt perjury. If any person who is not a qualified voter, shall vote at any election or if any person duly qualified shall vote in

Oath in case of challenge.

any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to prosecution, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election or if any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such inspector or clerk shall be liable to prosecution, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars.

Inspector to keep list of voters challenged.

Election to fill vacancy.

SECTION 9. Special elections to fill vacancies or for any other purpose shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be prescribed by the common council.

In case of vacancy.

SECTION 10. Any officer removing from the city and any ward officer removing from the ward for which he was elected and any officer who shall refuse or neglect to qualify on or before the third Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

When terms begin.

SECTION 11. The terms of every officer elected under this act, except justices of the peace and police justices, shall commence the third Tuesday in April of the year for which and in which he was elected.

First election.

SECTION 12. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, A. D. 1889. The election of justices of the peace and police justices shall be held at the same time and place, and so every two years. The justices of the peace now residing within the territorial limits of said city of New

Lisbon shall hold their offices until their successors under this act shall be elected and qualified, when all books and dockets shall be turned over to the mayor for the use of the justices who may be elected under this act, and the first election under this act, shall be held at such places as shall be designated and provided by the president and trustees of the village of New Lisbon, who shall appoint the inspectors and clerks thereof, prescribe the manner of conducting such election, and shall canvass and make returns of the result as provided in this act and the general laws of the state; and the village clerk of New Lisbon shall give the notice thereof required by this act, and all duties required by this act of the common council in regard to elections shall be performed so far as may be necessary by the president and trustees of the village of New Lisbon and the inspectors and clerks appointed by them in regard to the first election and the organization of the city government under this act.

CHAPTER IV.

OFFICERS — THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act except justices of the peace and the police justice shall, before he enters upon the duties of his office take and subscribe an oath of office and file the same duly certified by the officer taking the same, with the clerk of the city, and the clerk, marshal, constables, and such other officers as the city may direct, shall severally before they enter upon the duties of their respective offices, execute to the city of New Lisbon a bond with at least two sureties who shall swear that they are each worth the penalty specified in the bond, over and above all debts, exemptions or liabilities and such bond shall contain such penal sum and such conditions as the common council may deem proper. The treasurer before entering upon his duties shall also execute a bond with at least two, nor more than ten sureties, the penal sum expressed in such bond shall exceed the amount of the last annual tax-

Officers, their powers and duties.

Shall qualify and furnish sureties.

roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum expressed in the bond. The council may, from time to time, require new or additional bonds, from the treasurer or any other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace and the police justice shall qualify in the same manner as in towns, except that their bonds shall be approved by the mayor of the city.

Duties of
mayor;

SECTION 2. 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, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote in the council only in case of a tie. When the council shall be engaged in the election of any officer, the mayor shall have a vote the same as an alderman.

President of
the council, his
powers and
duties.

SECTION 3. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common 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. In case both the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president, or the temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if

performed by the mayor. The common council shall also at their first annual meeting, or so soon thereafter as may be, appoint the following officers: city clerk, attorney, surveyor, one street commissioner, and other officers or agents necessary to the good of the government of the city, who shall hold their said offices for one year, unless removed as hereinafter provided. They shall at the same time fix the compensation or salary, and may prescribe the duties pertaining to the same.

SECTION 4. The city clerk shall perform all the duties required by law to be performed by him. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall draw and countersign all orders on the city treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths, and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Duties of city clerk.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall 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, 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, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already

Duties of treasurer.

specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers in towns. No person having been city treasurer for two years in succession shall be eligible to a reelection until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office.

Duties of
marshal.

SECTION 6. The marshal shall attend all the meetings of the common council, unless excused by the council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city; to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such person or persons before competent authority for examination; and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties; such deputies shall also take and subscribe the proper oath of office, which shall be filed with the city clerk, and when duly qualified as aforesaid, such deputies shall possess like powers and authority, and be subject to the same liabilities with the marshal.

Duties of
surveyor.

SECTION 7. The city surveyor shall be a practical surveyor and engineer, and shall have a per diem compensation to be fixed by the common council. He shall keep his office at some convenient place in the city. He shall preserve and have open to the inspection of any person, all sur-

veys, profiles, plans or estimates made by him for the city, and which, with all books or papers pertaining to his office, and minutes of surveys by him made, he shall turn over to his successor or the city clerk on the expiration of his term of office.

SECTION 8. The duties of constables shall be as prescribed by the general laws of the state for constables in towns.

Duties of constables.

SECTION 9. The duties of assessor shall be as prescribed by the general laws of the state except as modified by the provisions of this act.

Duties of assessor.

SECTION 10. It shall be the duty of the street commissioner, within five 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 report to the common council recommending what, in his opinion, is necessary and ought to be done thereto. On the receipt thereupon 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 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 according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may at other times make such other reports as the necessities of the case may require.

Duties of street commissioner.

SECTION 11. It shall be the further duty of the street commissioner to employ men and procure utensils, implements, teams, materials, and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured, and of all

Duties of street commissioner.

teams and utensils and men employed by him, and be able to certify to the account therefor, and 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.

Claims, how paid.

SECTION 12. All accounts against the city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the general fund by orders drawn and issued by the common council. All such accounts for street purposes, except for work and hire, shall be duly verified, and when they arose or were created under the direction of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may, at its option, let all or any of such street work by contract to the lowest bidder. The street commissioner shall be paid for his services, and for every day's service actually rendered shall receive such compensation as the common council and said commissioner shall agree upon at the beginning of his official year, or he shall be paid such sum per annum in lieu thereof, for the services required to be performed by him as he and the common council can agree upon at the beginning of his official year.

Jurisdiction of police justice and justice of the peace.

SECTION 13. The justices of the peace and police justice elected under this act, shall have the same and equal jurisdiction and perform all and like duties of justices of the peace, and shall qualify, in the same manner as provided by the general laws of this state, and the police justice, in addition to his said jurisdiction as justice of the peace, shall have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said common council, and in all actions in which the said city of New Lisbon is a party, and shall have the same powers and authority in cases of contempt as a court of record; provided, that nothing herein contained shall be construed so as to divest the judge of the circuit or county courts of their authority as conservators of the public peace, nor to affect, impair or limit in any manner the jurisdiction of the circuit and county courts. The police justice shall be entitled to receive for his services the same compensation in fees as is al-

lowed by law to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe. In case of a vacancy, or in case of absence, sickness or inability of the police justice, the mayor may issue to one of the justices of the peace of said city, a warrant, instructing and authorizing him to assume the duties of police justice, upon the receipt of which said warrant the said justice of the peace shall perform the duties of police justice and have the authority and power and rights of police justice. Appeals and writs of certiorari may be taken from the police justice in the same manner as from other justices of the peace. Any person holding the office of justice of the peace shall not be thereby disqualified from holding the office of police justice.

SECTION 14. Said city shall possess, and they are empowered to exercise the same and like jurisdiction, powers and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state. All prosecutions for a breach or violation of any by-law, ordinance or regulation in force in said city, shall, in all cases when the same have been committed within the limits of said city, be commenced in the name of the city of New Lisbon before the police justice thereof, and all fines and penalties imposed by said justice of the peace or police justice, for violation of any city ordinance, by-law or regulation, shall belong to and be paid over to the treasurer of said city, and be a part of the finances thereof. Nothing in this section nor in this act shall be construed so as to interfere with the exclusive jurisdiction of the police justice as laid down and defined in the preceding section. The said justices of the peace shall as often as required by the common council, report to them all the proceedings instituted before said justices in which said city is, or may be interested, and shall at the same time account for and pay over to the treasurer of said city, all fines and penalties collected by them and belonging to said city. Said justices of the peace shall be entitled to receive in all cases had before them, in which said city is interested, the same fees as are provided by

Violation of ordinances.

law for justices of the peace of the several towns of this state in similar cases had before them.

Penalty for not turning over to successor.

SECTION 15. If any person having been an officer in said city, shall not within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, pertaining to the office he 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 so to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

No city officer shall be contractor with city.

SECTION 16. No mayor, alderman or street commissioners shall be a party to, or interested in, any job or contract with the city, or any of the wards thereof, and any contract in which they or either of them, may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the mayor, alderman or street commissioner interested in the same.

Officers of the peace.

SECTION 17. The mayor or acting mayor, sheriff of said Juneau county, and each and every alderman, justice of the peace, marshal, undersheriff and deputy sheriffs of Juneau county, deputy marshals, policemen and watchmen of said city, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all by-standers, and if needs be of all citizens in said city; and if any person, by-stander, or private citizen shall refuse to aid in maintaining the peace when so required, every such person so refusing shall forfeit and pay a fine of not less than five nor more than 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 the proceedings.

CHAPTER V.

THE COMMON COUNCIL.

SECTION 1. The mayor and alderman shall constitute the common council, and shall not receive any compensation for their services unless they be acting as inspectors of elections, or as members of a board of registry or equalization, or for extra committee work, and the style of all ordinances shall be: "The common council of the city of New Lisbon do ordain, etc." The common council shall meet at such times and places, in said city, as they shall direct and provide. A majority of the council shall constitute a quorum, but a less number may adjourn from time to time.

Common council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday after the regular city election, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judges of the election and qualification of its own members, and have the power to compel the attendance of absent members.

First annual meeting.

SECTION 3. The common council shall have the control and management of the finances and of all the property of the city, and shall likewise in addition to the powers herein vested in it, have full power 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 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 laws; provided, they are not repugnant to the constitution and laws of the United States or of this state,

Council to control property of the city.

and for those purposes shall have authority by ordinances, resolutions or by-laws:

License shows. 1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, theatrical performances, billiard tables, bagatelle tables, pigeon-hole tables, and bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common or statute law, and to grant license for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any license for selling spirituous, vinous or fermented liquors to be drank on the premises shall not be less than provided by the general statute of the state of Wisconsin; and that all such licenses hereafter granted shall run from the first day of May in each year; but no licenses shall be granted for a longer term or period than one year.

Prohibit gambling.

2d. To restrain, prohibit and suppress all description of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in any spirituous, fermented or vinous liquors unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

Prevent riots.

3d. To prevent any riots, noise, disturbances, 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. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act or any ordinances of the city of New Lisbon by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

Remove unwholesome articles.

4th. 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.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection of, and use and occupation of the same, when the offal or filth therefrom shall discharge into the waters of the rivers, ponds or sloughs, and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying the same, or other combustible materials.

Locate slaughter houses.

6th. To prevent the encumbering of streets, sidewalks, lanes or alleys, with stairways, carriages, sleighs, boxes, lumber, firewood or any other material or substance whatever or in any manner whatever.

Prevent encumbering streets, etc.

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

Prevent horse racing.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize impounding and sale of the same.

Restrain animals.

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

Restrain dogs.

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

Remove putrid carcasses, etc.

11th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city; to regulate and license hacks, cabs, drays, carts and the charges of hackmen, cabmen, draymen, and cartmen in the city, and to erect lamps for lighting the streets, public grounds and public buildings with gas or otherwise.

Make public pounds.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate

Establish board of health.

the burial of the dead and the return of the bills mortality, and to exempt burial grounds set apart for the public use from taxation.

Weight of bread.

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

Riding and driving on sidewalks.

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

Shooting of firearms.

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

Drunkards.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removal and punishing any person or persons who may be guilty of the same.

Regulate runners and solicitors.

17th. To restrain and regulate runners and solicitors for stages, cars, public houses, and other establishments.

Police regulations.

18th. To make rules and ordinances for the government and regulation of the police of the city.

Public markets.

19th. 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 and restrain all persons for 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 articles.

Selling hay, etc.

20th. To regulate the place or places and the manner of weighing and selling hay and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Keep sidewalks clear of snow, etc.

21st. To compel the owners of buildings or grounds, or occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct,

and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

22d. To regulate, control and prevent the landing of persons from cars and stages, with contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Control of contagious diseases.

23d. To regulate the time, place and manner of holding public auctions and vendues.*

Public auctions.

24th. To appoint watchmen and prescribe their duties.

Watchmen.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Weights and measures.

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

Trees and monuments.

27th. To prescribe and regulate the construction of sewers within the city.

Sewers.

28th. To lay out, make, open, and keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from any incumbrances, and to protect them from injury.

Highways, streets, etc.

29th. To alter or change the name of any street in the city.

30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act; or which may be vested in any officer of said city by any ordinance thereof.

Name of street.

SECTION 4. All laws, ordinances, regulations, resolutions 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 be published in a newspaper published in said city, or posted in three public places in said city before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk, in books 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 same time, shall be proved by the affidavit of the foreman or publisher of such newspaper or by the af-

Ordinances and police regulations.

Ordinances shall be published.

fidavit in writing of the officer or person posting the same, which said affidavit shall be recorded therewith, and at all times, and in all places, such record shall be deemed and taken as evidence of the passage and publication or posting of such law, ordinances, regulation, resolution or by-law.

May suppress
gambling
houses, etc.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns or saloons, and houses or places where spirituous or vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than fifty pounds of gunpowder are deposited, stored or kept at one time, are hereby declared and shall be deemed public or common nuisances.

Accounts
audited.

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

Corporate
authority.

SECTION 7. The corporate authority of said city shall be vested in one principal officer styled a mayor, and in one board of aldermen consisting of two members from each ward, who with the mayor shall be denominated the common council,

together with such other officers as may be created under this act.

CHAPTER VI.

SECTION 1. All funds in the treasury, except Money orders. school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes except school taxes, for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such funds respectively, and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn, or bearer.

SECTION 2. The common council of said city City taxes. shall annually levy upon the taxable property of said city to defray the current and lawful expenses of said city and its schools, a tax sufficient to defray the same; provided, said common council shall not levy a tax for general purposes, including highway tax, exceeding six-tenths of 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.

SECTION 3. The common council of said city Taxes, how levied. shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; provided, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose not exceeding two thousand dollars in any one year, and the said special tax, when so levied, shall be collected at the same time as other city taxes are collected.

Special taxes.

SECTION 4. Special taxes may also be levied by the common council, at any regular meeting, for the purpose of paying the interest or principal of any bonds which may hereafter be issued by said city of New Lisbon by authority of law; provided, however, that 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 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; said taxes when so levied shall be collected at the same time other city taxes are collected.

Accounts,
how presented.

SECTION 5. No account shall be allowed by the common council, unless the same is properly itemized, and verified by the owner thereof or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him. When an account is audited, the clerk shall endorse it "allowed," or "disallowed," as the fact may be, giving the amount allowed, if any, and specifying the items disallowed. The minutes of the meeting shall show to whom and for what purpose every such account was allowed, and the amount thereof. No account shall be allowed or appropriation made except by a majority vote of the whole council, taken by "ayes," and "noes," to be recorded in the minutes of the meeting by the clerk. Every such account or demand allowed, in whole or in part, shall with the affidavit thereto, be numbered and filed by the clerk.

May appeal to
the circuit
court.

SECTION 6. When the claim of any person against the said 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 of Juneau county, 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 such city with sufficient surety to be approved by said clerk, county judge or court commissioner of said county, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against appellant by the court.

In case of
appeal.

SECTION 7. 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 common council he may be required to do, and shall make out a brief return of the proceedings in the case before said common council with its decision thereon, and shall file the same together with said notice, and all papers in the case in his possession with the clerk of the circuit court for the county of Juneau, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs thereon shall 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 an appeal shall not exceed the amount allowed by said common council exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of the costs exceed the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

SECTION 8. No action shall hereinafter be maintained by any person against the city of New Lisbon upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city. 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 shall be taken from the decision and determination of such common council, as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to it, this chapter shall not be construed so as to prevent the institution and maintenance of any action by said claimant against said city.

Common council to examine claims.

CHAPTER VII.

OPENING STREETS.

Opening
streets.

SECTION 1. The common council shall have power to lay out streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition; the common council shall thereupon cause notice of such application to be served on all persons interested in such lands who are residents of this state, and whose residence is known, by service thereof, in the usual manner of service of a summons, and on all other persons by publication of such notice, describing as near as may be the premises proposed to be taken, for four weeks successively, at least once in each week, in some newspaper published in said city, and by mailing a copy thereof to each non-resident interested in the premises, whose lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published four weeks successively, at least once in each week, in some newspaper published in said city of New Lisbon.

Published
notice.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the police justice of the city of New Lisbon, or a court commissioner for the county of Juneau, for the appointment of twelve jurors to view said premises and determine whether it shall be necessary to take the same for the purposes specified in said petition.

SECTION 3. Upon the presentation of such ap-

plication, and upon proof of the publication or service of the notice hereinbefore required, the said police justice or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said police justice or court commissioner shall thereupon issue his precept directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in such application.

Jurors to
examine
premises.

SECTION 4. The marshal of said city shall serve said 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 police justice or court commissioner who issued the same, together with his doings thereon.

Marshal shall
serve precept.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the police justice or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Vacancy filled.

SECTION 6. The said police justice or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors before entering upon the discharge of their duties, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath shall be filed in the office of the city clerk.

Jurors shall
qualify.

SECTION 7. The said jurors at such times 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 the 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, re-

Jurors to hear
testimony.

spectively, and which shall state whether in their judgment it is necessary to take the premises in question for the 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 directing 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 the damages to be paid to the owner or owners of such 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 or refuse to serve, in ascertaining the amount of compensation as above, and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before a competent officer that they are freeholders in said city, and not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to assess value of building taken.

SECTION 8. If there should be any building, in whole or in part, upon the land to be taken, the commissioners, 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 having such building taken from him to remove.

Notice served on owner.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in some paper of said city three successive weeks, once each week; such notice shall specify the building and award of the jurors. It shall require the parties interested to appear by a day therein named, 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 shall have such time for this purpose as the common council shall allow.

SECTION 10. 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' public notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Council may
sell building.

SECTION 11. 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 be 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 of the taking thereof, which shall be awarded to such owners, respectively, as damages, and to assess the respective benefits upon the premises benefited thereby. 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 lands) as estimated by them aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove in such case they shall only include the difference between such value and the whole estimated value of such building or buildings according to section 8, of this chapter.

Jurors shall
award
damages.

SECTION 12. 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
parties
holding inter-
ests in said
lands.

SECTION 13. The award of such 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.

Jurors shall
report.

SECTION 14. Any person whose property is taken

Owner may
appeal.

or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Juneau 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 section 6, of chapter 6, of this act, and such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the right to appeal by filing with the clerk a notice thereof, within ten days as aforesaid.

Damages
must be paid
prior to
appropriation
of land.

SECTION 15. 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 agent cannot be found, or is unknown, deposited 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 in the same manner as streets, alleys and public grounds, opened or laid out.

Damages, how
paid.

SECTION 16. 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 paid, tendered or deposited, all proceedings in such case shall be void.

Damages,
when paid.

SECTION 17. The city may pay a tender or deposit, as herein required, at any time within one year from the confirmation of such assessment, and report the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate such lands for the purposes required.

Contracts on
land taken, to
cease.

SECTION 18. Whenever the whole of any tract or lot or other premises under lease, or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between 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.

SECTION 19. When only 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 aforesaid, 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 in respect to the same, shall be so proportioned 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.

Contract in case part of lot is taken.

SECTION 20. Whenever any known owner of land or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the judge of the circuit court of Juneau county, or, in his absence, the judge of any court of record in said county 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.

When guardian may be appointed.

SECTION 21. Whenever any public grounds, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Land shall be surveyed.

CHAPTER VIII.

ACTIONS TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and 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 matter in evidence under it.

Actions brought in the corporate name of the city.

SECTION 2. In all prosecutions for any violation

In case of
prosecutions.

of any of the provisions of this act, or any by law, ordinance 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
summons.

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

County or Juneau, }
City of New Lisbon. } ss.

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

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned police justice in and for said city, at my office in said city, on the — day of — 18—, at — o'clock in the — noon, to answer to the city of New Lisbon on a plea of debt to the damage of said city two hundred dollars or under.

Given under my hand, at said city, this — day, of —, 18—. C. D., Police Justice.

Summons
served in
accordance
with laws of
the state.

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

Form of
complaint.

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

The city of New Lisbon }
 } against
 } A. B. } In police court, before
 } C. D., justice.

The plaintiff complains against the defendant, for that the defendant, on the — day of —, 18—, at the said city, did violate (section —, of chapter —, 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 New Lisbon, to recover of

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 where 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:

The City of New Lisbon } In Police Court, be-
 against } fore C. D., Police Jus-
 A. B. } tice.

Form of
complaint.

County of Juneau.—ss.

_____, being duly sworn, complains on oath to C. D., police justice, in and for the city of New Lisbon in said county, that A. B., on the _____ day of _____, 18—, at said city, did violate section _____, of chapter _____, 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, as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of New Lisbon therefor.

Sworn and subscribed to before me this _____ day of _____, A. D. 18—.

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

County of Juneau, }
 City of New Lisbon, } ss.

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

Form of
warrant.

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, or by-law, or regulation of said city, describing it by its title) which said _____ is now in force, as the complainant believes; therefore, you are commanded to arrest the body of A. B. and

bring him before me forthwith, to answer to the city of New Lisbon on the complaint aforesaid.

C. D., Police Justice.

Defendant to give bail.

Upon the return of said warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, 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 thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Juneau county. 'The complaint made as aforesaid shall be the only complaint required, and the plea of "not guilty" shall put in issue all subject matter embraced in the action.

Printed ordinance prima facie evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council and published in a newspaper or in a pamphlet or book form, purporting to be published by authority of the common council, or the record of ordinance, by-law or regulation kept by the city clerk, 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.

Attendance of witnesses and jurors.

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

Court shall render judgment in accordance with verdict.

SECTION 9. In city prosecutions, if the verdict is guilty, the court shall render judgment thereon against the defendant for the fine, penalty, or forfeiture prescribed 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 the suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the police justice shall forthwith issue execution as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no

case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

County of Juneau, }
 City of New Lisbon. } ss.

The state of Wisconsin, to the sheriff, or any constable of said county, or the marshal of the said city, and to the keeper of the common jail of said county, greeting:

Form of execution.

Whereas, the said city of New Lisbon on the — day of —, 18—, recovered a judgment before the undersigned police justice, 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 its title, you are hereby commanded to levy distress of the goods and chattels of said —, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, twenty five cents for this writ, and the same return to me in thirty days, and for the want of such goods and chattles whereon to levy, to take the body of said — and him convey and deliver to the keeper of the common jail in Juneau county and said keeper is hereby commanded to receive, 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 be discharged by due course of law.

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

C. D., Police Justice.

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

Form of commitment.

SECTION 10. In all cases the defendant may appeal from such judgment, to the circuit court of the county of Juneau; provided, that such defendant, within twenty-four hours, pay to the justice his costs and one dollar for his return, and 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

Defendant may appeal.

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 be tried by jury unless jury be waived.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, and the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

If judgment is confirmed.

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

Persons competent.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness, 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.

Ordinances in force.

SECTION 14. All ordinances and regulations now in force in the village of New Lisbon, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Actions, forfeitures, suits, etc.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several ordinances or acts incorporating New Lisbon village shall be vested in and prosecuted by the corporation hereby created.

In case of action against city.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served forthwith to inform the common council thereof, or to take such action or proceeding as

by ordinance or resolution of said council may be in such cases provided.

SECTION 17. All penalties and forfeitures recorded and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

Penalties to be paid city treasurer.

SECTION 18. 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 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 said city shall be a party.

Fire department apparatus.

SECTION 19. No real or personal property of any inhabitant of said city, or of any individual or corporation shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city or any judgment against said city.

Property of any inhabitant not to be attached to satisfy judgment against city.

SECTION 20. In all cases where a defendant shall be convicted of any violation of any ordinance or police regulations of said city, 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 Juneau county for any period not exceeding six months or in the city lockup.

In case of conviction of violation of ordinance.

SECTION 21. If the mayor of the city shall, at any time, deem it for the interest of the city, he may employ and work the prisoners so committed, outside of the jail or yard, at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such a manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county shall, upon the order of the mayor of said city, deliver the prisoner or prisoners in such order named and described, to the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners, when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city.

May employ prisoners.

SECTION 22. The common council may, by a two-thirds vote thereof, grant pardons or commu-

Council may grant pardon for violations of ordinance.

tations after conviction, for all offenses against the ordinances, by-laws or regulations of the city, on such condition as they may deem proper.

CHAPTER IX.

SCHOOLS.

Schools.

School district.

SECTION 1. All the district of country within the corporate limits of the city of New Lisbon and including sections four, five, six, seven, eight, nine, the northwest quarter of ten, the north half and the west half of the southwest quarter of sixteen, seventeen, eighteen, the east half and the east half of southwest quarter of twenty, the northwest quarter of the southwest quarter of twenty-one, except that part on the north side of railway track, all in township sixteen north, range three east, also including sections thirty-one, the southwest quarter of section thirty-two and the southeast quarter of section thirty-three of township seventeen north, range three east, shall constitute a school district until the same shall be changed as hereinafter provided, to be known as school district number one, of the city of New Lisbon. Any territory outside of and adjoining said city may be attached to said city for school purposes, and the boundary lines of said district may be altered and changed at any time by the joint action of the mayor and common council of the said city, and the supervisors of the towns of Lisbon or Clearfield, the said alterations to be made and the school tax levied and collected in the same manner as is now provided by law in the case of joint districts in towns, except as may be hereinafter provided.

School commissioners.

SECTION 2. At the time fixed by law for holding the annual election of officers in the school districts in towns, next after the adoption of this charter, there shall be elected in the manner now provided by law for the election of officers in school districts, three school commissioners in said district, whose term of office shall be, one for one year, one for two years and one for three years respectively; and annually thereafter at the same time there shall be elected, in like manner, a commissioner in place of the one whose term of

office expires, who shall hold their office for the term of three years and until their successors shall have been elected and duly qualified. The present officers of joint school district number five of the village of New Lisbon, and the towns of Lisbon and Clearfield shall remain as the officers and acting commissioners of such district until such commissioners shall have been duly elected and qualified as above prescribed; it shall be their duty, acting as such board of education, to designate a proper and suitable place for the holding of the annual school meeting in such school district for the year 1889, and to give proper and suitable notice thereof, at which time and place they shall make a full and final report of all their doings as provided herein and by the general laws of the state of Wisconsin.

SECTION 3. Every woman of the age of twenty-five years and upwards, residing in the district, shall be eligible to the office of school commissioner.

Women eligible to office of commissioner.

SECTION 4. The said school commissioners so appointed shall constitute a board to be designated "the board of education of the city of New Lisbon." Said board shall appoint and hold stated meetings, and a majority thereof shall constitute a quorum for the transaction of business. At the first meeting of said board in each year the members thereof shall elect one of their members president, and whenever he shall be absent a president pro tem. may be appointed. The city clerk shall be clerk of the board of education and of the high school board, and shall take the annual census required under the general laws of the state relating to common schools. The said commissioners shall not receive any compensation for their services.

Board of education, how constituted.

SECTION 5. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the president and clerk, shall be received in all courts and places as prima facie evidence of the facts therein set forth; and such records and all books and accounts of said board shall, at all times, be subject to the inspection of the council, and of any committee thereof. The clerk of said board shall visit the schools in the city at least

Record of meetings.

once in each month, and report their condition to the board of education, with such suggestions for their improvement as he may deem proper. He may also make such suggestions to said board as he may deem necessary for improving and repairing school-houses, grounds and appurtenances thereunto belonging. When any repairs shall be ordered the board may employ some suitable person to superintend the making of said repairs, and such compensation may be paid for such service as the board may deem just and reasonable. The clerk of said board shall in each year, and at the time, and in the manner now and hereafter required of town clerks, make and transmit to the county superintendent, a report in writing, which report shall be such as is now, or hereafter may be, required by law to be made annually by town clerks and transmitted to the county superintendents.

Ordinances for
the protection
of school prop-
erty.

SECTION 6. The council shall have power to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection and safe-keeping, care and preservation of the school houses, lots and appurtenances to the schools in said city; and also to impose penalties for the violation thereof. All such penalties shall be collected in the same way that other penalties, authorized to be imposed by said council under the city charter are collected.

Treasurer of
board of edu-
cation.

SECTION 7. The city treasurer in addition to his duties as such treasurer, shall act as the treasurer of said school district; and as such treasurer, is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer of the county of Juneau or from the town treasurers of the towns of Lisbon and Clearfield in said Juneau county, all moneys appropriated for the use of schools in said city or district and all other moneys in possession of such treasurers, at any time raised, appropriated or intended for the use and benefit of the schools in said city or district, and the said county treasurer, and the treasurers of the towns of Lisbon and Clearfield aforesaid, are hereby directed and required on the demand of said city treasurer to pay over to him the said money without delay or set-off taking his receipts as such city treasurer therefor, and all such money shall be placed to the credit of the school

fund of said city. A statement of all school moneys so received, from any source, shall forthwith be reported to the city clerk by said city treasurer, and a record thereof, duly made and kept by said treasurer and clerk. The city treasurer is hereby authorized to demand of and receive from the treasurer of joint school district number five of the village of New Lisbon and towns of Lisbon and Clearfield, all such moneys as shall be in his hands on the first day of May, 1889, belonging to said school district, and give his receipt for the same to said district treasurer. Said receipt, when given, shall release said school district treasurer and his bondsmen from all liability for such money.

SECTION 8. The said board of education shall have power and it shall be its duty:

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

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

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

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

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

6th. To prepare and report to the council such ordinances and regulations as may be necessary or proper for the protection, safe-keeping, care and preservation of school-houses, lots, sites and appurtenances, and all the property belonging to

Powers of the board.

Establish schools.

Custody of school property.

Employ teachers.

Manage schools of the city.

Report to council.

Report to council ordinances necessary.

the district, connected with or appertaining to the schools, and suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to the council at its first meeting in October of each year, the amount of money, in their opinion, necessary or proper to be raised for school purposes, specifying the sum required for each of the purposes therein named, and the reason therefor.

Repair school
houses.

7th. In the name of the city of New Lisbon to contract for the repair of school-houses and their appurtenances, and for all things necessary and proper for the support and maintenance of schools in said city, and generally to have the entire and exclusive supervision and control of all property belonging to said district used for said purpose. The board of education shall have the power, by and with the consent of the council of said city, to erect, construct, hire and purchase all buildings suitable for school-houses, buy and lease sites for school-houses, with the necessary grounds, and to furnish the school-houses in said city with the necessary furniture and apparatus, no greater amount shall be expended by the board of education in any year under the provisions of this section than shall be appropriated by the council for school purposes during such year.

Audit and al-
low claims.

8th. To audit and allow all claims against the district for school purposes, and shall issue orders on the city treasurer for all such claims audited, which said orders shall be signed by the president and countersigned by the clerk of said board, and shall be made payable out of the proper fund in the treasury. The clerk shall keep a record thereof, the same as is done for orders issued by the council, and all moneys received by or raised in said district for school purposes, shall be disbursed by the treasurer of said city upon the orders of the president and clerk of the board of education and in no other way. The board shall possess such other powers and duties as are incident to, and necessary for the discharge of the duties to be performed under this act, and except as herein otherwise provided, it shall have the same powers and perform the same duties as school district boards under the general laws of this state.

9th. To arrange and determine terms and vaca-

tions in all public schools, to establish uniformity in the school system and to require and secure uniformity in text books and to adopt or reject text books at will.

Determine terms of vacations, etc.

SECTION 9. The board of education of the city of New Lisbon shall have power to annually determine the necessary amount of taxes for school purposes in each year, not exceeding two per cent. of the real and personal property of said district, to meet the expenses of erecting and repairing school-houses, purchasing or hiring sites for school-houses and supporting and maintaining schools, and certify the same to the city council of the city of New Lisbon and to the town boards of the towns of Lisbon and Clearfield; and the clerk of said city shall, on or before the first day of November in each year, transmit to the proper authorities of the towns of Lisbon and Clearfield a statement showing the just pro rata share according to the value of property as it shall appear on the several assessment rolls for that year, which shall be levied and collected on the real and personal property within the limits of said district in their respective towns, and paid to the city treasurer of the city of New Lisbon for the use of said school fund as heretofore provided.

Determine amount of school taxes.

SECTION 10. The said board of education shall have power to permit the children of persons not residents of said district to attend any of the schools therein, under the care of the board, upon such terms as said board shall prescribe, fixing the tuition which shall be paid therefor. Permits to enter the schools shall be issued by the clerk, but no such permit shall be issued which shall interfere with the proper instruction of resident pupils. He shall report his action under this section to the board of education as often as he may be required, and shall not issue any greater number than may be authorized or sanctioned by the board of education. All permits shall specify the amount to be paid by non-residents, and no such pupil shall be admitted to any school of the city until he has exhibited the receipt of the city treasurer that the amount specified in such permit has been paid to him. At the end of each term, and at such other times as he may be required by the board, every teacher who has admitted to the school under his or her charge any non-

May permit children not residents to attend school.

To report condition of schools.

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

Council may borrow money to erect school houses.

SECTION 11. The council of the city of New Lisbon, on the application of the board of education, may borrow money for the erection and completion of school-houses in said district not exceeding the sum of three thousand dollars and may issue bonds of said district for the payment of the same bearing interest not exceeding seven per cent. per annum, payable annually or semi-annually and becoming due within ten years or less as the council may by ordinance prescribe. In case said bonds are issued the council shall annually levy a tax on the taxable property of said district as other taxes are levied and collected sufficient to pay the principal and interest of said bonds as the same may become due; and the moneys thus raised shall be applied to the purpose for which it was raised and no other; provided, that no bonds issued in pursuance of this section shall be sold for less than their par value.

CHAPTER X.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

SECTION 1. All property, real or personal within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools and the payment of its debts and liabilities, and the same shall be assessed in the manner herein-after provided; and the assessor elected under this act shall have and possess the same powers and be subject to the same duties and liabilities as township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

Property
taxed.

SECTION 2. The assessor shall return the said assessment roll to the board of equalization of the city on or before the first Monday in July in each and every year. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same.

Board of
equalization to
supply omis-
sions.

SECTION 3. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years that it shall have omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands

In case of
omission of
parcel of land
from assess-
ment roll.

the same may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall by ordinance direct; provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Board of equalization, who to consist of.

SECTION 4. The mayor, the city clerk, the assessor, and one alderman from each ward, to be appointed by the common council, shall constitute the board of equalization. Such board of equalization shall meet on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting, equalizing the assessment roll of the city. The mayor shall be president of the board of equalization, and the city clerk, the clerk thereof, and all changes made in said roll by said board shall be recorded by the clerk, and when finally completed the said assessment roll shall be filed with the city clerk.

Council to determine amount of taxes.

SECTION 5. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes authorized by law and by this act, to be levied for general city purposes, for school purposes and for paying the city's indebtedness, due or to become due for the ensuing year, and shall, by resolution, levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Taxes to be a lien.

SECTION 6. 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 upon all personal property of any person or body politic, as-

sessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sales or transfers of such real property shall affect such lien. Any personal property belonging to the person taxed may be sold for the payment of taxes upon personal property or real property.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Juneau, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

Abstract of
assessment.

SECTION 8. The board of supervisors shall regard the city of New Lisbon as a town, in equalizing the assessment of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll.

How assessed
by the county.

SECTION 9. The said board of supervisors may levy a tax or taxes upon such city as now is or may be provided by law hereafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and 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.

When regarded
as a town.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list, in such separate columns as may be necessary with the total footings carried out opposite each tract or lot of land or persons named therein, which statement shall be called the tax list of the city of New Lisbon, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Statement of
taxes.

Tax list prima
facie evidence.

SECTION 11. The tax list 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 taxes, from the election of officers to the completion of the tax lists inclusive, has been done regularly and correctly as required by law.

Duplicate copy
of tax list.

SECTION 12. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, adding thereto in a separate column, five per cent. for expenses of collection, to which shall be appended a warrant, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall, on or before the tenth day of December of the same year, deliver the same to the city treasurer for collection and make a record of such delivery on the tax list preserved in his office.

Treasurer shall
give notice.

SECTION 13. Upon the receipt of any tax roll and warrant by the treasurer, he shall give the public notice by posting the same in three or more public places in said city; that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office therein, on and after the day in such notice to be specified.

Treasurer to
collect.

SECTION 14. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like power and be subject to like requirement, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the tenth day of January and five per cent. fees upon all taxes paid or collected after that time.

State tax
when paid.

SECTION 15. The treasurer shall, on or before the last Monday in January, in each year pay to the county treasurer the state tax apportioned to said city of New Lisbon by the board of supervisors of said county of Juneau.

Unpaid taxes.

SECTION 16. On or before the last Monday in February in each year, unless the time be extend-

ed as provided by law, the said treasurer shall make out and return to the treasurer of the county in which said lands may be, 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 said treasurer shall also, at the said time, make out and deliver to the city clerk, a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalty or fees to such delinquent returns as are allowed, or are required, by law, upon delinquent returns from the several towns.

SECTION 17. The county treasurer shall sell all delinquent lands and lots returned from the city of New Lisbon, at the same time, and in the same manner as other delinquent lands are sold in said county.

Delinquent lands.

SECTION 18. 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 the same.

Exempt real estate.

SECTION 19. All the directions hereby given, except in section 5, of this chapter, for the assessing of lands, and the assessing and levying, collections and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted 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 the assessment.

In case of error.

SECTION 20. The common council shall have power, by a majority vote of all members thereof, to levy a tax or taxes to pay any and all judgments against the city.

Council may levy tax to satisfy judgment.

SECTION 21. In case the city treasurer shall, at any time, refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office and appoint a suitable person to fill the vacancy.

When treasurer may be removed.

SECTION 22. At the expiration of the time now or hereafter designated by the general laws of this state for the collection of personal taxes, the

Taxes collected under the general law.

treasurer shall proceed to enforce the collection thereof in the same manner as now is or may hereafter be prescribed by such law.

Who to pay
poll tax.

SECTION 23. Every male inhabitant of the city of New Lisbon over twenty one years of age and under fifty, except active members of the fire department, shall pay into the city treasury annually the sum of one dollar and fifty cents each as a poll tax. It shall be the duty of the assessor of the city of New Lisbon to make out duplicate lists of all persons liable to said tax in the city, and said assessor shall, on or before the first Monday in July in each year, deliver one of said lists to the city clerk, and one to the treasurer of the city of New Lisbon. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax who shall not have paid the same within twenty days after demand, either personal or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of New Lisbon. The moneys collected as above shall go to the general fund of the city. The mayor, city clerk and treasurer shall constitute a board to determine the liabilities of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days after the demand or notice mentioned in this section. The city treasurer shall receive for collecting said tax, five per cent of the amount collected.

CHAPTER XI.

OF THE FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of

wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

SECTION 2. The common council shall have Chimneys, etc. power to regulate the building, 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 to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; and to regulate and prevent the carrying on of any manufactures dangerous in causing and promoting fire; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel the by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SECTION 3. The common council shall have Power of council to purchase engines, etc. 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 meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer, who shall be appointed by the common council, and form its own by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and military duty,

except in case of war, insurrection or invasion, during the continuance of such membership.

Fire warden.

SECTION 4. The mayor shall appoint fire warden for each ward, subject to the confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, barn or enclosure for the purpose of inspecting the same.

Disorderly conduct at fires.

SECTION 5. When any person shall refuse to obey the lawful order of any engineer, or fire warden or alderman of the city, the mayor or city marshal 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 so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack company.

SECTION 6. The common council shall have power to organize a sack company, which may be known by such name as it may select, and shall consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of New Lisbon, and are hereby vested with all the powers and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the the rights and immunities of members of the fire department. At fires they shall take charge of all the property which may be exposed and endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Such company may from time to time, adopt such by-laws as it may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compen-

sation for any services rendered in their official capacity. They shall in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

SECTION 7. There shall be elected by the members of each company aforesaid, annually at their annual meetings, a clerk or secretary, who shall, on or before the first Monday in May of each year, 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 resignation, expulsion or otherwise, notice thereof shall be given the city clerk.

Clerk of fire department.

SECTION 8. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such records shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for any cause, 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 Juneau a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter 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.

Record of membership.

SECTION 9. All corporations, companies and associations, not incorporated under the laws of this state, engaged in said city in effecting fire insurance, shall pay to the city treasurer at the rate of two per cent. upon the amount of all premiums which shall have been received or shall have been agreed to be paid for any insurance effected or agreed to be effected on any property in said city, by or with such corporation or association respectively, in the manner and at the times as prescribed by the general laws of the state in relation thereto. The money so received shall go to the general fund of the city, to be used and paid out for the purposes of said fire department.

Insurance companies to pay 2 per cent.

Expenses of
fire depart-
ment, how
paid.

SECTION 10. All expenses of the fire department shall be paid from the general fund of the city; provided, that the common council shall not expend in any one year on account of said fire department a greater sum than shall be received from licenses, fines and forfeitures, and from insurance companies, as provided in the preceding section, for the same year.

CHAPTER XII.

SIDEWALKS.

Grades of
streets and
walks.

SECTION 1. The common council of the city of New Lisbon shall have power to establish the grade of the streets and walks of said city, and to change and re-establish such grade as they may deem expedient; provided, that whenever they 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 a 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 have refused or neglected for three months to pay or settle the same.

Relating to
obstructions
and cleansing
of sidewalks.

SECTION 2. It shall be the duty of the city marshal to see that all ordinances of the city relating to obstructions and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, water and water-courses in said city are duly observed and kept. The committee on streets, to be appointed by the mayor, shall have a general supervision over all works let by contract or otherwise for the improvement of streets or sidewalks and gutters in said city, unless the common council shall otherwise provide.

Established
grade.

SECTION 3. Sidewalks and gutters 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 a two-thirds vote of the aldermen elect 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 or gutter shall be ordered; provided, that before going into effect such ordinance, resolution or order shall be published at least two weeks in one newspaper published in said city. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk or gutter as aforesaid in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk or gutter shall be constructed, sufficient to pay the cost of constructing the same, and said tax shall be collected at the time and in the manner as is provided herein for the collection of other taxes.

SECTION 4. All sidewalks shall be kept in repair and clear and free from all obstructions at the expense of the lot adjoining or abutting thereon, and of the owner or owners thereof, and in case the owner or occupant shall fail to keep such sidewalk in repair and clear and free as aforesaid, the common council may cause the same to be done without notice, and charge the expense thereof to such lots respectively; provided, that no sidewalk shall be so repaired at the expense of the lot when the cost of such repair shall exceed one-half the cost of a new sidewalk of the kind in front of such lot, except in the same manner as required for the building of a new sidewalk; provided, however, that if a sidewalk on or in front of any lot, shall become injured or destroyed by the burning of any building or property, and the same shall not, within a reasonable time, be repaired or rebuilt by the owner of such lot, the alderman may repair or rebuild such sidewalk at the expense of the lot without notice.

Sidewalks repaired at expense of lot owners.

SECTION 5. The common council of said city shall have power and may in its discretion, by an affirmative vote, let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, or as they may otherwise order, the construction of any sidewalk or gutter or the making of any improvements on or along any street or highway in said city limits which shall have been ordered, levy and collect a tax upon each lot or piece of

Contract may be let for construction of sidewalks..

ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract or otherwise, sufficient to pay the cost of constructing the same, as provided in section 3, of this chapter.

Street committee to supervise the work.

SECTION 6. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by them before it shall be accepted by the council.

Surveying streets, etc., chargeable to the city.

SECTION 7. The costs and expenses of surveying 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; the cost and expense of opening, grading or graveling, planking, paving of streets and alleys, shall be chargeable to the lots of land, except farming lands, fronting on such street or alley, so that each lot or parcel of land, except farming lands, shall pay for work between the front of each lot or parcel of land and to the center of such street or alley; provided, that the common council may order such cost and expense to be paid by the lots or land, except farming lands, fronting on such streets or alleys, by a pro rata tax, based upon the last assessment made prior to such order by the common council. Sewers and gutters may be ordered by the common council, and built at the expense of lots or parts or 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. Lots shall be liable, as in this chapter provided, for the improvement of streets to the center of the street on which they abut or join, and corner lots for all sidewalks up to the crossing or crosswalks.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The connection between the town of Lisbon and that portion of said town included within the city limits for all town purposes is dissolved.

Dissolution of connecting territory.

SECTION 2. The present officers of the village of New Lisbon shall remain in office and discharge their official duties until the city officers provided for in this act are elected or appointed and qualified, at which time their official term shall cease.

Present officers.

SECTION 3. The present municipal government of the village of New Lisbon shall be in force and effect until the city government shall be duly organized as provided in this act, at which time the said village government is hereby abolished.

Present municipal government

SECTION 4. The city of New Lisbon shall be and hereby is invested, as the lawful owner and successor of all real and personal property and the rights and privileges belonging to the corporation of the village of New Lisbon, together with all the funds, revenues, debts and demands, due and owing to said village of New Lisbon as a corporate body, which by or under former acts, ordinances, grants, donations, gifts or purchases, have been acquired, vested, or in any manner belonging to said corporation, and the same are hereby transferred to the corporate body created by this act.

City held responsible for obligations of village.

SECTION 5. The use of the jail of Juneau county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery, the said sheriff shall be responsible as in other cases.

Use of county jail granted said city.

SECTION 6. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Authority to appropriate money.

SECTION 7. The common council may, at any time, cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds and blocks in said city, and may cause to be established such permanent landmarks as they deem necessary, and to cause

May make a new survey.

an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of the county of Juneau.

Surveys to be evidence of lines and boundaries.

SECTION 8. 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.

Council may establish grades.

SECTION 9. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and filed in the office of the city clerk, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the common council of the said city from ordering or causing to be done the grading of any street within said city to a temporary grade to be established by the common council.

Moneys, when paid from general fund.

SECTION 10. All sums of money necessary for grading streets and building walks, not chargeable to individuals, shall be paid from the general fund.

City may hold real estate.

SECTION 11. 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 said city shall be exempt from taxation.

Relating to subdivision of tracts of land.

SECTION 12. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of New Lisbon who may desire to subdivide or plat such tract, lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets of the city.

Relating to deeds by the city.

SECTION 13. When the city of New Lisbon 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 New Lisbon, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

SECTION 14. 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 said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Mayor to execute deed.

SECTION 15. If any election by the people for common council shall, for any cause, not be held at 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 performed, the common council may appoint another time at which said action may be done and performed.

Council may appoint the time of holding election.

SECTION 16. The mayor, with the approval of the aldermen, may appoint as many police officers and night watchmen as he may deem necessary to the welfare of the city, whose appointment shall be either written or printed, and countersigned by the city clerk; and such police officers and watchmen shall have all the powers of a constable within the city of New Lisbon.

Police officers and watchmen.

SECTION 17. No general law of this state contravening the provisions of this act, shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this chapter or this act.

General law not to repeal this act.

SECTION 18. In cases where an action might be brought by the city of New Lisbon, against any person, company or corporation, such action may be commenced and prosecuted in the name

Actions brought in the name of the city.

of the city by any elector of said city; provided, that when the complaint is made by any person other than an officer of said city, the justice may require security for costs as in civil cases before justices of the peace. In case that the complainant be not an officer of said city, and if the defendant be acquitted, and the police justice or justice of the peace shall certify in his docket that the complaint was wilful and malicious and without probable cause, then judgment for all costs in the case shall be entered against such complainant, which judgment shall be collected in the same manner as a judgment against the defendant would have been collected had he been found guilty under said complaint, and the same proceedings to enforce such judgment shall be had as it would have been legal to have had, had defendant been found guilty.

Declared a public act.

SECTION 19. The [This] act is hereby declared a public act, and shall be liberally construed in all courts of this state.

In case of absence of city clerk.

SECTION 20. Whenever the city clerk may be absent or incapacitated from performing the duties of his office, the common council may appoint some suitable person to perform, for the time being, the duties of the office, and the acts of the person so appointed shall be of full effect and legality.

May change boundaries and establish wards.

SECTION 21. The common council shall have the right and power, at any time after said city shall have been organized under this act, by ordinance, to change the boundaries of the said several wards of the city, and to make and establish new wards therein, whenever the common council may deem best; provided, that whenever the common council proceed to alter or change the boundaries of said wards, or to establish new wards in said city, due regard shall be had to the population, and the valuation of property in each ward, so that all the wards in said city, when so changed or established, shall be as near equal in their respective populations and assessments as practicable.

Relating to violations by city officers. Penalties.

SECTION 22. Every member of the common council of the city of New Lisbon who shall, directly or indirectly, vote to himself, or, knowingly, to any other person, any sum of money for any purpose whatever, in violation of the city

charter or any amendment thereof, or shall ask or receive any compensation for doing any official act except as inspector of elections, member of the board of registry, and as member of the board of equalization, or for extra work on committee; any member of the common council or any other city officer who shall be directly or indirectly interested in any contract made with or in behalf of said city, and any member of said council, or other city officer, who shall, directly or indirectly, purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office and may be prosecuted, either by indictment or complaint, before the police justice or 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 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.

SECTION 23. 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 by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling, or vending spirituous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed a receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved either by the mayor or common council; every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days.

Relating to
license.

SECTION 24. No assignee of any license shall be permitted to pursue the occupation or business licensed, except by a vote of two thirds of the common council.

Relating to
assignee of
license.

SECTION 25. Any person who shall be guilty of

Drunkenness
and disorderly
conduct.

drunkenness or immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places of the city of New Lisbon shall be deemed guilty of a misdemeanor, and on conviction thereof before the police justice of said city shall be punished by a fine of not less than one nor more than one hundred dollars or by imprisonment in the county jail of Juneau county not less than two days nor more than three months.

Relating to
actions in tort
against the
city.

SECTION 26. No action in tort shall lie or be maintained against the city of New Lisbon unless a statement in writing, signed by the person injured, or claiming to be injured, of the wrong and circumstances thereof, and amount of damages claimed, shall be duly verified and presented to the common council, within ninety days after the occurring or happening of the tort alleged.

In case of
actions for
damage.

SECTION 27. The city shall not be liable for any damages arising or growing out of any sidewalks, streets, drains, sewers, gutters, ditches or bridges in said city being in a defective or dangerous condition, or out of repair, unless it be shown that previous to the happening of the same, the common council, or one member thereof, or the street commissioner, had actual knowledge thereof, and no knowledge of such condition shall be presumed unless the defect out of which the same occurred existed four weeks before such damages occurred.

Who are liable
for damages.

SECTION 28. In case of injury or damage by reason of insufficient, defective or dangerous condition of streets, sidewalks, drains, sewers, gutters, ditches or bridges, produced or caused by the wrong, neglect of duty, default or negligence of any person or corporation, such persons or corporation shall be primarily liable for all damages for such injury in suit for the recovery thereof by the person sustaining such damages, and the city shall not be liable therefor until all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Duty of owners
of lots and
premises.

SECTION 29. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person in safe condition and good repair, is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises.

SECTION 30. The citizens of the town of Lisbon shall have the privilege to hold all town meetings and all general and special elections at such place in the city of New Lisbon as they may determine, and the justices of the peace of said town may hold court and transact any and all legal business pertaining to their office in said city, and the officers of said town of Lisbon may transact all town business in said city and with the like effect as if held or done in the town of Lisbon.

Town may hold elections in city of New Lisbon.

SECTION 31. The paupers of said city shall be removed to the poor house of the county of Juneau by the mayor or aldermen, in like manner as they are removed from the several towns in said county.

Relating to paupers.

SECTION 32. The common council shall annually, on Tuesday next preceding the annual election, make a report showing, in detail, all the receipts and disbursements of said city for the past fiscal year, and cause the same to be published before the annual election.

Council shall report.

SECTION 33. The city of New Lisbon shall be represented in the board of supervisors of Juneau county by one supervisor from each ward of said city.

Relating to representation on the county board.

SECTION 34. The regular committees of the common council shall be as follows: On Finance, Streets, Ordinances, Fire Department and Licenses, and shall be appointed by the mayor at the first meeting after the annual election, or so soon thereafter as convenient.

Committees of the council.

SECTION 35. 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.

Council may remit tax.

SECTION 36. The common council may expend for the improvement of any highway or highways leading into said city not to exceed one hundred dollars in any one year.

Relating to expense for improvement of streets.

SECTION 37. The common council may, by a two thirds vote thereof, upon due notice and hearing, expel any member thereof or remove any officer or agent of the city for incompetency, misconduct or neglect in the discharge of official duties. Any vacancy in any office herein provided for may be filled by the common council. The person elected or appointed to fill any vacancy shall hold office and discharge the duties

Aldermen may be removed for misconduct.

thereof for the unexpired term and with the same rights and subject to the same liabilities as the person whose office he shall be elected or appointed to fill.

In case of
injury to
bridges.

SECTION 38. The general laws for the preservation of bridges and the punishment provided by such laws for willful and malicious injuries done thereto, are hereby extended to and shall include all bridges now erected or hereafter to be erected in the city of New Lisbon, and shall apply to any willful or malicious damage which may be done them, and the common council of said city may, from time to time, make such by-laws and ordinances as it may deem necessary for the preservation of said bridges and enforce the same by adequate penalties.

Plats of village
made city
plats.

SECTION 39. The plats of the village of New Lisbon, and of the additions thereto, are hereby adopted as the plats of the city of New Lisbon, and of the additions thereto, and the real estate included in said plats may hereafter be described by giving the number of lots and blocks as they appear on said plats, or by metes and bounds, or by describing the plats as "the original plat of the village, now city, of New Lisbon," or "the plat of any addition to the village, now city, of New Lisbon," or in any other manner that shall designate said real estate with reasonable certainty.

Charter
election.

SECTION 39a. This charter shall be submitted to the electors residing within the city limits heretofore described, and voting at a meeting called for that purpose by the trustees of the village of New Lisbon, which said meeting shall be held and conducted in the same manner as the annual elections are held in said village under the provisions of its charter, and at such time and place as the trustees of said village may determine. The polls of such meeting shall be open from 1 o'clock P. M. until 7 o'clock P. M. Every elector of this state, residing within said territory and qualified to vote at a general election, shall be entitled to vote at said meeting. The vote upon that question shall be by ballots, upon which shall be written or printed the words, "For the Charter," or "Against the Charter." If a majority of the ballots cast at such meeting have thereon the words "Against the Charter," then this

act shall not take effect. If a majority of such ballots have thereon the words, "For the Charter," this act shall have full force and effect. The inspectors of said election shall make and certify returns thereof, and file duplicates of the same in the office of the county clerk of Juneau county and of the village clerk of the village of New Lisbon, and such returns shall be evidence of the facts therein stated, and the regularity of all the proceedings in relation to such meeting. And provided further, that if a majority of the votes cast at such meeting be, "For the Charter," then in that case the trustees of the said village of New Lisbon shall immediately order an election for the election of officers for said city to be held at such time as they may designate in the manner heretofore provided for the election of officers in said city.

SECTION 40. All acts or parts of acts conflicting with the provisions of this act, particularly the act incorporating the village of New Lisbon, are hereby repealed. Repealed.

SECTION 41. This act shall take effect and be in force from and after its passage.

Approved April 9, 1889.

[No. 638, A.]

[Published April 12, 1889.]

CHAPTER 349.

AN ACT to amend the charter of the city of Milwaukee.

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

SECTION 1. Section 1, of chapter 16, of the charter of the city of the city of Milwaukee, as amended, is hereby further amended by striking out the words, "two thousand dollars," where they occur in said section, after the words, "to the mayor," and inserting in lieu thereof, the words, "four thousand dollars." Amend chapter 16, charter of the city of Milwaukee.

SECTION 2. This act shall take effect and be in force from and after the first Tuesday of April, A. D. 1890.

Approved April 10, 1889.