

judgment as shall be rendered in such action against such principal contractor, with all costs attending the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 151.

[Published March 14, 1873.]

AN ACT to incorporate the city of Neenah.

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

CHAPTER I

CITY AND WARD BOUNDARIES.

SECTION 1. From and after the last Monday of March, 1873, the district of country in the county of Winnebago, contained within the limits and boundaries hereinafter described, shall be a city by the name of Neenah, and the people now inhabiting and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of the city of Neenah, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein especially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

SECTION 2. The territory lying in the county of Winnebago and being all of the south half of sections twenty-three and twenty-two, all of the southeast quarter, and the east half of the southwest quarter of section twenty-one, all of sections twenty-six and twenty-seven, all of the east half and the east half of the northwest quarter and the east half of the southwest quarter of section twenty-eight, all in township twenty, range seventeen east, shall comprise the territory and limits of the city of Neenah.

Division into
wards.

SECTION 3. The city shall be divided into three wards, as follows: The first ward shall be all that portion of said city lying east of the center line of Cedar street and La Grange avenue, and south of the center line of Fox river; the second ward shall be all that portion of said city lying west of the center line of Cedar street and La Grange avenue, and south of the center line of Fox river; the third ward shall be all that portion of said city lying north of the center line of Fox river, and east of Little Lake Butte Des Morts.

Corporate
authority.

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

CHAPTER II.

ELECTIONS.

City officers.

SECTION 1. The municipal government of the city shall consist of a common council, composed of the mayor and two aldermen from each ward. The other officers shall consist of city clerk, city treasurer, city attorney, city surveyor, chief of police, street commissioner, one assessor for each ward, and one police justice for the city at large, who shall be ineligible to hold any other office, one justice of the peace for each ward, one chief engineer of the fire department, and such other officers and agents as may be provided for by this act, and such as the common council may from time to time appoint. The elective officers of said city shall be a mayor, treasurer, two aldermen from each ward, police justice for the city at large, one justice of the peace for each ward, and one assessor from each ward. All other officers necessary for the proper management of the affairs of said city shall, unless herein otherwise provided, be appointed by the mayor, by and with the consent of the common council.

Elective off-
cers.

Term of office.

All elective officers except mayor, treasurer and assessors, shall, unless otherwise provided, hold their respective offices two years, and until their successors are elected and qualified. The mayor, treasurer and assessors shall hold their respective offices for one year, and until their successors are elected and qualified: *provided*, that at the first charter election in said city,

there shall be elected one alderman from each ward for one year, and one alderman from each ward for two years, one of whom shall be designated supervisor, and shall represent his ward on the county board of supervisors; *and provided further*, that the aldermen, justices of the peace and assessors shall be residents and qualified voters in and be elected by their respective wards, and the mayor, clerk, treasurer and police justice shall be residents and qualified voters in said city.

SECTION 2. The qualified voters of the city of Neenah shall hold an election on the first Tuesday of April in each year, after the first, for the election of city and ward officers. Said election shall be held in the several wards for the officers herein designated, and shall be presided over by the aldermen and justice of the peace in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls shall elect *viva voce*, a sufficient number of inspectors to make three with the alderman or aldermen, or said justice present, who shall be sworn in accordance with the laws of this state. Such inspectors shall appoint two clerks of the election, who, before entering upon the discharge of their duties as such clerks, shall also be severally sworn in accordance with the laws of this state, and such inspectors shall see the names of the voters registered and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election, shall direct and return one of the said returns to the city clerk of the city of Neenah, the other to the county clerk for the county of Winnebago. The mayor of the city and such members of the common council as shall hold over, 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, the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five o'clock in the afternoon. Said elections shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state.

When election to be held, and how conducted.

Inspectors.

Clerks.

Board of canvassers.

When polls open.

How vacancies filled.

SECTION 3. In the event of a vacancy in the office of mayor, police justice or alderman by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof; any vacancy in other offices shall be filled by the common council; the person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

How election determined.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the council shall be *viva voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as they may direct.

Who are qualified electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall reside in the ward where they offer their vote, ten days next preceding such election, shall be deemed qualified electors of said city and ward.

Challenge of votes.

SECTION 6. If either of the inspectors of election or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or alderman, before receiving any such vote, shall require the voter offering his 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 intentions 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, and that you have resided in the city of Neenah and within this ward ten days next preceding this election, 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 wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury.

Punishment for perjury.

For illegal voting

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 wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which

he resides, or shall vote more than once at any election, he shall be deemed guilty of a misdemeanor, 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 shall swear in their vote; and if any inspector or alderman 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 willfully make untrue and incorrect counts and tallies of votes, each and every 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. All such prosecutions shall be tried in the circuit court for the county of Winnebago.

Shall keep list of challenged voters; penalty for malfeasance of inspectors.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen and justice of the peace of each ward as inspectors, as provided by this act, and returns thereof shall be made in the same time, manner and form as of general or annual elections.

Special elections.

SECTION 8. There shall be elected annually (after the first election), on the first Tuesday in April, one alderman in each ward who shall hold his office for two years.

Annual elections of aldermen.

SECTION 9. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify, on or before the second 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 office deemed vacant, and how vacancy filled.

SECTION 10. The term of every officer elected under this law shall, after the first election, commence on the second Tuesday of April of the year for which he was elected, and shall, unless hereafter or heretofore otherwise provided, continue for one year, and until his successor is elected and qualified. And each of said officers shall have such powers, and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city not inconsistent

Term of office.

Powers and duties of officers.

with this act, or which may not be incompatible with the nature of their respective offices.

When new election may be held.

SECTION 11. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given, and said election shall be conducted in all respects, so far as practicable, in the same manner as annual elections are herein provided for.

Meeting of board of trustees to fix place of election and appoint inspectors.

SECTION 12. The president and board of trustees of the village of Neenah or a majority of them, at a meeting which shall be held by them on the fifteenth day of March, A. D. 1873, shall appoint a place in each ward for holding the first election of officers in said city, and shall appoint three inspectors and one clerk of election in each ward, and give notice of such election, stating the places where the same shall be held, and the names of the persons so appointed, at least four days previous to such election by publishing in a newspaper printed within the limits of said city; such inspectors shall, at such first election, have the powers and duties conferred by this chapter on the aldermen and justices of the peace of each ward, acting as inspectors of election; said election shall be held at the same time of day, and conducted in the same manner as the annual elections provided for in this act, so far as practicable, and when the first election under this act shall be closed, the number of votes for each candidate or person voted for shall be counted and ascertained by said inspectors, who shall make return thereof, stating the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such returns to the county clerk of Winnebago county, within two days after such election; within five days after such election, the board of canvassers of said county shall meet and canvass the said returns, and determine who shall have been properly elected officers of said city and ward, and shall cause such determination to be published in a newspaper printed in said city limits, and shall notify each of the officers of his election to his respective office, and the persons so elected shall hold their respective offices until the first Tuesday in April, A. D. 1874, and until their successors are elected and qualified.

Day of election.

SECTION 13. The first election of officers under the provisions of this act shall be held on the last Monday of March, A. D. 1873.

CHAPTER III

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act 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 city clerk; and the treasurer, chief of police, street superintendent, police justice and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Neenah a bond, in such sum and with such security and such conditions as the common council may direct, and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Shall take oath
of office.

Shall execute
bond.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police and such further number of policemen as the common council at any regular meeting may authorize, which appointments shall be approved by the common council before they shall enter upon the duties of their office, and the compensation of the chief of police shall not exceed two dollars per day, to be determined by the common council; and the said policemen for the respective wards shall receive the fees allowed by law to constables for the same services, and in addition, may be paid such compensation for extra services ordered by the mayor or common council, not exceeding one dollar per day, as the common council may determine. The mayor may also appoint as many special or temporary police on election days, or other public or unusual occasions, as he may think proper, but no such special or temporary police shall be paid any compensation for his services out of the city treasury, unless otherwise ordered by a vote of three-fourths of all the members of the common council. The common council may, by ordinance, prescribe the powers and duties of the police and other peace officers. The mayor shall communicate in writing to the common council, once a year, such information as he may deem

Duties of the
mayor.

Appointment of
policemen.

Special police.

Annual mes-
sage.

necessary, and at all times, give such information as the common council may require.

President of the council—his election and duties.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, 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 from any cause, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case 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 the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign, and communicated such refusal to the council.

Duties of the city clerk.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office and transcripts from the records certified by him under the corporate seal, shall be evidence in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriations and orders drawn on the city treasurer, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations, and take acknowledgements of deeds and other instruments.

Duties of the treasurer.

SECTION 5. The treasurer 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 day before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

SECTION 6. The city attorney shall conduct all law business of said city, and the departments thereof and all other business in which the city shall be interested; when so ordered by the common council, he shall furnish written opinions upon subjects submitted to him by the mayor or council, or any department of the corporation. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be ordered by the common council, and to perform such other duties as may be prescribed by the ordinances of the city, or by any resolution of the common council.

Duties of the city attorney.

SECTION 7. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license moneys. He shall possess the powers of a constable at common law, or by the laws of the state, and receive like fees, but shall not receive any fees for serving any process, making any arrest or performing and [any] duties from the city of Neenah, except his per diem hereinbefore provided for, nor shall he go beyond the city limits to make arrests or to serve any process, unless the cause for making such arrest or for issuing such process arose within the city; the said policemen of each ward shall be under the control and direction of the mayor and chief of police, and shall have all the powers, and shall perform all the duties of a constable under the laws of the state of Wisconsin.

Powers and duties of the chief of police.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties; and to fix the compensation of all officers elected or appointed by them, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

The council may require other and further duties.

SECTION 9. The common council shall, at their first meeting, or as soon thereafter as may be, and annually thereafter, designate a newspaper printed and published in the city of Neenah, to publish all ordinances and by-laws, and to do all other printing under

Shall designate official newspaper.

the provisions of this act, but in no case shall the price paid be greater than the rates prescribed by law for similar printing. And the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city, his or their affidavits of the length of time said ordinance, by-law or proceeding has been published, and such affidavits shall be *prima facie* evidence of the publication of such notice, ordinance, proceeding or by-law.

Shall deliver property, books, etc., to successor in office.

SECTION 10. 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, moneys, books, papers and effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Peace officers—their powers and duties.

SECTION 11. The mayor, sheriff or deputy sheriff of Winnebago county, each and every alderman, justice of the peace, policeman and watchman, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all bystanders, and if need be, of all citizens and military companies. If any person, bystander, military officer or private shall refuse or neglect to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Powers and jurisdiction of the police justice.

SECTION 12. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city; and shall have exclusive jurisdiction in all cases to which the city shall be a party, and shall have the same power and authority in cases of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the judges of the circuit or county courts of their authority as conservators of the public peace, nor to affect in any manner the powers or jurisdiction of the circuit or county courts of Winnebago county. The police jus-

tice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and no other; but the city shall not be liable to said police justice for his said fees, except such as shall accrue on prosecutions for the violation of the charter or ordinances of the city, wherein the costs are not and cannot be collected of the offender. In case of the absence, sickness or other inability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of police justice; and it shall thereupon be the duty of the mayor to inform the chief of police of such substitution, and make a report thereof to the common council, and they may confirm or set aside such appointment, and the justice so appointed shall, for the time being, possess all the authority, powers and rights of the police justice. Appeals and writs of *certiorari* may be taken from the police justice in, the same manner as from justices of the peace.

His compensation.

His substitute.

SECTION 13. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account for and pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable for or pay any cost for violations of any law of this state, and such justice shall pay to the county treasurer all fines collected for offenses against the laws of this state, in the same manner that justices of the peace are required by law to do.

Shall make quarterly report, and pay over all fines.

SECTION 14. On the third Tuesday of April in each year, or within ten days thereafter, the common council may elect one superintendent of streets, and a city surveyor, each one of which shall hold his office until the next third Tuesday in April, and the common council shall have power to fill, from time to time, vacancies that may exist in said offices.

Election of street superintendent.

SECTION 15. The assessors shall assess all the taxable property of their said districts as required by law, and each shall complete and return the assessment roll to the common council on or before the first Monday in July in each year. During the last week of the month of June in each year, the assessors shall attend at the common council chamber for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessments, and shall make such

Duties of assessors.

- alterations and amendments thereto as justice and equity may require. The assessors shall receive for their services such compensation as the common council may determine, not exceeding the sum of three dollars each per day for time actually and necessarily spent in the discharge of their duties as assessors. The assessors, together with the mayor, or in his absence or disability, the president, city clerk and city treasurer, shall constitute a city board of equalizers, and they shall meet at the office of the city clerk of said city on or before the third Monday of July in each year, and proceed to equalize the said several assessments in the same manner in all respects as town boards of equalizers are now authorized by law to do.
- Their compensation.**
- Board of equalization.**
- Duties of street superintendent.** SECTION 16. The superintendent of streets shall perform the duties, and, under the restrictions and for the compensation prescribed in section seven of chapter six of this act, and such other duties as may be required of him by this act and the ordinances of the common council of said city, not inconsistent with this act.
- City surveyor.** SECTION 17. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fee and compensation for any service performed by him. All surveys, profiles, plans and estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office shall be delivered over by the surveyor at the expiration of his term of office to his successor or to the common council.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL DUTIES AND POWERS.

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

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by fine and imprisonment, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two thirds of its members, may expel any member for cause.

Their regular meetings.

SECTION 3. The common council shall have the control and management of the finances, and of all property of the city; and shall likewise, in addition to the powers herein vested in them, 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 they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions, or by-laws,

Specific powers of the council.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bagatelle tables, pigeon-hole tables, bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common law; and to grant licenses 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 such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year from the date of filing the application for such license in the office of the city clerk; and in case the person so applying for a license shall have a former license within

To license shows and the sale of liquors.

the year next preceding such application, then such license shall be granted for the term of one year from the date of the expiration of such former license.

Restrain gaming.

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

Prevent riots.

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

Suppress nauseous places.

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

Locate markets, etc.

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use or occupation of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible materials.

Provide for repair of streets, etc.

6th. To provide for the making, grading, improving and repairing of the streets of the city of Neenah, and to make such other necessary public improvements as shall be deemed necessary and proper, and for the general benefit, health and welfare of the inhabitants thereof, and to provide for the making, constructing and repairing of gutters and sidewalks in said city, and to prevent the encumbering of the streets, sidewalks, lanes, highways and alleys with carriages, sleighs, boxes, lumber, firewood or other materials or substances whatsoever.

Prevent horse-racing.

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

Restrain dogs.

8th. To restrain the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances of said city.

Horses, cattle, etc.

9th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

10th. To prevent persons from burying, depositing, Prevent deposit of putrid carcasses. or having within said city, or placing in the waters within or adjacent to said city, any putrid carcass, or other unwholesome or nauseous substances, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, 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.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of the city, to regulate and to license hacks, cabs, drays, carts and the charges of hackmen, draymen, cartmen and cabmen in the city, and to erect lamps and to provide for lighting the streets, public grounds and public highways, with gas or otherwise. Establish pounds, etc., and license draymen.

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

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

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

15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof. Shooting of firearms.

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

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

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

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 or restrain all persons for interrupting or interfering with the due observance of Establish markets.

such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles.

Regulate hay market, etc.

20th. To regulate the place or places and 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.

Removal of obstructions from sidewalks.

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from such lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

Prevent contagious diseases.

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

Regulate auctions.

23d. To regulate the time and manner of [holding] public auctions and vendues

Appoint watchmen.

24th. To appoint watchmen and prescribe their duties.

Regulate weights and measures.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using or keeping for use any false weights or measures.

Control of waters.

26th. The common council shall have jurisdiction over the entire waters within the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired, or for any other purpose authorized in this act.

Set out ornamental shade trees.

27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same.

Control public parks.

28th. The common council shall have authority to purchase, hold, improve and otherwise control the use and management of public parks for the use and benefit of the city, and shall make such needful regulations for the care and protection of all property of the city as shall be necessary.

29th. No appropriation shall be made, nor shall any debt be created, or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same be in force: *provided*, that in case the mayor shall refuse to sign any ordinance or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, eight aldermen voting in the affirmative shall have power to re-pass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor; and all ordinances shall be published in a public newspaper printed in the city of Neenab, to be selected by the common council, before the same shall be in force; and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be *prima facie* evidence of such publication.

All appropriations, ordinances etc., to be passed by an affirmative vote and to be approved by mayor.

30th. The power conferred upon the said common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law; gambling houses, houses of ill fame, disorderly taverns or houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, except as permitted by license, are hereby declared and shall be deemed public or common nuisances.

Abatement of nuisances at common law not barred by this act.

31st. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent, and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year and before the time 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 or agent to exhibit his books, accounts and vouch-

Examination, adjustment and allowance of accounts.

ers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his 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 the common council shall have power, by an affirmative vote of two-thirds of its number, upon reasonable notice, for cause, to remove from office any officer of the city elected by the common council, or whose appointment shall have been confirmed by it.

CHAPTER V.

OPENING OF STREETS, ALLEYS, ETC.

Laying out of streets, public squares, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, and to make all necessary and proper improvements within the limits of said city, as follows: Whenever ten or more freeholders, residing in any one 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 public squares, grounds, streets or alleys, or the enlarging or widening of the same, or for other public improvements, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residence of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants, owner or owners of such lands, or if a portion of such lands shall not be in actual occupation of any person, and the owner or owners are non-residents of the said city, then the common council shall cause such notice, describing, as near as may be, the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

Notice of application to take land.

SECTION 2. Such notice shall state that on a certain day, therein to be named, not less than ten days from the service of such notice, or the expiration of such

publication, as the case may be, application will be made to the judge of the circuit or county court of Winnebago county for the appointment of six jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in such petition.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice herein required, the said judge shall thereupon appoint twelve respectable freeholders, residents of the city, but not residents of the ward in which such premises may lie, nor interested in such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them within thirty days to view said premises, to be specified in said precept, and to make return, under their hands, to the common council whether, in their judgment, it is necessary to take said premises for the purpose specified in such application.

Appointment of jurors to view premises.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed upon the precept.

How vacancies filled.

SECTION 5. The said jurors, at such times as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Shall view premises in a body.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take 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 therein.

Shall make report as to necessity of taking premises.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands and premises will be benefited by such taking, and to assess and

If necessary, then council shall enter order confirming report.

return within the time limited such damages and benefits to the common council.

Value of buildings to be estimated.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole 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; and, secondly, the value of such building to remove.

Personal notice to be given.

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 persons interested shall be given by publication in the official paper three successive weeks; such notice shall specify the building and award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of the 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 said building at the rate set thereon by the jurors. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow.

Buildings may be sold, on notice.

SECTION 10. If the owner refuse to take the building at the value to remove, or fail to give notice of election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited for him in the city treasury.

Determination and appraisal of damages.

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 benefited thereby. At the hearing such testimony as may be offered by any person interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make an assessment, and to determine and appraise to the owner or owners the value 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 owner or owners respectively as damages, making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to be made by the jurors shall include the value of the build-

Shall include value of buildings.

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

SECTION 12. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damages, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall be in any case collected of them or payable to them.

Shall strike balance between damages and benefits.

SECTION 13. If the land 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 person or interest respectively, may be awarded to them by the jurors, less the benefits resulting to them respectively from the proposed improvement.

In case premises are owned by different persons.

SECTION 14. Having ascertained the damages and expenses of the proposed improvement, as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement as nearly as may be, and shall describe the real estate upon which the assessment may be made. The award of the said jurors shall be signed by them, and returned, together with the testimony taken, to the common council, within the time limited in the order of their appointment, and thereupon, if the common council shall deem it expedient, they may, by ordinance, order such street to be opened or widened, or such improvements to be made, and an assessment made in pursuance of such award; and if the common council shall not deem it expedient to open or widen such street, or to make such improvements, they shall, by resolution, order all further proceedings upon such petition to be discontinued.

Shall assess damages and costs of proceedings.

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, under the direction of the judge of the circuit court of Winnebago county, and then and not

Land not to be used till damages are paid.

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.

How clerk to proceed in assessing damages.

SECTION 16. Whenever any improvement chargeable to the property adjacent thereto shall have been determined upon, the proportion of the costs properly chargeable to each lot, part of lot or parcel of land, subject to contribute to the payment of the same shall be ascertained, and the city clerk shall forthwith issue to each person occupying such premises liable to contribute, a certificate, stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land, shall be, from the time it is so ascertained, a lien and charge thereon, and upon no other property; and the said amount shall be entered against such lot or lots in the tax warrant for the year in which the assessment is made, and collected in the same manner as other taxes. The damages assessed shall be paid or tendered or deposited as herein required, within twelve months from the confirmation of such assessments and reports; and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

When land is under lease, how affected.

SECTION 17. When the whole of any lot or tract of land or other premises, under lease or under 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.

If only a part is under lease, that part only to be affected.

SECTION 18. When only a part of a lot or tract of land or other premises so under lease or contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respectively, the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable, and to be paid for and 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 in respect to the same.

If the owners are infants, how proceed.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under any disability, the judge of the circuit court of Winnebago 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 on such guardian.

SECTION 20. After the jurors shall have made their report as to the necessity of taking any lands 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, and the jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officer that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Council may appoint new jurors, in case of failure to act.

SECTION 21. Any person whose property is taken or against whom any assessment is made, may, within ten days from the return of the said jurors to the common council, appeal from said assessment of damage or benefit, to the circuit court of Winnebago county, where such appeal shall be tried by the court and jury as in ordinary cases. The common council shall have the same right of appeal. After the award and assessments heretofore provided for shall have been made, and it shall have been found that the amount of each [such] assessments over and above the amount of the awards shall not be sufficient to pay the whole cost of any such contemplated improvement, the amount of such deficiency shall be assessed by the common council upon the city.

Owner may appeal from assessment.

May assess for deficiency.

SECTION 22. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made, under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

Shall cause survey to be made.

CHAPTER VI.

IMPROVEMENTS OF STREETS AND SIDEWALKS.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or re-construction of any sidewalk or gutter, or for grading, repairing or improving any street at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not

Ordinances, etc., to be referred to committee.

be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of said city.

Right to establish and re-establish grade.

SECTION 2. The common council of the city Neenah shall have power to establish the grade of the streets of said city, and to change and re-establish such grade, as they shall 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 his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said common council shall have refused or neglected for three months to pay or settle the same.

Street superintendent to enforce ordinances.

SECTION 3. It shall be the duty of the superintendent of streets to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Grade, width and construction of sidewalks, to be controlled by council.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct said sidewalk as aforesaid, in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall

To be let to lowest bidder, after publication of notice.

be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same, at least five days in the official paper of the same.

SECTION 5. The common council shall have power, by a vote of two-thirds of all the members of the common council, to order the building, construction, reconstruction or repair of sidewalks in the city of Neenah, in such manner as they may deem proper.

May order construction by two-thirds vote.

The city clerk shall receive all proposals for constructing and repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions, in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances, until a tax for that purpose shall have been levied by the city or county. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the superintendent of streets, will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the cost of such repair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Neenah, for payment; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the

Shall receive proposals.

When superintendent may order repairs, and assess owner therefor.

If owner refuse to pay, may levy special tax.

city of Neenah, the said superintendent shall return said account to the common council, with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Payment of
poll tax.

Assessors to
make out dupli-
cate lists.

Treasurer to
collect.

What process
shall be.

Shall make out
duplicate lists
each year.

Shall designate
the ward.

To be a distinct
fund.

SECTION 6. Every male inhabitant of the city of Neenah, 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 each of the assessors of the city of Neenah, during the month of May, 1873, to make out duplicate lists of all persons liable to said tax, and said assessor shall, on the first Monday of June, 1873, deliver one of said lists to the city clerk and one to the treasurer of the city of Neenah. 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 after demand, either personal or by written notice left at their usual place of abode, on or before the first day of July, 1873, 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 Neenah. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The assessors shall also, at the time of assessing the annual taxes in each year after the year 1873, make out such duplicate lists of persons liable to pay such tax as aforesaid, and deliver one of the said lists to the city clerk and one to the city treasurer at the time he returns to the city clerk his assessment roll of real and personal property of the city of Neenah, and the city treasurer shall collect the same in the same manner as hereinbefore in this section provided, and in case said taxes are not paid to said treasurer, he shall prosecute for them in the manner hereinbefore provided. The said assessor, in making such list, shall designate the ward in which such person on said list resides, and the treasurer shall credit each ward of the city with the amount thus collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction and supervision of the superintendent of streets, on the repair and improvement of streets of the respective wards in which said tax is paid, and to be drawn out on itemized accounts of the street com-

missioner, certified to by the senior alderman of the ward in which said work is done, and audited by the common council. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property: *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city, in the ward in which he resides, under the direction of the superintendent of streets, and at such time as he shall direct, within the said month of July of each year, and the certificate of the superintendent of streets that such person has performed one full day's labor, shall be received by the city treasurer in full discharge of such tax.

Shall be a board to determine liability.

Treasurer's fees for collecting.

SECTION 7. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of two thousand dollars, with two sufficient sureties, to be approved by the council, conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets; he shall expend the money realized from the poll tax in each ward, at such places in each ward as he shall see fit; he shall, on or before the first day of September in each year, report to the council in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how, where and when expended, and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than three dollars for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the common council shall so determine, and shall receive for his

Superintendent shall execute bond.

His duties.

His fees.

Chief of police may serve.

services as such superintendent, such sum per day as the council shall determine, not exceeding more than one dollar per day.

May advertise
for bids.

SECTION 8. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of all the members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

May order work
done by a two-
third's vote.

SECTION 9. The common council of the city of Neenah shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets, and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed therein.

What costs to
be chargeable
to city and what
to owners.

SECTION 10. 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 costs and expenses of opening, grading, graveling, planking, paving or repairing of streets and alleys shall be chargeable to and payable wholly or in part by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land, and the center of such street or alley, or such portion thereof as the common council shall determine. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewers or gutters shall be constructed: *provided, however*, that when sewers and gutters are constructed through alleys, no lots shall be assessed therefor except those situated in the block through which such sewer or gutter 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

How sewers
and gutters to
be constructed.

and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public grounds.

SECTION 11. Whenever the common council shall determine to make any public improvement, as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground as aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk, notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street, or the making of any public improvements to be done directly by and under the supervision of the street superintendent at the uniform expense, in whole or in part, of the lots or parcels of land abutting or fronting on such street or public improvement.

Shall cause estimate to be made and filed.

May authorize letting to lowest bidder.

May order work under their own supervision.

SECTION 12. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall present to the council in writing that the expense of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the chief of police to summon five freeholders, not residents of the ward, nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in

How expenses of deep cutting and filling to be borne.

them, shall examine the premises within five days therefrom, and if, in their opinion, the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the street so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof in writing, as soon as practicable, but within ten days after such examination, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same in the same manner as herein provided; in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvements in proportion to their respective benefit as determined by said jury, the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected: *provided*, that should said jury find that said petitioners were not entitled to any division of the expenses so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition: *provided, also*, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; *and provided further*, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability, who, not being represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

May require bond of petitioners.

How infants and non-residents notified.

Who to supervise work.

Shall be entitled to certificate for work done.

SECTION 13. All work provided for in this chapter shall be done under the supervision of the mayor, superintendent of the streets and city surveyor, and shall be approved by them before it shall be accepted by the council.

SECTION 14. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street super-

intendent and city surveyor, or such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor, and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment: *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

Amount of certificate may be assessed on lots.

SECTION 15. The common council of the city of Neenah shall, on or before the first Monday in May in each year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not be less than two nor more than five mills on the dollar upon all taxable property of said city, as the same shall appear by the last assessment roll of said property.

Shall determine and levy amount of highway tax.

SECTION 16. The city clerk shall, within fifteen days after said highway tax shall be so levied, make out, and deliver to the city treasurer a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of such person or persons, corporation or corporations, to whom each item of taxable property upon said list is so assessed.

City clerk to make out list.

Shall make duplicate list.

SECTION 17. The city clerk shall make a duplicate of such list, both of which shall be signed by the mayor and countersigned by the city clerk, one of which lists shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer.

Shall annex warrant.

SECTION 18. The city clerk shall annex to each such tax list, a warrant, signed by the mayor and city clerk, which shall be [in] substance in the following form :

Form of warrant.

To A. B., Treasurer of the City of Neenah :

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

Dated ——— day of ———, 18—.

———, Mayor.

———, City Clerk.

Powers of the treasurer to collect.

SECTION 19. The city treasurer shall have the same powers and proceed to collect said taxes, in the same manner as in the collection of general taxes, and in case the said treasurer shall be unable to collect any portion of said tax, he shall, on or before the third Monday in November in each year, make out and deliver to the city clerk of said city, a list of all such unpaid taxes ; which list shall contain the name of all persons, corporation or corporations, and the description of all real estate and personal property included in said tax roll, and the amount of such tax against each of such descriptions or items so uncollected ; which said list shall be sworn to by said city treasurer, before some officer authorized to administer oaths.

Shall place delinquent tax in separate column.

SECTION 20. Upon the receipt of such list, the city clerk shall, at the time of making out the general annual tax roll of said city for that year, place in a separate column on said roll, the amount of such delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

Shall credit wards with amounts collected.

SECTION 21. The city treasurer shall credit each ward in said city with the amount of such highway tax collected by him therein, and all the moneys so collected shall be expended on the streets, highways and bridges in the wards where collected, in the manner in this act provided.

CHAPTER VII.

FINANCES AND TAXATION.

SECTION 1. All the funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

City funds to be under control of council.

SECTION 2. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

How city debt to be authorized.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act.

Fines, etc., to be paid into general fund.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon 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 perfecting such rolls as they may from time to time deem advisable.

All property to be taxable.

Powers of the assessors.

SECTION 5. The fiscal year of the city of Neenah shall commence on the first day of September, on which day, or within twenty days thereafter, the common council shall, by resolution, determine what amount of money, including the estimated resources of the city not derived from direct taxation for the year

Fiscal year—council to determine amount of tax.

then next ensuing, will be required for general city purposes during that year; and the council shall thereupon be empowered to levy, and shall, by resolution, levy a tax for general city purposes, not exceeding an amount one per centum of the assessed value of real and personal property of the city for that year. The common council shall have power to levy a tax upon the assessment roll, equal in amount to the interest for one year, not otherwise provided for, upon all bonds lawfully issued by the city of Neenah; and no such special tax shall be used or applied for any other purpose whatever. No city order of any kind shall be received in payment of school or school-house tax, but the same shall be paid in money and shall be paid over by the city treasurer to the treasurer of the several school boards, upon the order of the director and clerk thereof. All resolutions for the purpose of levying a tax shall require for their passage an affirmative vote of two-thirds of all the members of the common council.

May provide for interest on bonds.

City orders not receivable for school tax.

Shall be a lien upon property.

SECTION 6. All taxes or 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 assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Shall send copy of assessment roll to county clerk.

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

May regard city as a town.

SECTION 8. The board of supervisors shall have the right to regard the city of Neenah as a town, in equalizing the assessment rolls 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, and shall not change the relative valuation of the different wards.

Supervisors may levy tax regardless of ward boundaries.

SECTION 9. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be cer-

tified to the city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions with the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of the taxes levied for the state, county, city or other purposes, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein; which statement 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. The said city clerk may calculate the state, county and city taxes together, and carry the amount thereof into one column, but in such case, he shall specify the per centum upon one dollar of valuation of state tax, county tax and city tax, separately in his warrant to the treasurer for the collection of such taxes.

City clerk to make out assessment roll.

May calculate all taxes together.

SECTION 11. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record of this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law.

Tax list to be evidence.

SECTION 12. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the second Monday of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

Shall make duplicate, and append warrant.

SECTION 13. 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 powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as other-

City treasurer to collect tax.

wise provided in this act. The city treasurer shall receive one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and two per centum upon all other moneys paid into the treasury, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

When return to be made.

SECTION 14. On or before the fifteenth day of February, of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Winnebago county, a list of all lands, lots and personal property upon which 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; and all the provisions of sections eighty-one to eighty-seven inclusive of chapter eighteen of revised statutes as modified by acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

Delinquent lands to be sold.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Neenah, at the same time and in the same manner as other delinquent lands are sold in said county.

Exempt property liable to special tax.

SECTION 16. 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 the improvement of the streets in front of the same.

Errors not to invalidate tax.

SECTION 17. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself shall invalidate, or vitiate, or otherwise affect the validity of the assessment or tax: *provided*, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying of a tax.

Not to receive certificates for indebtedness.

SECTION 18. The city treasurer shall not receive from the treasurer of the county of Winnebago, tax certificates in payment of any indebtedness which may become due from said county to said city. The city shall contract no debt, and the common council shall make no appropriation during any fiscal year for city purposes, greater than the amount determined upon as provided in the foregoing section five of this chapter for such purpose, together with the amount of money

Limit of city debt.

which may at any time be in the city treasury, derived from other sources than taxation.

SECTION 19. The common council shall have power, May levy tax to pay judgments. by a two-thirds vote of all the members thereof, to levy a tax or taxes to pay any or all judgments against the city.

SECTION 20. In case the city treasurer shall, at any Treasurer to be removed on failure to collect tax. 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.

SECTION 21. All accounts or demands against the Accounts to be sworn to. city, before the same shall be allowed, shall be verified by affidavit, except salaries and amounts previously fixed or determined by law; and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury.

SECTION 22. No money shall be appropriated or Conditions for payment of city orders. drawn out of the city treasury, except in payment of accounts and demands allowed by the common council, and then only upon the order of the mayor and countersigned by the city clerk, and upon the presentation of such order, the city treasurer shall pay the Orders to be numbered. same to the holder thereof. All such orders shall be numbered in regular series, commencing with number one, and shall be made payable to the person in whose favor the common council may have lawfully audited any account, and said order shall state the number of the bill in payment of which the same was drawn, for what purpose, and from what fund payable, and the city funds shall be paid out of the treasury in no other manner whatsoever, and no interest shall be allowed or When interest may be paid. paid on any city order or certificate whatever: *provided, however,* that when the city, being duly authorized thereto, shall borrow money, certificates of appropriation therefor may be issued, payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not exceeding ten per centum per annum, and when so drawn and signed by the mayor and clerk, interest [shall be paid] thereon as therein expressed.

SECTION 23. No action shall be maintained by any How action to be maintained. person against the city of Neenah, upon any claim or demand until such person shall first have presented his claim or demand to the common council for allowance, and allowance thereof refused by said council.

Determination to be final.

SECTION 24. 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, except that such person may appeal to the circuit court, as provided in section twenty-six of this chapter.

Not to entertain account the second time.

SECTION 25. In case any person shall present his claim or demand to the common council, and the said council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again unless by unanimous consent of the whole council, and such claimant, if he desires, may prosecute his said claim by appeal to the circuit court, and not otherwise.

May appeal from disallowance of account.

SECTION 26. When any claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of the council disallowing such claim, to the circuit court of the county of Winnebago, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision, and executing a bond to the said city with sufficient surety, to be approved by the said clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the applicant by the court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Winnebago county, and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in the circuit court, and costs shall be awarded thereupon in like manner.

How appeal to be taken.

Shall give notice.

SECTION 27. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first meeting thereafter.

CHAPTER VIII.

FIRE DEPARTMENT.

May prescribe 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 power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, 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 manufactories dangerous in causing and promoting fires; 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 bystanders 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.

May regulate building of chimnies, etc.

SECTION 3. The common council shall have 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 fifteen and fifty, and may elect its own officers, 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 enlistment. Every member of each company hereby authorized to be formed shall be exempt from poll tax, from serving on juries and from military duty during the continuance of such membership.

May purchase engines and organize fire companies.

Appointment
and confirma-
tion of engi-
neers.

SECTION 4. The fire department shall, on the third Monday of March of each year, at seven o'clock in the afternoon, meet at such place as the common council may appoint, at which time and place they may appoint one chief engineer and two assistant engineers of the fire department, which appointment shall be confirmed by the common council before the same shall be in force; and if for any reason such appointments shall not be made at the time and in the manner provided in this section, and confirmed by the common council, then the common council may, at such time as they may deem proper, elect one chief engineer and two assistant engineers of the fire department.

Of fire wardens.

SECTION 5. At the same time, or as soon thereafter as may be, the members of the fire department shall appoint one fire warden for each ward, who shall perform such duties as the common council shall prescribe.

Punishment for
disobedience of
orders.

SECTION 6. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, policeman, watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fires shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council shall prescribe, not exceeding fifteen dollars.

CHAPTER IX.

POLICE JUSTICE—HIS POWERS AND DUTIES.

Jurisdiction of
the police jus-
tice—when ex-
clusive.

SECTION 1. The jurisdiction of the police justice of the city of Neenah shall be co-extensive with the county of Winnebago, and the said police justice shall have exclusive jurisdiction to try all criminal cases and conduct all examinations within said city, under the laws in which justices of the peace have jurisdiction, and according to this act.

When concu-
rent.

SECTION 2. The said police justice shall have jurisdiction concurrently with the circuit court in all cases of larceny, where the amount alleged to have been stolen shall not exceed the sum of eighty dollars: *provided,*

that nothing herein contained shall be so construed as to give said justice jurisdiction of offenses punishable by imprisonment in the state prison.

SECTION 3. The punishment for such larceny shall be by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both fine and imprisonment, in the discretion of the court. The police justice shall have jurisdiction, concurrently with the circuit court within said county, of all offenses mentioned in sections fifty-six and fifty-seven, chapter one hundred and sixty-five of the revised statutes of the state of Wisconsin, where the value of the wood or timber cut, or the mineral or earth dug or carried away, shall not be alleged to exceed the value of one hundred dollars; and in such cases the punishment shall be by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding six months.

Punishment for
petit larceny.

Concurrent ju-
risdiction spe-
cified.

SECTION 4. In all cases arising under the last two mentioned sections, if the defendant shall dispute the title of the land upon which the alleged offense was committed, he shall join with his plea of "not guilty," a statement to that effect, and the court shall require him to enter into a recognizance with two sufficient sureties, who shall justify in double the amount of penalty named in the recognizance, for his appearance before the next term of the circuit court, and the said justice shall then transmit the papers and all proceedings in the case to the clerk of the circuit court of Winnebago county, and the cause shall be tried in said circuit court upon the original papers filed with said justice.

May take recog-
nizance and
transmit papers
to circuit court.

SECTION 5. The said police justice shall have jurisdiction of all actions for assaults, batteries and affrays, which trials, in such cases, shall be conducted according to the provisions of chapter one hundred and twenty-one of the revised statutes of Wisconsin.

Jurisdiction in
case of assaults,
etc.

SECTION 6. The said police justice shall have and possess all the rights, powers and privileges of justices of the peace, and all the laws of this state concerning justices' courts shall apply to the police court of the city of Neenah, except so far as said laws conflict with the provisions of this act.

Laws relating
to justices'
courts applica-
ble.

SECTION 7. The said police justice shall have jurisdiction to hear, try and determine all offenses mentioned in sections one to fourteen, inclusive, of chapter one hundred and sixty-nine of the revised statutes.

Jurisdiction of
certain other
offenses.

SECTION 8. The said justice may appoint a clerk, who shall have power to administer oaths. The ap-

May appoint
clerk.

pointment of such clerk shall be in writing, under the hand of said justice, and filed in the clerk's office of the circuit court of Winnebago county.

CHAPTER X.

May change boundaries of school districts.

SECTION 1. The common council shall have the power to change the boundaries of school districts situate within the limits of the city of Neenah; to form new districts, and to do all things in relation to the alteration, formation or consolidation of school districts that the town board of supervisors can by law now do; and whenever any territory lying within the limits of the city of Neenah forms part of a school district, with territory outside of the limits of the city of Neenah, the common council shall have the power, with the concurrence of the town board of supervisors of the town in which part of such school district may be situated, to annex such territory lying within the limits of the city of Neenah, to some district already existing in said city, or with such territory forming parts of school districts already organized within the city limits, to form a new school district. All and any laws of the state in reference to the alteration or formation of school districts in conflict with the provisions of this chapter are hereby repealed, so far as they may be applicable to defeat the provisions of this chapter.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

Successor to all the rights of the village corporation.

SECTION 1. The city of Neenah shall be, and is hereby invested as the lawful owner and successor of all real and personal property, and all the rights and privileges belonging to the corporation of the village of Neenah, and such part of all the real and personal property, rights and privileges belonging to the town of Neenah, as is or may be contained in such portion of such organizations, and to be included in said city limits, together with all the funds, revenues, debts and demands, due and owing to the said above-named organization, as a corporate body, which, by or under any former acts, ordinances, grants, donations, gifts, construction or purchases, have been acquired, vested, or in any manner belong to said corporations or either of them, in the proportion that the whole valuation of each of such organizations is to the valuation of such

portion of such organization as is embraced within the limits of said city of Neenah, and the county equalization thereof, for the year 1872, shall be the basis of such proportion; and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands against the said corporations, or either of them, may be continued, prosecuted, defended and completed in the same manner as if this act had not passed.

SECTION 2. The board of trustees of the village of Neenah and the board of supervisors of the town of Neenah, in the county of Winnebago, shall each of them at the time of making their annual statements of the financial condition of their respective organizations for the year 1872, as now required by law, cause a copy thereof to be made and filed by the clerk of each of said organizations with the city clerk of the city of Neenah, within ten days from the time of making such several statements; each of said statements shall show the total indebtedness of such organization at that time, and to whom or what such indebtedness is owing. If any of said indebtedness arises from outstanding orders, it shall give the number or numbers thereof, and the name of the person in whose favor each is respectively drawn. If any of said indebtedness arises from accounts audited and orders not drawn, it shall state the names of the persons to whom such accounts were audited and the amount thereof of each. If any of said indebtedness is for bonds, it shall give the amount of each, the time when due, the rate of interest, the date thereof, the time when interest is due and the amount of accrued interest thereon, and said statements shall each contain a detailed account of all the assets of each of said organizations; each of said statements shall also state whether any actions have been commenced against said organization or not, and if any action has been commenced, it shall give the names of the plaintiffs, the nature of the complaint, the name of the plaintiffs' attorney, the present status of the case, and the name of the attorney, if any, employed by the organization to defend.

Statements of financial condition to be made and filed.

How indebtedness to be classified.

SECTION 3. The village treasurer and village clerk of the village of Neenah, and the town treasurer and town clerk of the town of Neenah, in the county of Winnebago, and each and all of them shall, on or before the first day of May, 1873, deliver over to the city treasurer of the city of Neenah, all the moneys, books,

Village clerk and treasurer to deliver up books, etc., to city officers.

Forfeiture for failure to deliver over.

For what to be retained.

Circuit judge to appoint appraisers.

papers and property of every nature whatsoever in their hands, belonging to each of said organizations, of which he is the treasurer or clerk, and thereupon the city treasurer of the city of Neenah shall give to each of the said treasurers and clerks of said organizations, his receipt therefor, for the articles so delivered. In case any treasurer or clerk of either of said organizations shall fail, neglect or refuse to deliver over to the said city treasurer of the city of Neenah, any moneys, books, papers or property pertaining to each of their several offices as aforesaid, at the time or as required by section three of this chapter, then the officer so failing, neglecting or refusing shall forfeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and the aforesaid city officers may recover the possession of such moneys, books and papers, or other property of said organizations in the manner prescribed by the laws of this state; such books and papers as aforesaid shall only be retained by said respective city officers for the sole purpose of making an abstract of so much of such records and papers as shall pertain to highways now in said city, and a full and complete settlement between that portion of the town of Neenah which is in part included in the limits of said city of Neenah, and that portion of said organization which is outside of said city limits; and upon the completion of said settlement, said books and papers shall be delivered over to the proper officers of the said organizations as they may at that time exist, and all moneys that may be found due and owing on account of the proportionate value of any moneys or property which may have been owned in common at the time of the organization, of said city, shall be immediately paid over to the proper officer or officers; and the moneys, books and papers of the town of Neenah, and the village of Neenah, shall remain in the hands of said city officers.

SECTION 4. The judge of the circuit court for the county of Winnebago shall, at the next term of the circuit court held in and for said county after the passage of this act, appoint three persons whose duty it shall be to examine and appraise the value of all property of the said city of Neenah of which the said city may have become invested by virtue of this act; and said persons shall signify their acceptance of such appointments, and willingness to perform the duties incumbent there-in writing, directed to the judge of said circuit court within five days after notice of such appointment;

such persons when so appointed, and having so accepted shall be styled "appraisers of the city property of the city of Neenah."

SECTION 5. Within ten days after such acceptance, said appraisers shall proceed to examine and appraise the value of all such property. The basis of appraisal of the true, equitable value of all such property shall be the then present value thereof, in its then present condition, for the proper uses of the city for which said property is to be used by said city: *provided, however*, that all highways (except bridges), and all works performed on highways, (except bridges), on parks and public grounds, and all work done thereon, shall not be considered city property for the purposes of such valuation.

What shall be the basis of appraisal.

SECTION 6. The said appraisers shall, within thirty days after such acceptance, make two reports of the value of all such property as found by them, one of which shall be filed with the city clerk of said city of Neenah, and the other shall be filed with the clerk of the circuit court of Winnebago county. In case the said appraisers shall not agree as to the value of such property, they shall each make separate reports of the value thereof, as found by each, and file the same as above provided, and the common council of said city shall decide as to which valuation of any of said property they will accept and abide by, and such decision shall be final.

Appraisers to make two reports.

SECTION 7. The appraisers shall receive such compensation for such services, as the common council of said city shall allow.

Their compensation.

SECTION 8. The city treasurer shall render to the common council of said city, at their first meeting held after the first day of May, 1873, a statement showing the amount of moneys and other property received from each of the treasurers and clerks of said organizations respectively, and the city clerk shall, also at such meeting, lay before the common council the statements of the financial condition of the several organizations, made as required by section two of chapter eleven of this act, and shall also lay before the said common council, the report of the appraisers appointed under the provisions of section four of chapter ten of this act.

Treasurer and clerk to make statements to common council.

SECTION 9. The common council shall thereupon proceed to make a just, fair and equitable settlement between the city and the several organizations from which the city was formed in part, and not included in said city limits, and any and all amounts found to be owing by said city to any portion of the territory out-

Council to make equitable settlement between city and other organizations.

side of the city, which comprised a part of an organization from which said city was formed in part, shall be paid by said city as soon as the said territory shall be reorganized, and proper officers elected and authorized to receive and receipt for the same. But if it shall be found upon such settlement, that there is any amount due any portion of said city from any portion of territory outside of said city limits, which was a part of an organization from which said city was formed in part, that portion of said territory so owing said part of said city shall pay the amount thereof to the city treasurer. And in case any portion of territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages.

Shall adjust the difference in debts and credits, and levy tax to pay the same.

SECTION 10. The common council shall thereupon proceed to make a just, fair and equitable adjustment and settlement of the difference in debts and credits, which may there be found to exist, between the different portions or parts of territory which have by this act been formed into and constitute the city of Neenah, and shall, at their annual meeting, held in September, 1873, for the purpose of levying the general city taxes for that year, levy upon all of the taxable property of each of the said different portions, such an amount of tax in addition to the general city taxes for that year, as will make each of said portions equal in assets, (over and above all liabilities), with every or any other portion, organization or part of organization at the time of such settlement as aforesaid, so ascertained upon the basis aforesaid; and said tax shall be placed in a separate column upon said tax roll, and shall be collected at the same time and in the same manner as the general city taxes of said city, and the taxes thus collected, and the assets, over and above liabilities, shall be in the manner aforesaid adjusted and placed to the credit of the proper wards, as so much of each ward's proportion of the general city fund, to be used for general city purposes: *provided, however,* that not more than one per cent. upon the assessed valuation of any such portion of said territory (shall be levied in the year 1873 for such purpose. But in the event that said one per cent. tax shall not liquidate the full indebtedness of any portion of said territory so found, a further and sufficient sum shall be levied as aforesaid, upon the assessed valuation of each of such portions

as aforesaid, which shall be in arrear, in addition to the general city taxes of 1874, as will fully pay the entire amount so left unpaid.

SECTION 11. The common council of the city of Neenah shall have the same powers in relation to all school districts, situated in whole or in part within said city limits, as are now conferred upon town boards of supervisors by the laws of this state, and shall perform all duties relative thereto in the same manner as town boards of supervisors are authorized to do.

Powers in relation to school districts.

SECTION 12. All work for the city or either ward thereof shall be let by contract to the lowest reasonable, responsible bidder, and due notice shall be given of the time and place of letting such contract: *provided*, that the council, by a vote of two-thirds of all the members thereof, may otherwise provide for work.

All work to be let by contract.

SECTION 13. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, 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 for such penalty or forfeiture, stating the clause of this act or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigency of the case may require. In all cases where an action might be brought by the city of Neenah against any person, company or corporation, such action may be commenced and prosecuted in the name of the city, by any elector of said city: *provided*, that before any person, other than the proper officers of said city shall prosecute any such action, the person or persons so commencing shall enter into bonds with sufficient surety to the opposite party, to be approved by the judge or justice before whom such action shall be brought, conditioned that he or they will pay all costs that might be recovered against the city in such action. After the filing of such bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of any such action, but such costs, where the action shall fail, may be recovered against the party commencing the same, upon the bond filed as aforesaid: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly con-

Actions to recover penalties.

How may be commenced and prosecuted.

Not to interfere with peace officers.

duct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offenders.

How judgment shall be entered.

SECTION 14. In all cases of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Winnebago county for a term not exceeding three months; and shall forthwith commit the defendant for the term fixed by said judgment, and in all cases where the judgment shall be, that the defendant shall be imprisoned in the county jail, the court may, in its discretion, enter a further judgment that the defendant pay the costs of prosecution, and that he be held in imprisonment in the said jail until such costs be paid, or he be otherwise discharged by due course of law.

Not to make incompetent.

SECTION 15. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Failure to elect officers not to suspend corporation.

SECTION 16. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election may be held on any subsequent day by order of the mayor; and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer, at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

How process against city served.

SECTION 17. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances and resolutions of said council may provide.

May hold property.

SECTION 18. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may improve or sell

and convey the same, and the same shall be free from taxation, while owned or held by said city.

SECTION 19. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law. Not repealed by general laws.

SECTION 20. From and after the last Monday of March, 1878, the connection between the town of Neenah, included with the city limits, for all town purposes, shall be dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Neenah, shall be performed by the aldermen of the wards and the other officers of said city, except as hereinafter provided. When connection dissolved.

SECTION 21. Every member of the common council of the city of Neenah, 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 thereto, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as a member of the board of equalization, any member of the common council or other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of the 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 a 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 any contract made in violation of the provisions of this section shall be void. Penalty for voting illegal appropriations, by members of the council.

SECTION 22. The city of Neenah shall have authority to loan its credit for the encouragement of manufactories located within its corporate limits, for such sum and upon such terms and conditions as a majority vote of the legal voters may order and determine, not exceeding in amount for any one purpose one per cent. of its last assessed valuation. City may loan its credit.

SECTION 23. Every license issued by the authority of this act, or the ordinances of the city, shall be signed How licenses to be issued.

by the mayor and city clerk, and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk until the person applying for the same shall have deposited with the said 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, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which bonds shall be approved by the mayor, and a sum not less than the minimum sum, nor greater than the maximum sum fixed by the laws of this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council, at each regular meeting thereof, the licenses theretofore issued by them and not before reported, and the council shall by vote approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by the action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

Shall report licenses issued for approval by council.

Place of confinement of offenders.

SECTION 24. The use of the jail of Winnebago county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases; but the said county shall not incur or pay any liability or expense on account of any person committed to said jail, for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Private property not to be taken for public debt.

SECTION 25. No real or personal property of any inhabitant of said town or city, individual or corporation shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

How judgments against city officers to be paid.

SECTION 26. When a judgment shall be recovered against any officer of said city in any action prosecuted by or against him, in his name of office, where the same should be paid by the city, no execution shall be issued or awarded upon such judgment, except as hereafter provided; but the same, unless reversed, shall be levied and collected as other city charges, and when so collected, shall be paid by the city treasurer to

the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if the payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on special application therefor.

SECTION 27. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof.

Members of the council not to be appointed to office.

SECTION 28. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; he shall communicate any such action to the council at its next meeting, with his reasons therefor. All fines imposed by the police court of the city of Neenah, for violation of this act, or ordinances, by-laws or regulations made in pursuance thereof, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September in each year, the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending such prosecution in the city during the same year.

Mayor to have pardoning power.

SECTION 29. The common council shall have power, and it shall be their duty, to remove from office any policeman or watchman for incompetency, misconduct or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law.

Power of removal.

SECTION 30. Any person who shall be guilty of drunkenness or immoderate drinking, improper reveling, obscenity, or noisy, boisterous and disorderly conduct in the streets or public places of the city of Neenah, 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 Winnebago county for a term of not less than two days nor more than three months.

Punishment for drunkenness, etc.

SECTION 31. Whenever any complaint is made to the police justice of said city by any police officer,

Examination by justices, for offenses.

sheriff, deputy sheriff, policeman or other person, that any offense has been committed within the said city against the provisions of the charter of said city, or of the by-laws or ordinances passed in pursuance thereof, whether such offense is made punishable under such charter or ordinances, by fine, penalty or imprisonment, the said justice shall examine the complainant on oath, and reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that any such offense has been committed, the said police justice shall issue his warrant, reciting the substance of the complaint, requiring the officer forthwith to arrest the accused and bring him before such police justice to be dealt with according to law. All the laws of this state relating to the manner of conducting of criminal actions before justices' courts shall be applicable to all trials before the police justice under this act, so far as the same do not conflict with the provisions of this act: *provided*, when the complaint is made by any person other than a police officer of said city, or sheriff or deputy sheriff of Winnebago county, the said justice, before issuing his warrant, may require security, as provided in section thirteen of chapter ten of this act.

General laws to be applicable in criminal suits.

Compensation.

SECTION 32. No compensation or salary shall be paid the mayor or any alderman of said city, except as provided in section twenty-one of this chapter.

Repealed.

SECTION 33. Chapter two hundred and twenty-one of the private and local laws of 1856, entitled an act to incorporate the village of Neenah, and all acts amendatory thereof are hereby repealed: *provided*, that such repeal shall not affect any act done or right accrued or established previous to the time when such repeal shall take effect, but every such act and right shall remain as valid and effectual as if the said act, and several acts amendatory thereof, had remained in force; *and further, provided*, that all officers of said village, now elected or appointed and acting, shall remain in their several offices until the several officers of the city of Neenah are elected or appointed, and qualified in pursuance to the provisions of this act.

SECTION 34. This act is hereby declared to be a public act, and shall be liberally construed in all courts of this state.

SECTION 35. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1878.