

[No. 177, A.]

[Published March 7, 1889.]

CHAPTER 46.

AN ACT to amend chapter 37, of the laws of 1885, entitled, "an act to incorporate the city of Kaukauna," and chapter 458, of the laws of 1887, being amendatory to said chapter 37, laws of 1885.

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

Amendment to
chapter 37,
laws of 1885,
and chapter
458, laws of
1887.

City
boundaries.

SECTION 1. Section 2, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended so it shall read as follows: Section 2. All that district of country included within the following boundaries shall comprise said city, and shall be divided into five wards, as follows, named respectively the first ward, the second ward, the third ward, the fourth ward and the fifth ward. For municipal or other purposes, the first and second wards shall be known as the north district and the third, fourth and fifth wards shall be known as the south district. The center line of the main channel of Fox river shall constitute the dividing line; commencing at the point of the intersection of the east and west center line of section eighteen, in township twenty-one north, of range nineteen east, with the northwest line of private claim thirty-three; thence south forty degrees east, along said northwest line of said private claim thirty-three, to the north bank of Fox river; thence in a southwesterly direction across said Fox river to the northeast corner of lot one, in fractional section one, on the south bank of said Fox river, in township twenty-one north, of range eighteen east; thence due south fifty-seven and seventeen-hundredths chains to the quarter post on the southeast corner of said lot one, of fractional section twenty-one; thence due west fifty and ninety-eight-hundredths chains to the east line of lot one, in fractional section twenty-two; thence south ten and sixty-hundredths chains to the southeast corner of said lot one, of fractional section twenty-two; thence due west thirty-two and twenty-three-hundredths chains to the south-

west corner of lot five, in said fractional section twenty-two; thence north eleven and ninety-hundredths chains to the southwest corner of lot six, in said fractional section twenty-two; thence due west twelve and thirty-one-hundredths chains to the southwest corner of lot seven, in said fractional section twenty-two; thence due north to the center of the highway known as the Green Bay and Menasha plank road; thence south sixty degrees, west along the center of said highway fourteen and fifty-nine-hundredths chains to the southwest corner of lot one, in fractional section twenty-three; thence north fifty-three and twenty-four-hundredths chains to the northwest corner of said lot one, in fractional section twenty-three, on the south bank of Fox river; thence in a northwesterly direction across the said Fox river to the point of the intersection of the north and south center line of section twenty-three, township twenty-one, range eighteen east, with the north bank of said Fox river; thence north along said north and south center line of sections twenty-three and fourteen, in said township and range, to the center post in section fourteen; thence due east across private claims one, thirty-five, thirty-four and thirty-three to the place of beginning.

SECTION 2. Section 1, of chapter 458, of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 3. The First ward of the city of Kaukauna shall consist of that territory of land within the city limits, above described, lying southwest of the southwest line of the north half of private claim thirty-five, and west of the center line of Desnoyer street, and all of block twenty-three lying south of the center line of Wisconsin avenue, on the north side of Fox river.

Boundaries of
the first ward.

SECOND WARD.

The Second ward of the city of Kaukauna comprises all the territory lying east and north of the above described limits of the First ward within the above city limits and north of Fox river.

Boundaries of
the second
ward.

THIRD WARD.

The Third ward of the city of Kaukauna comprises all that part of the village plat of Ledyard

Third ward.

lying west and southwest of the following described division line, south of the center line of Fox river, extending to Fourth avenue in a straight line to its center point in Fox river, from that point in a southwesterly direction to where the center line of Fourth avenue intersects the center line of Fifth street; thence due south along the center line of said Fourth avenue to the city limits.

FOURTH WARD.

Fourth ward. The Fourth ward of the city of Kaukauna comprises all the territory east and southeast of the dividing line of the Third ward, south of Fox river, except all land within the city limits east or section line between sections twenty-one and twenty-two, and land now known as the "Beauleau addition."

FIFTH WARD.

Fifth ward. The Fifth ward of the city of Kaukauna comprises all the islands and island groups within the limits of the city of Kaukauna, generally known as islands one, two, three and four, in Fox river, and also includes the platted land known as the "Beauleau addition," and all land within the city limits lying east of section line between sections twenty-one and twenty-two.

Officers of the corporation. SECTION 3. Section 2, of chapter 458, of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 2. The officers of said corporation shall consist of a mayor, two aldermen from each ward, one supervisor from each ward to represent said ward in the county board of supervisors, one city clerk, one assessor, one city attorney, one city treasurer, one marshal, two street commissioners, one for each district, one chief of fire department, two justices of the peace, one for each district, one city physician, two night policemen or watchmen, and such other officers and agents as the common council of said city deem necessary. All city and ward officers of the city of Kaukauna, at the expiration of their term of office, or upon their resignation or removal or vacation from office, shall immediately deliver to their successors in office

all property, money, books, papers or other effects of every description in their possession belonging to the office they may have had. Any person who may have held an office in said city neglecting or refusing for twenty-four hours after the presentation by his successor of the city clerk's certificate of his successor's election or appointment to the office, shall forfeit and pay to the use of said city for every twenty-four hours refusal the sum of twenty-five dollars and all damages and costs incurred, either by said city clerk or his successor, by reason of said neglect or refusal.

SECTION 4. Section 4, of chapter 2, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended so as to read as follows:

Powers to expel a member.

Section 4. The common council shall have power, for due cause, to expel any of its own number, and to remove any elected or appointed officer, excepting justices of the peace, due notice and an opportunity having been first given for a hearing to the officer proposed to be removed. Any officer, elected or appointed, who shall duly be notified of his election or appointment, failing to qualify within ten days after such election or appointment, shall forfeit his election or appointment, and his office deemed vacant, except justices of the peace, whose qualifications are governed by the general law. All vacancies shall be filled to the next municipal election, by a majority vote of all the members of the common council present, excepting in the case of mayor, which vacancy shall be filled by special election, of which five days notice must be given by the clerk, as directed by the common council; provided, however, that this section shall not be so construed as to abridge in any way the power of the mayor to discharge, remove or suspend the city marshal, or any policeman or night watchman, as hereinafter provided.

SECTION 5. Section 5, of chapter 2, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended so as to read as follows: Section 5. The members of the common council, the supervisors, the justices of the peace, shall receive no salary from the city, excepting legal fees as the law provides; except as provided in section 11, of chapter 458, of the laws of Wisconsin for the year 1887. The compensation to be paid to

Certain officers to be paid salaries.

the city clerk, assessor and other officers shall be established by the common council on the second Tuesday of March of each year, by resolution, and **may be paid in installments or annually.** All such salaries shall be fixed for **each and every appointive office** before the appointment is made, and shall not be increased or diminished during the term of office of such officer, and in case of the neglect to determine the compensation, the said officers and each of them shall receive the same compensation as their immediate predecessors.

Election pre-
cincts.

SECTION 6. Section 6, of chapter 2, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended so as to read as follows: Section 6. The city shall be divided into two election precincts, one to comprise wards one and two, and shall be known as the north precinct, and the other to comprise wards three, four and five, and shall be known as the south precinct, and the places of holding elections shall be designated by the common council, at least two weeks prior to any election, at which time the clerks and inspectors of election shall be appointed. The inspectors of election, numbering three for the north precinct, shall be chosen from the aldermen and supervisors of the first and second wards, and the inspectors of the south precinct, numbering three, shall be chosen from the aldermen and supervisors of the third, fourth and fifth wards, and these appointments shall be made by the common council. The common council of said city shall provide for five ballot boxes, numbered one, two, three, four and five, to designate the number of wards, and for each such ward one clerk of election shall be appointed, to keep a poll book for each ward separately. Every person, on presenting his ballot, shall give his name and the number of the ward in which he resides, and the clerk of election who has charge of the poll list of the ward in which he resides, shall enter the name on the list number so as to correspond with the number of the ward of which such person is a resident. The annual election for city and ward officers shall be held on the first Tuesday in April in each year, at such places in each precinct as the common council shall designate, and the polls shall be kept open from 9 o'clock in the forenoon

until sundown; and ten days previous notice shall be given by the city clerk by publication of the time and place of holding such elections, which notice shall state the officers to be elected. The general election laws of Wisconsin shall be adhered to in every respect excepting as specially provided for in this chapter.

SECTION 7. Section 2, of chapter 3, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended so as to read as follows: 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, and the by-laws for the government of the council 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 as such may discharge, suspend or remove the city marshal, or any policeman or watchman, whenever in his opinion said officer fails or neglects to discharge his duty, and in such case no notice or hearing need be given to the person or officer so removed; provided, however, that the mayor shall at once appoint some suitable person to such office until such time as the common council may fill the same by a new appointment, and during said time the person so appointed shall possess the same powers and be subject to the same liabilities as the officer so removed. The mayor shall also, within ten days thereafter, file with the city clerk a notice of such action with his reasons for the same. In case of a riot or other disturbance, he may appoint as many temporary or special constables as he may deem necessary. The mayor shall have a vote in the council only in case of a tie, and when the council shall be engaged in the election of any officer, when he shall have a vote the same as any alderman; during his term of office he shall be ineligible to hold any other city or ward office, either elective or appointive.

Duties of the mayor.

SECTION 8. Section 5, of chapter 458, of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 4. Du-

Duties of the clerk.

ties of clerk. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall draw and countersign all orders on the city treasury in pursuance of any order or resolution of the common council and keep a full and correct account thereof in books to be provided for that purpose. He shall keep a book in which shall be recorded all resolutions and ordinances and orders passed by the common council, according to the provisions of section 4, of chapter 4, of said chapter 37, of the laws of Wisconsin for the year 1885; and it shall be his duty to obtain and record in such books the affidavits of the publisher of such resolutions, ordinances or orders, as required by the provisions of said section. He shall make copies of the assessment roll of said city, and correct any errors therein made by the assessor in the description of lots or land therein and add the taxes thereon levied by the common council in pursuance of the provisions of chapter 8, of said chapter 37, of the laws of Wisconsin for the year 1885, and as required by law. He shall keep an accurate account of the several funds, and charge the city treasurer with all taxes levied for each, and for all sums paid into the city treasury for any other purpose. He shall annually, at the first regular meeting of the common council in November in each year, report to the common council a list of all outstanding city bonds and coupons, to whom issued, and when and where payable, and the rate of interest they may respectively bear. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, and receiving therefor the same compensation as clerks of towns receive for similar services, and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any

town. He shall hold his office at the council room in said city, and the common council shall, at the time of fixing his salary, on the second Tuesday of March in each year, by resolution fix his office hours; provided, however, that he shall at all reasonable hours and places within said city, receive and file all chattel mortgages, or papers of like nature that may be presented to him for that purpose. The clerk shall have power and authority to administer oaths and affirmations.

SECTION 9. Section 6, of chapter 458, of the laws of Wisconsin, for the year 1887, is hereby amended so as to read as follows: Section 6. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the charter and 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, and of each fund separately, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council may direct. At the first regular meeting of the council in each month, he shall make a report embracing a statement in detail of the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury, and also the total receipts and disbursements during the same time, and the conditions of each of said funds at the date of such report, such reports when made shall be published with the proceedings of the common council. No personal property tax shall be returned by the city treasurer to the county treasurer, but the city treasurer shall have the same power to collect said personal property tax as is now conferred by law upon county treasurers for the collection of personal property taxes. He shall disburse none of the money belonging to any of the funds of the city, except by an order therein duly issued by the authority of the common council, which order shall be signed by the mayor and countersigned by the clerk; provided, that the school fund may be drawn out as provided by other provisions of this act. He shall

Duties of
treasurer.

collect all general and special taxes and assessments which may be levied and assessed upon the real and personal property in the city, and exercise the same powers and be governed by the same laws, and be subject to the same liabilities as treasurers of towns, except when a special duty or direction is imposed by this act upon the receipt of any tax roll and warrant he shall give public notice of seven days, either in a newspaper or by posting the same in three public places within said city that such tax list has been committed to him for collection, and that he will receive payment for taxes at some convenient place within the city of Kaukauna (naming such place), and which place until January 10th (at least), must be at the city clerk's office. It shall be the duty of the city treasurer to make at least one visit to each delinquent tax payer within the city, and demand payment of his taxes before said treasurer shall make his final report to the county treasurer. No person having been city treasurer for one term shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the city treasurer shall be a percentage on the taxes collected, as follows: One per centum on all taxes collected prior to January 10th; two per centum on all taxes collected between January 10th and prior to February 25th; and three per centum on all collected thereafter during his term, to be retained from the collections; provided, that this shall not be so construed as to allow him any percentage on license moneys or fines coming into his hands as such treasurer. On the third Monday of March in each year he shall file in the office of the city clerk a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund, and the condition of such funds at the date of such report.

Duties of
marshal.

SECTION 10. Section 7, of chapter 458, of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 7. The marshal shall perform such duties as shall, from time to time, be prescribed by the common council for the preservation of the public peace and the collection of license moneys and fines; they

shall possess all the powers of constables of towns, and shall be subject to the same liabilities. It shall be the duty of the marshal so appointed to execute and return all processes and writs to them directed, and when necessary in criminal cases, or for any 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 and disturbances, and breaches of the peace, and to remove or cause to be removed all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of the city or law of this state, and within a reasonable time bring such person before competent authority for examination. It shall also be the duty of the marshal to see that all ordinances of the city are enforced, and to prosecute in the name of the city, any person who may violate the same, and for such services they shall receive the same fees as are allowed to constables of towns for similar services, and such further compensation as the common council may allow; provided, however, that the common council, at the time of appointing the marshal, may provide by resolution that all fees in criminal cases, or for the violation of any of the city ordinances, which may be received by the marshal, shall be paid by him into the city treasury, in which case their compensation shall be an annual salary to be fixed by the common council. He shall be on duty every day, within the city, and as he shall, from time to time, be directed by the mayor.

SECTION 11. Chapter 3, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended by adding two new sections, to be called section 13, and section 14, as follows: Section 13. The policemen or night watchmen shall perform such duties as may, from time to time, be prescribed by the mayor or the common council, who shall have full power and authority to prescribe their beat and their hours of duty. They shall possess all the powers of constables of towns, and be subject to the same liabilities, and shall receive the same fees for like services, and such additional compensation as may be allowed by the common council. Section 14. The city

Duties of policemen and night watchman.

physician shall be a legally qualified practitioner of medicine, and shall be ex-officio a member of the board of health of said city. He shall have charge of all the sick under the care of the city, and render for them such medical and surgical aid as their condition may require, and in his judgment becomes necessary for their restoration to health. He shall use reasonable diligence to discover any nuisances, or anything existing in the streets, alleys or public places or upon grounds adjoining the same within the city, that may endanger the health of the people residing therein, or in the vicinity of any such nuisances; and once in each month, from the month of March to the month of November in each year, he shall file with the city clerk a report, stating the facts with reference to any such nuisance known to him, and such recommendations with reference to the same as he may think will best subserve the public interest. He may at the same time report anything else known to him relating to the health of the people of said city, which in his opinion should be remedied by the city authorities. Each such report shall at the next ensuing meeting of the council be presented to them for their consideration. He shall receive an annual salary to be fixed by the common council.

Meeting of
common coun-
cil.

SECTION 12. Section 2, of chapter 4, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended so as to read as follows: Section 2. The common council shall meet on the second Tuesday of April in each year for the purpose of organizing and the transaction of such other business as shall come before them under the provisions of this act; on the first Tuesday in December for the purpose of levying taxes; on the second Tuesday in March for the purpose of fixing the salaries of the different city officers; on the last Tuesday of March to audit all accounts of officers and all claims against the city; and hold stated meetings at such times and places as it shall appoint; provided, however, that if the time of holding any such council meeting, either as provided by this act, or by any rule or by-law of the common council, shall fall upon a legal holiday, then the next succeeding secular day shall be deemed to be the time for

holding such meeting. The mayor may call special meetings by notice to each of the members, to be served personally or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall become before such meeting. The common council shall determine the rules for its own government and proceedings. A majority of the aldermen elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn; its sessions shall be open and public; its proceedings shall be recorded in full, and all its papers and records, and all election returns, shall be deposited with the clerk of the common council, and the same may be examined at any time in the presence of the clerk. The common council shall be the judge of the election and qualification of its own members, and may punish its own members or other persons present, by fine or otherwise, for disorderly behavior or contempt; may compel the attendance of its members upon its sessions, and may fine or expel any member for neglecting his duty as such member, or for unnecessary absence from its sessions.

SECTION 13. Chapter 4, of chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended by adding four new sections, to be called sections 12, 13, 14 and 15, as follows: Section 12. The common council shall have authority to investigate and examine into all and every official act and transaction of the mayor, any member of the common council, or any other officer or agent of the city, and also into all and every official act or transaction of every person who has heretofore been a member of the common council, or held any office under the city government; and for that purpose the mayor, acting mayor, president of the common council, or any member of any committee appointed by the common council shall have power to administer all necessary oaths or affirmations to persons who may be called before the common council, or any committee, to give testimony. The mayor, acting mayor, or president of the common council is authorized and empowered to issue a subpoena by him signed, commanding any person to appear before the common council or

Common council may examine accounts of officers.

committee designated to testify concerning any matter under examination or investigation as above provided, and to produce before the common council or such committee such books, papers or documents relating to the matter under examination or investigation, and every person served with such process is hereby required to obey the same without the pre-payment of fees. Section 13. If any person shall neglect or refuse to appear and testify, and produce such books, papers and documents required by the preceding section, the common council may declare him in contempt, and upon proof of service it shall be the duty of the county judge of Outagamie county, or the judge of any court of record, upon the application of the mayor, acting mayor or president of the common council of said city, or any committee appointed by such common council, to issue summary process, either in term time or vacation, for such offending person, and to bring him before him, and then, unless such person shall purge himself of contempt, and go before the common council or such committee and testify and produce such books, papers or documents, to commit him to the common jail of Outagamie county, there to remain in close confinement until he shall so testify or produce the books, papers or documents as required, or he is discharged by the common council or any such committee, and the jailer of such county is hereby required to receive and secure any such person, pursuant to any such commitment. Section 14. The examination and investigation hereinbefore provided for may be had, done and taken by the common council when in session, or by a committee to be appointed by the common council, who are authorized to perform such duties when that body is not in session. Section 15. Any admission which any person shall make when testifying before said committee or the common council shall not be used against him in any civil or criminal suit.

City taxes.

SECTION 14. Section 16, of chapter 458, of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 16. The common council of said city shall annually levy upon the taxable property of said city, on the first Tuesday of December in each year, by resolution, such tax or sums as may be sufficient for

the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, and particularly specifying the purposes for which the same are levied to defray the current and lawful expenses of said city, and for the payment of principal and interest of outstanding bonds, a tax sufficient to defray the same; provided, said common council shall not levy in any one year a tax of more than two per cent. on the dollar valuation of the taxable property of said city, and not less than three mills nor more than ten mills for highway and street purposes, unless authorized to raise a greater sum by a majority vote of the freeholders of said city at a general or special election.

SECTION 15. Section 17, of chapter 458, of the laws of Wisconsin for the year 1887, is hereby repealed, and section 4, of chapter 7, of chapter 37, the laws of Wisconsin for the year 1885, is hereby revived and continued in full force and effect. Repealed.

SECTION 16. Section 14, of chapter 8, of chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended so as to read as follows: Section 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice of seven days, either in a newspaper or 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 some convenient place within the city (naming it), which place must be in the city clerk's office (at least until January 10th), on and after the day in such notice to be specified. Tax notice.

SECTION 17. Sections 20 to 26 inclusive, of chapter 8, of chapter 37, of the laws of Wisconsin for the year 1885, and as amended by sections 20, 21, 22 and 23, of chapter 458, of the laws of Wisconsin for the year 1887, are hereby repealed. Repealed.

SECTION 18. Section 27, of chapter 8, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended so as to read as follows: Section 27. The common council of the city of Kaukauna shall, at the time of the annual levy of taxes on the first Tuesday of December in each year, determine and levy the amount of highway tax for the ensuing year, for the purpose of constructing and repairing streets and highways, upon all the taxable property of said city, as the same Highway tax.

shall appear by the assessment roll of said property for such year.

Tax for special improvements.

SECTION 19. Chapter 8, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended by adding a new section, to be called section 28, as follows: Section 28. Real estate exempted from taxation by the laws of this state, shall be subject to special taxes as other real estate under this act for special improvements.

Shall print proceedings in a newspaper.

SECTION 20. Chapter 4, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended by adding a new section, to be called section 5a, as follows: Section 5a. At the first meeting in each year, or as soon thereafter as may be, the common council shall contract with and employ a suitable party to print and publish all matters required by this act, or by the common council, or by law, to be printed or published. Such party shall be the proprietor of a printing office in said city, and of a newspaper which shall have been printed and issued regularly at least once a week in said city for one year next preceding the contract, and shall have at least fifty bona fide subscribers within the limits of said city. Such party shall be styled the city printer. All qualified parties shall have a fair opportunity to bid for such contract. The bids shall be sealed and the contract shall be awarded to the lowest bidder. The bids shall be made and received at such time and place as the common council may direct. The common council may reject any and all bids, and the price paid for publishing any matter shall not exceed forty cents per folio for the first insertion and twenty cents per folio for every subsequent insertion. The city printer immediately after the publication of any ordinance or notice, which is required to be published, shall file with the city clerk a copy of such publication, with his affidavit or the affidavit of his foreman, of the length of time the same has been published and the number of insertions, and such affidavit shall be prima facie evidence of the publication of such ordinance or notice.

Relating to assignee of license.

SECTION 21. Section 3, of chapter 11, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended so as to read as follows: Section 3. No assignee of any license shall be permitted to pursue the business or occupation

licensed unless he shall first present to the common council an application signed by him or his duly authorized agent or attorney, for said transfer, and he shall at the same time file the bond required by section 2, of chapter 11, of said chapter 37, of the laws of 1885, when if said application be granted by a vote of at least two-thirds of the members of said common council, he shall be allowed to pursue said business or occupation, and not otherwise.

SECTION 22. Chapter 7, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended by adding a new section to be called section 8, as follows: Section 8. Every individual, or company of individuals, or body corporate, owning a lot or tract of land within the limits of the city of Kaukauna, who may desire to subdivide or plat such lot or tract of land into city lots, shall in platting the same, cause the streets, avenues and alleys in such plat to correspond in width and general direction with the streets, avenues and alleys through the lots and blocks in said city adjacent to said lot or tract of land so platted; and before recording such plat as required by law, it shall be the duty of the person or persons making such plat, to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council, it shall be lawful for the party or parties making such plat to record the same in the manner prescribed by the statutes of this state concerning town plats; but except such plat shall be approved by resolution adopted by the common council, a copy of which duly certified to by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds of Outagamie county to receive such plat for record, and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum not less than one hundred dollars, and not more than one thousand dollars, and the register of deeds who shall record such plat without such resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum of not more than one hundred dollars nor less than fifty dollars, for the use of said city, and before any such plat shall be ap-

Relating to
platting of
land.

proved as aforesaid, there shall be filed in the office of the city clerk a certified copy of such plat.

Relating to
deeds and
leases.

SECTION 23. Chapter 11, of said chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended by adding three new sections, to be called sections A, B and C, as follows: Section A. When the city deeds or leases any real estate, or any interest therein owned by the city, the party of the first part shall be "The City of Kaukauna," and the person or persons authorized to execute such deed or lease need not be named in the body thereof. Section B. the mayor of said city is hereby authorized to execute a deed or deeds, lease or leases, or other conveyance, of any real estate belonging to the city; provided, that such sale, lease, quit claim or other conveyance shall first be authorized by the common council, by ordinance or resolution, which ordinance or resolution shall fully describe the real estate and interest to be conveyed. Said deed or other instrument shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of the city, and duly witnessed and acknowledged as prescribed by law. Section C. When any such deed or other conveyance is so executed, the city clerk shall attach thereto a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds of Outagamie county with said instrument; and such copy so attached and recorded shall be prima facie evidence in all courts and places of the authority of such mayor to make and execute such deed, lease or other conveyance.

SECTION 24. Chapter 37, of the laws of Wisconsin for the year 1885, is hereby amended by adding a new sub-charter, to be called chapter 12, as follows:

CHAPTER XII.

PUBLIC SCHOOL SYSTEM.

Board of
education.

SECTION 1. The supervision of public instruction in said city shall be vested in a board of education, consisting of the mayor and the director and clerk of each school district. The city superintendent of schools shall be ex-officio a member of said board, but not entitled to a vote.

SECTION 2. Regular meetings of said board shall be held on the last Wednesday of December, March, June and September in each year at such stated hour as the board may designate; and special meetings may be called by the city superintendent or any two members of the board by leaving written notices thereof at the residence of each member. Meetings.

SECTION 3. A majority of the whole board shall be necessary to constitute a quorum for business. The mayor shall preside at all meetings, but in his absence any one of the members present may be chosen chairman pro tem. Quorum.

SECTION 4. The duties of the board of education shall be as follows: Duties of the board of education.

1. To elect annually, at a regular meeting in June, a city superintendent of schools, and one of their number officiates as clerk. Such clerk shall keep a record of the proceedings of each meeting and discharge such other duties as the board may direct. City superintendent of schools.

2. To arrange and determine the boundaries of school districts and to form new districts, subject to the approval of the common council; provided, that hereafter no joint district shall be formed of a portion of the city and a portion of any adjoining town. Boundaries of school districts

3. To arrange terms and vacations of all public schools and establish uniformity in the school system. Terms and vacations.

4. To require uniformity in text books, and to adopt or reject text books at will; provided, that text books shall not be changed oftener than once in five years. Text books.

5. To institute uniform regulations for schools not conflicting with the constitution or laws of this state. Regulations.

SECTION 5. The duties of the city superintendent shall be as follows: Duties of city superintendent

1. To examine all applicants for teachers' license, in the branches taught in the public schools of said city, and, if approved, give them certificates authorizing them to teach in said city.

2. To annul a teacher's certificate whenever he may think proper; provided, such teachers shall have the right to appeal to the board of education.

3. To visit each school department in said city at least three times during each term.

4. To report to the board of education at each regular meeting relative to the condition of schools under his supervision; to make such recommendations as shall, in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

Board to serve without salary.

SECTION 6. The members of the board of education shall not be entitled to any compensation for their services, but the common council shall provide them with all the necessary books and stationery, and a suitable place to hold their meetings, and the common council may, in its discretion, allow a reasonable compensation to the clerk of the board of education.

Annual school meetings.

SECTION 7. All annual meetings of the electors of the several school districts of said city shall hereafter be held at one of the occupied school houses in their respective districts on the first Monday of July in each year, at seven o'clock in the evening; and each school district clerk shall post in different public places in his district at least six notices of each annual meeting, ten days prior thereto, and shall state on such notice where the meeting is held. A majority of the electors of any school district in said city may, at any annual or adjourned, or any special meeting, vote to levy such an amount of tax or authorize such an amount of loan of money as they shall determine, for the purpose of erecting, completing or enlarging school buildings; provided, that nothing herein contained shall be so construed as to prevent the calling of a special meeting by a majority of the school district board, and the levying of a tax, or authorizing a loan to build and equip a school house, to replace one destroyed by fire or otherwise, but in such case notice of such special meeting must be given by said board by publication for one week in at least two weekly newspapers printed in said city, and by posting at least ten notices in public places in said district, the same length of time. District boards may, with the consent of the board of education, sell and dispose of school houses and school grounds, and purchase new sites; provided, the same shall be ratified by a majority of the electors present at a school district meeting specially called to consider the same. Whenever the electors of any school district, at the annual or adjourned meeting, shall neglect or

refuse to levy such an amount of tax as is necessary to pay teachers' salaries or defray incidental expenses, the school district board may appeal in writing from such action to the common council, and that body shall thereupon have authority to levy such amount of tax for teachers' salaries and for incidental expenses in said district as the majority of the aldermen elect shall determine.

SECTION 8. All that territory now constituting joint school district number one, of the city of Kaukauna and the town of Buchanan, not included within the corporate limits of said city of Kaukauna, and all that territory now constituting joint school district number one of the town of Kaukauna, and the city of Kaukauna, and not included within the corporate limits of said city, shall constitute and be a part of and be attached to the city of Kaukauna for school purposes only, and when the common council of the city shall determine at any time to levy a school tax in addition to that levied by the said districts, and shall fix the rate per centum, the clerk of said city shall notify the town clerks of said towns, in writing, of the per cent. so determined by the common council, and said town clerks shall assess the same rate upon all real and personal property of their respective towns so attached, and the town treasurer of said towns shall collect the same, in the manner of collecting other town taxes, and when collected pay the same over to the city treasurer of the city of Kaukauna, for school purposes of the said city.

Joint school district.

SECTION 9. It is hereby made the duty of the board of education, at their regular meeting in March of each year, to determine and fix the salary of the city superintendent for the ensuing year, and the salary so fixed shall not be increased or diminished during said year; provided, however, that said board may at their first meeting fix the salary of the first superintendent to be appointed under this act, but the same must be determined and fixed before said appointment is made.

Salary of city superintendent

SECTION 10. The amount of the salary of the city superintendent as fixed by said board of education, shall be payable in equal portions by the several school districts of said city, and shall be assessed, levied and collected the same as other

Salary collected the same as district taxes.

district taxes, except that no vote of the electors of said district shall be necessary to raise the same, but it is hereby made the duty of the several district clerks to include in their report of the amount of taxes raised in their districts, the proportion of such salary due from their districts; such amount shall be paid by the said districts to the city superintendent, upon the written order of the board of education of said city, said order to be signed by the chairman and clerk of such board.

Clerk of the board to report to each town clerk.

SECTION 11. It is hereby made the duty of the clerk of the board of education of said city, on or before the first Monday of July in each year, to report to the several school district clerks of said city the amount of salary to be paid to the city superintendent for the ensuing year, with the portion of such salary due from each district.

County superintendent to possess no authority over certain territory.

SECTION 12. The city of Kaukauna, and that part of the town of Buchanan, and the town of Kaukauna, which is hereby attached to said city for school purposes, is hereby and forever declared to be exempt from the provisions of an act "to create the office of county superintendent of common schools, approved April 6, 1851, and of all subsequent amendments thereto, and said county superintendent shall possess no authority as such over the schools of said city, and territory so attached.

Laws of the state to apply.

SECTION 13. All the laws of this state relative to public schools so far as the same shall be applicable, and not inconsistent with the provisions of this chapter, shall apply to and be in force in the city of Kaukauna, and the territory attached to said city for school purposes.

When to be in force.

SECTION 14. The provisions of this chapter shall apply to and be in force in said city of Kaukauna, from and after the last Wednesday of June, 1889, at which time said board of education shall organize, and elect a city superintendent, and transact such other business as may lawfully come before them.

SECTION 15. This act shall take effect and be in force from and after its passage and publication. Approved March 2, 1889.