

repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Public act.

SECTION 23. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state, and shall take effect and be in force from and after its passage and publication.

Approved March 27, 1883.

[No. 183, S.]

[Published April 12, 1883.]

### CHAPTER 176.

AN ACT to amend section 50, of chapter 86, of the laws of 1883, entitled, "an act to incorporate the city of Edgerton."

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

Amendment.

SECTION 1. Section 50, of chapter 86, of the laws of 1883, entitled, "an act to incorporate the city of Edgerton," is hereby amended so as to read as follows: "Section 50. If there should be any building, in whole or in part upon said lands to be taken, the jurors shall first estimate the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove."

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

Approved March 30, 1883.

[No. 211, S.]

[Published March 31, 1883.]

### CHAPTER 177.

AN ACT to incorporate the city of Mauston.

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

Corporate name.

SECTION 1. All that district of country in the county of Juneau, hereinafter described from and after the adoption of this act as hereinafter provided, shall be a city by the name of Mauston, and the people now inhabiting, and those who shall hereafter inhabit, the said district hereinafter described, shall be a municipal corporation by the

name of the City of Mauston, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers herein specially 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 alter and change the same at pleasure; provided, that the question of the adoption of this act as a charter of such city shall be submitted to the electors of such territory before such charter shall become operative. For the purpose of determining such question, the qualified electors residing in such territory shall meet on the second Tuesday in April, 1883, at ten o'clock A. M., of that day, at such place as the inspectors of such election shall appoint, and vote by ballot upon such question. The president and any two trustees of the village of Mauston are hereby appointed inspectors of such election, and the village clerk of Mauston is appointed clerk thereof. Such inspectors shall give notice of such election by publishing notice thereof in a newspaper printed in the village of Mauston, or by posting the same in four public places of the proposed city, at least six days before such election. Such notice shall specify time, place and object of such election; the time of opening and closing the polls. At such meeting the polls shall be opened at ten o'clock A. M., and kept open until five o'clock P. M., when they shall be closed. In case of vacancy in the board of inspectors, or in case the clerk shall not be present, the electors present shall choose *viva voce* from the qualified electors of such territory, inspectors and clerks to fill such vacancies. Such inspectors shall preside over and conduct such election, and all the laws of this state applicable to the election of town officers, shall apply to all the proceedings thereat, so far as they are consistent with the provisions of this act. Every elector residing in such territory, and qualified to vote for village officers in said village of Mauston, may vote at such meeting, by a ballot having thereon the word "yes," or the word "no," according as he shall be in favor of or opposed to the incorporation of the city under this act. If the majority of ballots cast at such election have thereon the word "no,"

Election for  
adoption of  
charter, how  
conducted.

this act shall be inoperative and void. If a majority of such ballots have thereon the word "yes," this act shall be of full force and effect. The said inspectors shall make and certify returns of the result of such election, and file duplicates of the same in the office of the county clerk of the county of Juneau, and the village clerk of the village of Mauston, and such returns shall be evidence of the facts therein stated, and the regularity of all proceedings in relation to such election.

City boundaries.

SECTION 2. All of section number twelve (12), in township number fifteen (15) north, of range number three (3) east, and all of the west half of section number seven (7), in township number fifteen (15) north, of range number four (4), east, shall be included in and constitute the limits and boundaries of the city of Mauston.

Corporate authority.

SECTION 3. The corporate authority of said city shall be vested in a mayor and four aldermen, who with the mayor shall constitute and be the common council, together with such other officers as are hereinafter provided for.

Annual election, when held.

SECTION 4. The annual election for city officers shall be held on the third Tuesday in April in each year, at such place as the common council shall designate. The polls shall be open between nine and ten o'clock in the forenoon, and kept open until five o'clock in the afternoon, except that an adjournment may be had for one hour between the hours of 12 M., and one o'clock P. M. Six days previous notice of such elections shall be given, signed by the clerk, stating the time and place of holding the same, and the officers to be elected, which notice shall be posted in three public places in said city.

Officers of city.

SECTION 5. The elective officers of said city shall be a supervisor, to represent said city on the county board, a mayor, four aldermen, a treasurer, one assessor, a clerk, a city marshal, and two justices of the peace. All such officers shall be residents and legal voters of such city. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers except justices of the peace, shall hold their offices for one year, and until their successors are elected and qualified. The justices of the peace shall hold their offices for two years, from the first Monday

in May next following such election, and until their successors are elected and qualified.

SECTION 6. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots in the presence of the common council, and in such manner as they shall direct. Each ballot shall contain the names of all persons voted for as herein provided, with a proper designation of the office each person so named is intended to fill, and no ballot shall contain a greater number of names designated for any office, than there are persons to be chosen to fill such office.

Elections to be by ballot.

SECTION 7. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, and who are actual residents of the city of Mauston for ten days previous to the day of election, shall be entitled to vote at any election held in said city.

Qualified electors.

SECTION 8. None of the provisions herein contained, relating to elections, shall be construed to apply to general elections, and no law of this state relating to the registration of voters shall be held to apply to elections under this act.

Not applicable to general elections.

SECTION 9. The first election of officers, under this act, shall be held on the first Tuesday in April, in the year 1883, and all the officers of the village of Mauston, in office when this act shall take effect, shall hold their respective offices until such election shall be held, and the officers then to be elected shall be elected and qualified, unless a vacancy shall occur, which shall be filled by appointment, as in other cases; and from the time when this act takes effect until such election and qualification, the persons who but for this act would have been president, trustees, clerk, treasurer, assessor, justices of the peace and marshal of the said village of Mauston, shall be respectively the mayor, aldermen, city clerk, treasurer, assessor, justices of the peace and marshal of the city of Mauston.

First election for city officers.

SECTION 10. Special elections shall be called by the city clerk when ordered by the common council, and also on petition signed by twenty qualified electors of said city. Notice of such election shall be given by posting written notices of such elec-

Special elections.

tion in four public places in said city, at least six days prior to the time the same shall be held, and no business shall be transacted at such special election, except that specified in such order of the common council or in such petition, and in said notices. Such special elections shall be conducted and the votes received and canvassed and the returns shall be made in the same manner as is hereinbefore specified for city elections.

City clerk to be clerk of elections.

SECTION 11. The city clerk shall be clerk of elections and keep faithful minutes of the proceedings and a correct poll list, containing the names of all persons voting thereat.

Candidates cannot be inspectors.

SECTION 12. No person shall act as an inspector or clerk of any election who is a candidate to be voted for at such election.

Canvassing votes.

SECTION 13. When the polls of an election shall be finally closed, the inspectors shall proceed in the manner prescribed in the general laws of the state for town meetings, to count and canvass the votes, and shall make a return of the number of votes for each and every office, and the number of votes for each and every person for each and every office, and shall deliver such return to the city clerk immediately after such election, and shall declare the result as it appears from the same. In all cases of the election or appointment of any person to office, the common council shall file with the clerk a certificate, signed by at least a majority of them, giving the name of the person elected or appointed, and the term for which he was so elected or appointed, and the clerk shall record such certificate in a book to be provided for that purpose. Whenever a justice of the peace or city marshal shall be elected, the clerk shall forthwith give notice thereof in writing to the clerk of the circuit court of Juneau county, giving both the names, and terms for which elected, and upon the election of mayor or treasurer, the clerk shall give like notices to the clerk of the board of supervisors of Juneau county, and those county officers upon receiving such notices, shall file the same in their respective offices.

Inspectors of elections.

SECTION 14. Previous to holding any city election in said city, the common council shall appoint three qualified electors of said city to act as inspectors of such election, and in case of the absence or inability to act of any of the inspect-

ors so appointed, the electors present at the time for opening the polls shall, by a *viva voce* vote, choose inspectors in places of the ones absent. The city clerk shall be clerk of such election, and in his absence the inspectors may appoint a clerk. The inspectors and clerk shall take and subscribe the oath prescribed by the general laws of this state for inspectors and clerks of election. The inspectors shall decide all questions of order, cause public declaration to be made of all votes passed, and possess authority to enforce obedience to their lawful requirements; and if any person at such election shall conduct himself in a disorderly manner, and after notice from the inspectors, shall persist therein, the inspectors may order him to withdraw from the meeting; and on his refusal may order the city marshal or any other officer or person to take him into custody until the meeting shall be adjourned; they shall have the same authority to preserve order and enforce obedience as is possessed by the board of inspectors at a general election.

SECTION 15. The inspectors shall receive all legal ballots presented to them, and place the same in the ballot box, where the same shall be securely kept until the closing of the polls. Legal ballots.

SECTION 16. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the requisite qualifications, or if any such vote shall be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years old; 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; that you are an actual resident within this city, 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." Which oath any member of the board of inspectors is hereby authorized to administer. And if the person so offering to vote 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 Challenging votes.

persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two 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 who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of election, shall be the same as that provided by statutes of this state for similar conduct at any general election, and the penalty for illegal voting at such elections, shall be the same as that provided by the general laws of this state for illegal voting at a general election.

Acting mayor.

SECTION 17. The common council shall, at its regular meeting after its election, choose one of the board of aldermen, who shall be styled acting mayor, and who in the absence of the mayor shall act as such mayor, and have and possess all the rights and privileges of such officer and be subject to all the liabilities thereof during the absence of such mayor.

City clerk, his duties.

SECTION 18. The city clerk shall perform the duties required of him by law and the ordinances of the city. He shall keep the books, records and papers and corporate seal of the city, and the records of the proceedings of the common council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall draw and countersign all orders on the treasurer and keep stubs of the same. He shall file all chattel mortgages and renewals thereof left with him for that purpose, and receive therefor and for all services the same fees allowed to town clerks for like services. The said clerk shall have and is hereby given authority to administer oaths. He shall countersign all ordinances enacted by the common council, and shall receive such compensation as the common council shall provide.

City treasurer, his duties.

SECTION 19. The treasurer shall perform such duties, and exercise such powers as may be lawfully required of him by the ordinances of said city, or the laws of this state. He shall receive all moneys belonging to the city and keep an accu-

rate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties and be subject to the same liabilities as treasurers in towns. And when his successor in office shall have qualified according to the law, he shall deliver to such successor all moneys, books, papers and other property in his hands, belonging or pertaining to the office of treasurer. He shall receive the same compensation as treasurers of towns in this state. All moneys collected for fines, penalties, forfeitures and licenses shall be paid to the city treasurer, and belong to the general fund in his hands, and as such shall be appropriated and drawn upon by the proper city officers.

SECTION 20. The justices of the peace elected under this act shall file their oath of office, as required by the general laws of this state for justices in towns; shall have the same and equal jurisdiction, and perform all and like duties of justices of the peace under the general laws of the state of Wisconsin, and have, furthermore, jurisdiction of all offenses and actions under the provisions of this charter, and the ordinances, by-laws and police regulations of the common council of the city, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds of, or agreements required to be given by them shall be approved by the common council of said city.

Justices of the  
peace, their  
duties.

SECTION 21. The justices of the peace of said city shall possess and exercise the same and like powers, jurisdiction and duties, and shall be subject to the same liabilities and regulations as are conferred upon, and required of justices of the peace of the several towns of this state. All prosecutions for a breach or violation of any by-law, ordinance or regulation, shall, in all cases, be commenced in the name of the city of Mauston, and the same proceedings shall be had in all civil

Powers.

and criminal actions before said justices of the peace, when not otherwise herein directed, as are established and are required to be had in civil and criminal actions and proceedings, by the laws of this state before justices of the peace, and either party shall have the same right of appeal under the same conditions and requirements as now are, or may be provided, by the laws of this state for taking appeals from justices' courts: but in appeals by the city the defendant shall not be required to furnish any bail or security. All fines and penalties imposed for violation of any city ordinance, resolution, by-law, or regulation shall belong to and be paid over to the treasury of said city, and be a part of the finances thereof.

**Further duties.**

**SECTION 22.** The justices shall account for and pay over to the treasurer of said city, all fines and penalties collected by him and belonging to said city, within ten days after receiving the same, and taking his receipt for the same in the docket. Said justices of the peace shall be entitled to receive, in all cases had before them in which said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state, in similar cases had before them.

**Assessors.**

**SECTION 23.** The city assessor shall assess the real and personal property of said city at the time, and in the manner provided for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and he shall receive a compensation therefor of fifty dollars (\$50) a year.

**Marshal.**

**SECTION 24.** The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and all writs and processes directed to a constable of Juneau county, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend with or without warrant any

persons in the act of committing any offense against any ordinance of said city, or the laws of this state, and within a reasonable time bring such person before competent authority for examination or trial, and for such services he shall receive such fees as are allowed by law to constables for like services in this state; he shall have power to appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid such deputies shall possess all the power and authority, and be subject to the same liabilities with the marshal.

SECTION 25. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges, and all things appertaining to the streets, and report in writing to the common council recommending in his opinion what is necessary and ought to be done thereto, in separate items in the order of their first, second and third necessity, and so on to the end of his recommendations under item number one for the first necessity, item number two for the second necessity, and so on to the end; and the city clerk shall lay said report before the common council for information, and the common council may order said street commissioner to put in repair any such street or sidewalk, if in their opinion it is a matter of necessity.

Street com-  
missioner.

SECTION 26. It shall be the duty of the street commissioner to see that all ordinances of the city, relating to the obstructions and cleaning or closing of sidewalks, crosswalks, streets, bridges, alleys, public grounds, gutters, sewers and waters in said city are duly observed and kept, and shall have the general supervision over all grading, paving, gravelling, planking, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, and shall receive therefor such compensation as the common council shall prescribe.

Further duties

SECTION 27. If any person, having been an offi-

Penalty for failure to deliver to successor.

cer of said city, shall not, within ten days after demand therefor, deliver to his successor in office all property, moneys, books, papers and effects in his hands or possession, belonging to said city, pertaining to the office, he shall forfeit and pay to the city for its use the sum of one hundred dollars (\$100), besides all damages caused by his neglect or refusal to deliver over the same, and such successor may recover possession of such moneys, books, papers and effects, or either or any of them, in the manner prescribed by the general laws of this state.

Shall not be interested in any job or contract.

SECTION 28. No mayor or alderman shall be interested in any job or contract with the city, and any job or contract in which any mayor or alderman is interested, shall be null and void, and any money paid on any such contract, may be recovered back by the city, in an action brought against the mayor or alderman so interested in such job or contract, in any court having jurisdiction of the amount involved in such action; provided, that no mayor or alderman, nor any person or party, except said city, shall be permitted to plead, prove or in any way take advantage of such nullity in their own behalf.

Officers of the peace.

SECTION 29. The mayor, acting mayor, each alderman, justices of the peace, marshal, deputy marshals, policeman, watchman and constable of said city, and the sheriff of Juneau county, and his deputies, shall be officers of the peace, and may command the peace and suppress in a summary manner, all riotous or disorderly behavior within the limits of said city; and, for that purpose, may command the assistance of all bystanders, and if any person shall refuse to aid in maintaining the peace, when so required, every such person so refusing shall pay a fine of not less than five nor more than fifty dollars.

Vacancies.

SECTION 30. Whenever a vacancy shall occur in any office herein provided for, the common council shall fill the vacancy by appointment. The person appointed to fill such vacancy shall hold the office and perform the duties thereof for the unexpired term, with the same rights, and subject to the same liabilities as the person whose office he shall be appointed to fill, except that a justice of the peace appointed to fill a vacancy shall only hold such office till the next regular city election,

at which a justice of the peace shall be elected for the unexpired term.

SECTION 31. The common council may appoint the following officers, or any of them, as it deems best, prescribe their duties, fix their compensation, and remove them on giving the person to be removed one week's notice of the time and place of the meeting of the common council, to consider the question of such removal, and in the meantime such officer shall stand suspended, viz: A city attorney, a street commissioner, one or more fire wardens, one surveyor, one sealer of weights and measures, one pound keeper and one or more keepers of cemeteries, or sextons; the common council may impose and enforce such penalties for any malfeasance, or official misconduct committed by any person so appointed, as it shall deem proper, and may require any officer so appointed to give bonds for the faithful performance of duty.

May appoint and remove officers.

SECTION 32. Any officer removing from the city or any officer who shall neglect or refuse, for ten days after his election or appointment, to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy by appointment.

When office shall be deemed vacated.

SECTION 33. Should there be a failure 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 being first given.

In case of failure to elect.

SECTION 34. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the person taking the same, with the city clerk. The treasurer, and such other officers as the common council shall direct, shall, severally, before they enter upon the duties of their respective offices, execute to the city of Mauston a bond in such amount and in such form, and with such sureties as the common council shall approve, the sureties to which shall severally justify under oath; and the common council may, at any time for sufficient cause, require new and additional bonds and remove from office any officer refusing or neglecting to give the same, which bonds shall be filed with the city clerk.

Officers shall take oath.

Duties of  
mayor.

SECTION 35. The mayor, when present, shall preside over the meetings of the common council, but he shall only be entitled to vote in case of a tie vote. He shall see that the laws of the state and ordinances of the city are observed and enforced, and that the executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer and head of the police of the city; and in case of riot or other disturbance, or when there shall be an apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary, and when so appointed, such policemen shall have the powers usually possessed by policemen of cities of this state.

Who constitute  
council.

SECTION 36. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services unless they be acting as inspectors of elections, and the style of all ordinances shall be: "The common council of the city of Mauston do ordain," etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

Meetings of  
council.

SECTION 37. The common council shall hold its first annual meeting in each year on the first Tuesday after the regular city election, and thereafter meetings at such times as they shall appoint; and the mayor may call special meetings by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members by fine or otherwise.

Control and  
management  
of finances.

SECTION 38. The common council shall have the control and management of the finances and of all the property of the city; and shall likewise, in addition to the powers herein vested in it, have full power to make, 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 and commerce, and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule, or

by-law, and such rules, ordinances and by-laws are hereby declared to be and have the force of laws; provided, they are not repugnant to the constitution and laws of the United States or of this state.

SECTION 39. The common council shall have <sup>Powers of council.</sup> power to license and regulate the exhibition of common showmen and shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables, and bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to prescribe regulations for the keeping of all places where the same are sold, and to revoke any license for a violation thereof, and for a violation of any ordinance, by-law, or regulation of said city or law of the state, and to regulate and license groceries, taverns, victualing houses, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less nor more than the amount per annum established by the general laws of the state of Wisconsin, and that all such licenses hereafter granted shall run from the first day of May in each year; provided, however, that when any license may be applied for after that date, the same may be granted to expire on the said first day of May thereafter; but no license shall be granted for a longer time or period than one year:

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

2. To prevent or regulate the blowing of steam whistles, and prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gambling. No person shall be incapacitated or excused from tes- <sup>Suppress riots.</sup>

tifying, touching any offense committed against any of the provisions of this act, or any ordinance of the city of Mauston, by reason of his or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

Nauseous places.

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

Slaughter houses.

4. To direct the location and management of slaughter houses and markets, and to prevent the erection of and use and occupation of the same, when offal or filth therefrom shall discharge into the waters of the rivers, lakes, ponds or sloughs.

Encumbering streets.

5. To prevent the encumbering of streets, sidewalks, crosswalks, lanes or alleys, with railroad cars, carriages, sleighs, boxes, lumber, firewood, or any other materials or substances whatever.

Horse racing.

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

Restrain cattle.

7. To restrain the running at large of horses, catt'le, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same.

Dogs.

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

Carcasses.

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

Public pounds.

10. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for light-

ing the streets, public grounds, and public buildings with gas or otherwise.

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

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

13. To prevent all persons riding or driving any horse or mule, or any other animals, on the sidewalks of said city, or in any way doing damage to sidewalks and bridges. Driving on sidewalks.

14. To prevent shooting of firearms or fire crackers, and other explosives, and to prevent the exhibition of fireworks in any place or situation which may be considered by the common council, dangerous to the city or any property therein, or annoying to the citizens thereof. Fire-arms and fire crackers.

15. 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. Drunkenness.

16. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. Runners and solicitors.

17. To make rules, regulations and ordinances for the government of the police of the city. Control police.

18. 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 attempting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops, stands for the sale of game, poultry, meats, fish and other articles. Markets, etc.

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

20. To compel the owners of buildings or grounds, or the occupants, when the same are occupied, to remove snow, dirt, or rubbish from the sidewalks, streets or alleys adjoining thereto, and to compel such owner or occupant to remove from Remove snow, dirt, etc.

the lot owned or occupied by him, all such substances as the board of health shall direct; and in his or her default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

**Auctioneers.** 21. To regulate the time, manner and place of holding public auctions or vendues.

**Unfastened horses.** 22. To require the owner or driver of horses, oxen or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of the village, to prohibit the hitching of horses, teams or animals to any fence, tree or pump; to regulate and control the running of engines and cars through the city, and the rate of speed of the same.

**Repair of roads.** 23. To construct, grade, improve and repair roads outside the limits of said city, which lead into the city.

**Lawlessness and lawless places.** 24. To prevent and suppress fights, vagrancy, obscenity, lewdness, prostitution, immoderate drunkenness, drinking, and the sale of spirituous, vinous or fermented liquors to minors, persons of weak mind, persons intoxicated or bordering on intoxication, persons addicted to excessive drinking, and on all election days, and at such times as riotous or disorderly assemblages are gathered, or seem imminent.

**Watchmen.** 25. To appoint watchmen and policemen and prescribe their duties.

**Weights and measures.** 26. To provide by ordinance for a standard of weights and measures.

**Trees.** 27. To protect trees and monuments in said city.

**Sewers and drains.** 28. To prescribe and regulate the construction of sewers within said city.

**Lay out streets.** 29. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from any incumbrances, and to protect them from injury.

**Change names of streets.** 30. To alter or change the name of any street in the city.

**School district boundaries.** 31. To consolidate or change the boundaries of school districts in said city, under the same restrictions and with the same power as is now conferred on town boards under the general laws of this state.

**Ordinances.** 32. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, neces-

sary for the good order and government of the city, or which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city by any ordinance thereof.

33. To declare and impose penalties for the violation of any of the provisions of any ordinance, by-law or regulation enacted by said common council, and to enforce and collect such penalties, with costs of prosecution, but no such penalty shall exceed the sum of one hundred dollars (\$100). Penalties.

34. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ counsel therefor. Actions against city.

35. To purchase real estate, and provide for the erection of a city hall and engine houses. City hall and engine houses.

36. To call a special election for the purpose of raising a tax, when in their opinion the amount, which they are authorized to raise by the provisions of this act, is insufficient to meet the requirements. Raising tax by special election.

37. To establish grades of any or all the streets in the city, and when a grade shall be established it shall have such gradients as shall be sufficient to carry off all surface water, or other waters from whatever source coming on the street or streets; and when a grade is so established they shall cause an accurate profile to be made thereof and filed with the city clerk; and all such grades shall be worked in exact accordance with such profile and the ordinances establishing the same. Grade of streets.

38. To cause sidewalks, gutters and pavements, or either of them, to be constructed, repaired and rebuilt on such streets or parts of streets in said city as the common council shall deem proper; to prescribe the width of any such sidewalk or pavement, the size of any such gutter, and the material of which any such sidewalk, gutter or pavement shall be constructed, and the time within which the owners of the premises in front of which any such sidewalk, gutter or pavement shall be ordered to be constructed may build the same; and in case any such owner shall fail to build the same within the time so limited, then the common council shall cause such sidewalk, gutter or pavement, as the same may be, to be built at the expense of such owner or owners; and the common council shall levy a special tax upon each lot or piece of Sidewalks, etc.

ground in front of which any such sidewalk, gutter or pavement shall be constructed, sufficient to pay the cost of constructing so much of the same as lies in front [of] said lots or parts of lots, which said special tax shall be collected at the same time, and in the same manner as is herein provided for the collection of other taxes in said city; provided, that the common council shall not order any street paved, until two-thirds of the resident owners of the premises, upon which the expense thereof shall be chargeable, shall, in writing, petition therefor.

Renumber lots and blocks.

39. To renumber the lots and blocks of said city, or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds of Juneau county.

Fire limits.

40. To establish fire limits or the limits within which buildings of wood or other combustible material shall not be erected.

Ladders and fire buckets.

41. To require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty, and exempt from seizure and forced sale, and after reasonable notice to such owner or occupant to procure the same, and his refusal or neglect so to do, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon the real estate to which such buildings are appurtenant.

Establish a fire department.

42. To establish a fire department and to provide for the due and proper support and regulation of the same, and to appoint or direct the election of such officers for such department as they shall see fit, and to define their powers and duties; to provide protection from fire by the purchase of fire engines and all the necessary apparatus for the extinguishing of fires, and by the erection of pumps and construction thereof, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants of the city to aid in the extinguishing of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them, who may be present at the fire, for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes;

to regulate the construction of, and cleaning of chimneys; to prevent bonfires, and the use of fireworks and firearms in the city or any part thereof; to authorize fire wardens at all reasonable times to enter into and examine all dwellings, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition at the expense of the owner thereof, or to levy and collect with the other taxes a special tax upon such property therefor; and generally to establish such necessary measures for the prevention or extinguishing of fires as may be necessary and proper, and to declare by ordinance the penalty for violation of any ordinance or regulation authorized by the provisions of this act, not exceeding the sum of one hundred dollars (\$100) for any one offense besides costs.

SECTION 40. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and all ordinances shall be signed by the mayor, and shall be published for one week in a newspaper published in the city of Mauston, before taking effect, and they shall be recorded by the city clerk in books provided for that purpose; but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively within the same time shall be proven by the affidavit of the foreman, or publisher of the newspaper in which the same shall be published, and the said affidavit shall be recorded therewith, and at all times and in all courts such record, or a transcript thereof duly certified by the city clerk, shall be deemed and taken as sufficient evidence of the time and manner of the publication.

Laws, ordinances, etc., how passed.

SECTION 41. The power conferred upon said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof; houses or buildings of any kind wherein more than one hundred pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed nuisances.

Shall not bar or hinder suits.

Examine and  
adjust ac-  
counts.

SECTION 42. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and other officers or agents of the city, at such time as they may deem proper; 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 and agent to exhibit his books, accounts and vouchers, for such examination and settlement; and if any such officers shall refuse to comply with the orders or requirements of the council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render their accounts, or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or person, or agent of said city who may be delinquent or defaulting in his accounts, or discharge of his official duties, and shall make a full record of all such settlements.

Manage finan-  
ces.

SECTION 43. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the council, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city. All orders shall be payable to the person, or order of the person in whose favor they may be drawn.

Annual tax  
levy.

SECTION 44. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax sufficient to defray the same; provided, said common council shall not levy a tax for general purposes, exceeding one per cent. upon the assessed valuation of said city, in any one year, unless authorized to raise a greater sum, by the majority of the electors of said city, at a general or special election.

Respecting the  
issue of bonds.

SECTION 45. The common council of said city

shall not have power to issue any bonds, or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue, in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

SECTION 46. No claim or account shall be allowed by the common council, unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire, under the supervision of the street commissioner, duly certified by him. Claims or accounts shall be verified.

SECTION 47. When the claim of any person against the said city shall be disallowed, in whole or in part, by the common council, the determination of the common council disallowing the same, in whole or in part, shall be final and conclusive, and a perpetual bar to any action in any court founded on such a claim, unless an action to recover the same shall be commenced within sixty days after such disallowance by the common council of said city, and no action shall be maintained against said city except on a city order or bond, until a claim shall have been presented to the common council as herein provided. Action shall be final.

SECTION 48. The common council shall annually, on Tuesday next preceding the annual election, make a report showing in detail all the receipts and disbursements of the said city for the past fiscal year, and cause the same to be published before the annual election. Annual report of council.

SECTION 49. The common council shall have power to lay out public streets and alleys, and to widen the same as follows: Whenever five or more freeholders residing in said city shall, by petition, represent to the common council that it is necessary to take certain lands within the city for the public use, for the purpose of laying out public streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the owners or occupants of such lands, if any Power to lay out streets, alleys, etc.

there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notices, describing as near as may be the premises proposed to be taken, to be published in a newspaper published in said city four weeks successively, at least once in each week.

What notice shall state.

SECTION 50. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to a court commissioner of said county of Juneau, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary and proper to take the same for the purposes specified in said petition.

Duties of court commissioner in condemning land.

SECTION 51. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner shall appoint twelve resident freeholders of said city, but not interested in the result of such application. The said court commissioner shall thereupon issue his precept directed to said jurors, requiring them within ten days, to view the premises to be specified in said precept, and to make returns under their hands, to the common council, whether, in their judgment, it is necessary and proper to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Marshal shall serve precept.

SECTION 52. The city marshal shall serve the said precept immediately on the jurors therein named, by reading the same to each one that can be found, and immediately after such service he shall return the said precept to the court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

SECTION 53. The said jurors, at such times as shall be designated in said precept, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing, and either of the jurors shall be authorized to administer oaths to witnesses. After viewing the premises in question, and hearing testimony if offered, the jurors shall make a report of their proceedings, which shall be signed by them, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use: which said report, testimony and precept shall be returned to the common council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors, within twenty days thereafter, to again view the premises to ascertain the amount of damages to be paid the owner or owners of said property proposed to be taken, and to assess and return within the twenty days such damages to the common council, who shall enter an order confirming the same, and a majority of such jurors may decide any question submitted to them as herein provided.

Jury to view  
lands.

SECTION 54. If there should be any building in whole or in part upon said lands to be taken, the jurors shall first estimate the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

In case there  
is a building.

SECTION 55. At least ten days' notice of such determination shall be given to the owner, or his agent, if known and a resident of the city; if not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city, for three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day therein named, and give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated, or their intention to remove such building, and he shall have such time to remove such building as the common council may allow.

Notice to be  
given.

SECTION 56. If the owner shall refuse to take

If owner refuses to take building.

the building, at the value assessed by the jurors, to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgages, or if there be any estate in them less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award shall be signed by jury.

SECTION 57. The award of said jurors shall be signed by them and returned, together with the testimony taken, and the precept, to the common council within the time limited in such precept. Any person whose property is taken, or against whom any assessments are made, may, within ten days from the return of the jurors to the common council, appeal from such assessment of damages to the circuit court of Juneau county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city conditioned for the faithful prosecuting of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city or county judge or court commissioner.

Damages shall first be offered or paid.

SECTION 58. The lands required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owners thereof, or party entitled shall be paid or tendered to the owner or party entitled thereto, or his agent, or in case the owner or party entitled thereto, or his agent cannot be found or is unknown, deposit it to his credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out. The damages assessed shall be paid within one year or tendered or deposited as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void.

SECTION 59. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant or labor under legal disability, the county judge of Juneau county, on the application of the mayor of the city, or such party or his next friend, shall appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any street, alley, or public grounds shall be laid out under the provisions of this chapter, the common council shall cause an actual survey and profile thereof to be made and filed in the office of the clerk.

In case of  
minor.

SECTION 60. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, schools and the payment of debts and liabilities, and the same shall be assessed in the manner hereinafter provided, and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; provided, that the common council may prescribe the form of assessment roll and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may from time to time deem advisable. When the assessment roll shall be completed, the assessors shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll and for the purpose of equalizing the same, may alter and add to, take from, and otherwise revise and correct the same. If it shall appear to the assessor, that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force as it would have had if made the year when the same was omitted. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in assessing, levying, selling or conveying the same,

All property  
subject to tax-  
ation.

but not affecting the justice and equity of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relieved in such manner as it shall direct by ordinance.

Board of equalization.

SECTION 61. The mayor, clerk and assessors shall constitute the city board of equalization, and shall meet on the first Monday of July in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, as far as the same are applicable, revising, correcting and equalizing the assessment roll of the city; the mayor shall be president of the board and the city clerk, clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization shall be recorded by the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money, as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic assessed for personal tax, from the delivery of the warrant for collection thereof until paid.

Duty of clerk upon receipt of assessment roll.

SECTION 62. It shall be the duty of the city clerk, immediately on the receipt of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out in the tax roll, the total amount of such taxes, together with the city, and other local taxes, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent; and the clerk shall immediately make out a duplicate copy of such tax roll, when thus completed, and deliver the same to the treasurer, on or before the second Monday in December, in each year, and to each tax roll so delivered, a warrant, under the hand of the clerk and the corporate seal of said city, shall be annexed, substantially in the following form:

The state of Wisconsin, to the city treasurer of <sup>Warrant.</sup>  
the city of Mauston, in the county of Juneau:

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll, opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of the county of Juneau, on or before the last Monday in January next, the sum of ———, for state taxes, and the further sum of ———, for county taxes; and the balance of said money you are required to retain and pay out according to law; and in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Juneau.

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

The assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal. <sup>Prima facie evidence.</sup>

SECTION 63. All the general laws of this state, which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city, in the same manner as is required by law of town treasurers to collect taxes, except as herein provided. <sup>General laws shall be in force.</sup>

SECTION 64. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that such tax list has been delivered to him for collection, and that he will receive payment for taxes at his office for the term of thirty days ensuing the <sup>Public notice shall be given.</sup>

date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written or printed notices in as many public places in said city; provided, that the time for the collection of taxes may be extended by the common council not to exceed forty-five days.

Treasurer's fees.

SECTION 65. The treasurer shall collect as fees for the collection of taxes, two per cent. on all taxes collected by or paid to him prior to the second Monday of January in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the second Monday of January, and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on the sale of goods upon execution.

State tax.

SECTION 66. The treasurer shall, on or before the last Monday of January in each year, pay to the county treasurer the state tax assessed upon the property of said city.

In case treasurer is unable to collect tax.

SECTION 67. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things as are prescribed by the laws of this state, and any act that may be hereafter passed, amendatory of said acts in addition thereto.

Relief of poor.

SECTION 68. The laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of its number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns.

Control of common schools.

SECTION 69. The common schools of the city of Mauston shall be under the control and supervision of the school district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between towns and school districts therein, and the same reciprocal powers and duties.

Actions by city.

SECTION 70. The city of Mauston, in its corporate name, may sue for and recover any and all fines, penalties and forfeitures, under said city charter and the acts amendatory thereof, or under

the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and it shall be lawful to complain generally in debt for such penalty or forfeiture, stating the section of this act, or the chapter or section of this act, or the ordinance, by-law or regulation or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. In all prosecutions for any violation of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant, as in case of tort, before a justice of the peace under the general statutes of the state for the time being; and when commenced by summons, such summons may be substantially in the following form:

COUNTY OF JUNEAU, }  
 City of Mauston. } ss.

Form of  
 summons.

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

You are hereby commanded to summon ———, if he shall be found in your county, to appear before the undersigned, a justice of the peace in and for the city of Mauston, on the ——— day of ———, A. D. 18—, at ——— o'clock in the ——— noon, to answer to the city of Mauston to the damage of said city, two hundred dollars or under.

Given under my hand, this ——— day of ———, 18—. ——— Justice of the Peace.

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

When return-  
 able.

The city of Mauston against A. B., in justice court, C. D., justice of the peace.

Form of  
 complaint.

The plaintiff complains against the defendant, for that, on the ——— day of ———, 18—, at the

said city, the defendant did violate section \_\_\_\_\_ of (this act), or section \_\_\_\_\_ of an ordinance or by-law, or regulation of said city (describing it by its title), which said \_\_\_\_\_ is now in force. By reason of such violation, an action hath accrued to the city of Mauston, to recover of the defendant the sum of \_\_\_\_\_ dollars (\$--); wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action. In all cases where oath is made for a warrant, the complaint shall be made on oath, and substantially in the following form:

Form of complaint for warrant.

City of Mauston, against A. B., in justice court, county of Juneau. \_\_\_\_\_, being duly sworn, complains on oath to C. D., a justice of the peace, of the city of Mauston, in said county, that A. B., on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, at said city, did violate section \_\_\_\_\_ of (this act), or section \_\_\_\_\_, of chapter \_\_\_\_\_, of (this act), or section \_\_\_\_\_ of an ordinance, or by-law, or regulation of said city (describing it by its title), as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Mauston therefor.

Sworn and subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Form of warrant.

COUNTY OF JUNEAU, )  
City of Mauston. ) ss.

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

Whereas, \_\_\_\_\_ has this day complained to me in writing, on oath, that A. B., on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, at said city, did violate section \_\_\_\_\_ of this act, or section \_\_\_\_\_ of chapter \_\_\_\_\_ of this act, or section \_\_\_\_\_ of an ordinance, by-law or regulation of said city (describing it by its title), therefore, you are hereby ordered to arrest the body of said A. B., and bring him before me forthwith, to answer to the said city of Mauston on the complaint aforesaid.

C. D., Justice of the Peace.

Duty of justice upon return of warrant.

Upon the return of the warrant the justice shall proceed summarily with the case, unless it be adjourned. The defendant, if required by the court,

shall recognize with security to be approved by the court, for his or their appearance, in such sum as the court may direct, or in default may be put in the charge of the officer who made the arrest, or to be committed to the lock-up or jail of said city. The complaint as aforesaid, shall be the only complaint required, and the answer of "not guilty" shall put in issue all the subject matter embraced in the action.

SECTION 71. A printed copy of an ordinance, by-law or regulation, passed by the common council, and published in a newspaper, or in a pamphlet or book form, purporting to be published by authority of the common council, or certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Printed copy shall be evidence.

SECTION 72. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits, without payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof their attendance may be compelled by attachment.

Witnesses and jurors to attend without fees advanced.

SECTION 73. In city prosecutions, the findings of the court or jury shall be, "guilty" or "not guilty." If guilty, the court shall render judgment against the defendant for the fine, forfeiture or penalty prescribed in this act, or in an ordinance, by-law or regulation, and for costs of suit; and in default of payment of such fine, forfeiture or penalty, the offender may be imprisoned for such time as the court shall direct, not exceeding six months; but if not guilty, the costs of suit shall be taxed against the city. Upon rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in other cases of tort in justices' court, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket, the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. The form of the execution and commitment shall be the same, as near as may be, and conform to the pro-

Verdict or finding, relating thereto.

visions of this act, as are prescribed in similar or like cases, in justices' court in this state.

Appeal from verdict.

SECTION 74. Any party feeling aggrieved by the judgment in any action commenced under the provisions of this act, may appeal from such judgment to the circuit court of Juneau county, in the time and manner provided by law for appeals from justices' courts.

Incompetency.

SECTION 75. No person shall be an incompetent witness, judge, justice 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.

General bridge law shall prevail.

SECTION 76. The general laws for the preservation of bridges, and the punishment provided by such laws for wilful and malicious injuries done thereto, are hereby extended to, and shall include all the bridges now erected or hereafter to be erected over any stream, by or in the city of Mauston; and shall apply to any wilful or any malicious damage which may be done to them; and the common council of the said city may, from time to time, make such by-laws and ordinances as it may deem necessary for the preservation of said bridges, and enforce the same by adequate penalties.

Actions, how commenced.

SECTION 77. When any action or suit shall be commenced against said city, the service of process may be made by leaving a copy of the summons with the mayor and clerk of said city, and it shall be the duty of said clerk to take such proceedings as by ordinance or resolution directed, if any there be.

City property exempt from city judgments.

SECTION 78. No real or personal estate or property of any inhabitant or corporation of said city, shall be levied on or sold to satisfy any contract or debt or obligation of said city, or any judgment against said city of Mauston.

Work to be let by contract.

SECTION 79. All contracts for work ordered by the common council shall be let by contract or job to the lowest bidder, unless the common council otherwise direct and order.

Remission of penalties.

SECTION 80. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

City may purchase and hold real estate.

SECTION 81. The said city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may

sell and convey the same; and the same, while owned or held by said city, shall be exempt from taxation, except as provided by the general laws of this state.

SECTION 82. When the city of Mauston deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Mauston, and the person or persons authorized to execute such deed or lease need not be named in the body thereof. Deeds.

SECTION 83. Deeds or leases executed by the city shall be signed by the mayor and countersigned by the clerk; and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution, authorizing the same by the common council, under the corporate seal of the city, which said corporate seal shall also be attached to and accompany the signature of the mayor; and such deed or lease and the certified copy of such ordinance or resolution, when so attached by such deed or lease, shall be recorded with such lease or deed by the register of deeds, and such copy when so attached, and the record thereof, shall, in all the courts of this state, be *prima facie* evidence of the authority of the mayor to execute such deeds or leases. Deeds and leases, when executed.

SECTION 84. If any election by the people or common council shall, for any cause, not be held at the time or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws, or regulations of said city, to be done by any officer at any specified time, and the same are not then done and performed, the common council may appoint another time at which said act may be done and performed. Failure to hold election shall not abolish city.

SECTION 85. No general laws of this state contravening the provisions of this [act] shall be considered as repealing, amending or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this charter. Not repealing.

SECTION 86. Any policeman appointed under the provisions of this act or the provisions of any ordinance of said city, shall have all the powers usually conferred upon policemen in cities, and Policemen.

are hereby authorized to arrest with, or without process, any person engaged in the commission of any offense under the laws of this state, or the ordinances of said city.

Village ordinance<sup>s</sup> to remain in force.

SECTION 87. All the ordinances now in force in the village of Mauston shall remain in force and be ordinances of the city of Mauston, with the same force and effect as if this act had not been passed, until amended or repealed by the common council. And all property belonging to the village of Mauston at the time this act takes effect, shall belong to the city of Mauston; and all rights and liabilities of the village of Mauston shall belong to and be passed by the said city of Mauston, and may be enforced by or against said city of Mauston with the same force and effect, and by the same means as the same could have been enforced by or against the village of Mauston.

Licenses.

SECTION 88. All licenses granted by the board of trustees of the village of Mauston shall continue, and be in force for the same time and under the same conditions and restrictions as though this act had not been passed.

Poll tax.

SECTION 89. Every male inhabitant of the city of Mauston over the age of twenty-one years, and under the age of fifty years, except such as are, or may be exempted therefrom under the general laws of this state shall annually pay such sum, not to exceed one dollar and fifty cents (\$1.50) as the common council shall determine as a highway or poll tax. The street commissioner may, at any time after the first day of May, in each year, call upon all persons liable to pay such highway or poll tax, and demand payment thereof, and if the person so called upon shall fail or neglect for twenty days after such demand to pay the same, the person so failing or neglecting shall be liable to pay a penalty of three dollars (\$3.00), together with the costs of prosecution, and the city of Mauston is hereby empowered to maintain a prosecution to collect such penalty of three dollars (\$3.00) with the costs of prosecution. The process in such action shall be by warrant, which may be issued by any justice of the peace of said city upon a sworn complaint made by the street commissioner or other person. Such warrant shall be as near as may be (and comply with this section) in the form hereinbefore prescribed for warrants in other prosecutions by the city of Mauston. In case judgment shall be

rendered against the defendant in such prosecution, and [he] if shall refuse or neglect to pay such judgment, the justice by whom such judgment is rendered, or his successor in office, may at any time issue an execution on such judgment to collect the amount thereof, from any property of the judgment debtor, and no property of such debtor shall be exempt from seizure and sale thereon. In all prosecutions under this section the same proceedings shall be had as in action for torts before justices of the peace, under the general laws of this state, except as herein provided, and the execution shall be in the same form as near as will comply with this act, and the same procedure shall be had on such execution as in actions for torts before justices, under the general laws of this state as near as may be.

SECTION 90. The board of supervisors of the county of Juneau, shall have the right and shall regard the city of Mauston as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law. The said board of supervisors may levy a tax or taxes, as now is and may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks.

City regarded as a town for equalizing purposes.

SECTION 91. Before the annual meeting of the board of supervisors of the county of Juneau, and by the time required by law for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll or such statement as is required by law to be made by towns, to the clerk of the board of supervisors of said county, who shall lay the same before the board of supervisors at its annual meeting.

Copy of assessment roll to be transmitted.

SECTION 92. The city treasurer shall return to the county treasurer of Juneau county, all uncollected taxes remaining on his tax roll in the same manner with same formalities, and with like effect as town treasurers under the general laws of this state, and he shall be credited with the uncollected taxes so returned in the same manner and with the same effect, as town treasurers are credited under the general laws of this state.

Return of unpaid taxes.

SECTION 93. The county treasurer shall sell all delinquent lands and lots returned from the city of Mauston, at the same time and in the same

County treasurer to sell delinquent lands.

manner as other delinquent lands are sold in the county.

Use of county jail.

SECTION 94. The use of the jail of Juneau county shall be granted to the city of Mauston, until otherwise provided, for the confinement of offenders; and every such offender shall be delivered to the sheriff of said county, for whose safe keeping, custody and delivery said sheriff shall be responsible, as in other cases.

Special taxes.

SECTION 95. Real estate, exempted from taxation by the laws of this state, shall be subject to special taxes or assessments, which become or shall be chargeable against particular property, as provided by this act.

Compensation of city officers.

SECTION 96. The city officers to be first elected under the provisions of this act, and their compensation not provided for by this act, shall receive a compensation for their services such sum as the common council shall determine, and the common council shall, in the month of March thereafter, determine by resolution the salary to be paid to the different officers for the next ensuing year, which compensation shall not be increased or diminished during the term of office of said officers; and in case of a neglect to determine said compensation, the said officers and each of them, shall receive the same compensation as their immediate predecessor.

Jury may be called.

SECTION 97. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, either party may call a jury as prescribed by law in justices' courts in this state, and the trial shall proceed in the same manner and be governed by the same rules as in the trial of cases in justices' courts under the general laws of this state.

Repealing clause.

SECTION 98. If this act shall be adopted as the charter of the city of Mauston at the election, held for that purpose as herein provided, the charter of the village of Mauston, and all acts amendatory thereof, and all acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Supervisor on county board.

SECTION 99. The supervisor elected under this act shall represent the city of Mauston on the county board of supervisors of Juneau county, and shall have the same powers and duties as other members of such board.

SECTION 100. This act shall be published by

the proper authorities of this state as a general law, and at the same time with the general laws of this state and immediately after its passage. Act, how published.

SECTION 101. This act shall take effect and be in force from and after its passage.

Approved March 30, 1883.

[No. 88, A.]

[Published April 2, 1883.]

## CHAPTER 181.

AN ACT to revise, codify and amend chapter 57, of the laws of 1874, entitled, "An act to incorporate the city of Columbus," and the several acts amendatory thereof.

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

### CHAPTER I.

#### THE CITY OF COLUMBUS—ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Columbia and state of Wisconsin hereinafter described, is hereby set off and separated from the town of Columbus, and shall be a city by the name of Columbus, and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Columbus, and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all the courts of law and equity, and shall have a common seal, and may alter the same at pleasure. Corporate name.

SECTION 2. The corporate authority of said city shall be vested in one principal officer, styled a mayor; in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as may be created under this act. Corporate authority, in whom vested.