

[No. 454, A.]

[Published March 14, 1885.]

CHAPTER 54.

AN ACT to incorporate the city of Viroqua.

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

SECTION 1. All that district of country hereinafter described, from and after the second Tuesday in April, A. D. 1885, shall be a city by the name of Viroqua, and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of, "The City of Viroqua," 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 in all suits whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal and may change the same at pleasure; providing, however, 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 the territory hereinafter described, shall meet on Monday, the 6th day of April, 1885, 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 Viroqua are hereby appointed inspectors of such election and the village clerk of the village of Viroqua is appointed clerk thereof. Such inspectors shall give notice of such election by publishing notice thereof in one or more papers printed in the village of Viroqua, or by posting the same in two or more public places in each ward of the proposed city, at

Corporate name and time for voting on the adoption of this charter designated.

least five days before such election. Such notice shall specify the time and place and object of such election, and the time of opening and closing the polls. At such election the polls shall be opened at one o'clock, P. M., and shall be kept open until five o'clock, P. M., when they shall be closed. In case of a vacancy in the board of inspectors, the electors present shall choose *viva voce* from the qualified electors present, inspectors 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 village 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 Viroqua, may vote at such election 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 the ballots cast at such election have thereon, the word, "yes," this act shall be of full force and effect. If a majority of such ballots have thereon the word "no," this act shall be inoperative and void. 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 Vernon, and the town clerk of the town of Viroqua, and the village clerk of the village of Viroqua, and such returns shall be evidence of the facts therein stated and the regularity of all the proceedings in relation to such election.

Boundaries defined.

SECTION 2. All of section number thirty-two, and the northeast quarter, and the southeast quarter, and the east half of the northwest quarter, and the east half of the southwest quarter of section number thirty-one, all in township number thirteen north, of range number four west, and the northeast quarter and the northwest quarter of section number five, and the northeast quarter and the east half of the northwest quarter of section number six, all in township number twelve north, of range number four west, all in the town of Viroqua, in the county of Vernon, state of Wisconsin, shall be included in and constitute the limits and boundaries of the city of Viroqua.

SECTION 3. The said city shall be divided into

three wards, as follows: The portion lying west of the center line of Main street, continued north and south to the boundary lines of said city, shall constitute the first ward; the portion lying south of the center line of Court street, continued east to the boundary line of said city, and east of the center line of Main street, continued south to the south boundary line of said city, shall constitute the second ward; and the portion north of the center line of Court street, continued east to the eastern boundary of said city, and east of center line of Main street, continued north along the center of the highway leading north therefrom to the boundary line of said city, shall constitute the third ward.

Ward boundaries.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, called the mayor, and one board of aldermen, consisting of six members, 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.

Corporate authority, in whom vested.

SECTION 5. The annual election for city and ward officers shall be held on the first Tuesday in April, in each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from ten o'clock A. M. till five o'clock P. M., with the proviso, that an adjournment may be had for one hour between the hours of twelve o'clock M. and one o'clock P. M., upon due notice thereof given at the opening of the polls. The city clerk shall give at least six days' notice of such election, stating the time and place in each ward of holding the same, the officers to be elected thereat, and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more papers published in said city of Viroqua, or by posting copies of such notice in two or more public places in each ward of said city.

Annual election, when held.

SECTION 6. The elective officers of said city shall be a mayor, treasurer, assessor, marshal, two justices of the peace, one police justice and two constables, for the city at large, and two aldermen for each ward and one supervisor for each ward who shall represent said ward on the county board of Vernon county. All other officers neces-

Elective officers, their names.

sary for the proper management of the affairs of said city shall be elected by the common council. The treasurer, assessor, marshal, supervisors, clerk, justices of the peace, police justice and constables shall be qualified voters and residents of the city of Viroqua, and the mayor and alderman shall be qualified voters and freeholders in the city of Viroqua. All elective officers except justices of the peace, unless otherwise provided, shall hold their offices for one year and until their successors are elected and qualified; provided, however, that the common council shall have power for cause, to expel any of its own members except the mayor, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

In case of vacancy, how filled.

SECTION 7. Whenever any vacancy shall occur in the office of mayor, justice of the peace or police justice, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he shall be elected or appointed to fill.

Elections shall be by ballot.

SECTION 8. 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 lots in the presence of the common council and in such manner as it shall direct.

Qualified electors.

SECTION 9. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, and who shall have been residents of the said city for at least ten days next preceding any election, shall be legal voters for any officers required to be elected by this act and be deemed qualified electors at all city elections.

First election, when to be held.

SECTION 10. The first city election of said city of Viroqua, for the election of city officers, shall be

held on the first Tuesday of April, A. D. 1885, at such place in each ward of said city as the village board of the present village of Viroqua shall designate. At the time of opening the polls, the electors present shall choose *viva voce*, from the qualified electors present, three inspectors of election and one clerk of election; and the persons so chosen to act as inspectors and clerks shall, before entering the duties of their offices, take and subscribe the oath required of inspectors and clerks of general elections. Six days' previous notice of said first election shall be given, signed by the clerk of the village of Viroqua, stating the time and places of holding the same and of the officers to be elected; which notice shall be posted in three public places in said city. The election of justices of the peace shall be held at the same time and place, and so every two years thereafter, or when a vacancy shall occur.

SECTION 11. The supervisor and aldermen of each and every ward shall preside at and be judges and inspectors of every election held under this act, and shall appoint some suitable person an elector of said city, who shall act as clerk of every such election. In case of the absence of any or all of said inspectors at any election, the electors present shall choose *viva voce* from their number, inspectors. The clerks and inspectors shall take and subscribe an oath in the same form and to the same effect, as near as may be, as the oath required to be taken and subscribed to by clerks and inspectors of general elections under the laws of the state. All elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state.

SECTION 12. 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

Who shall pre-
side.

Voting qualifi-
cations.

United States on the subject of naturalization); that you are an actual resident within this city and ward, and that you have been an actual resident of this city for ten days immediately 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." Which oath any member of the board of inspectors is hereby authorized to administer. And if the person so offering to vote shall take the oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person 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 of each ward to keep a list of the names of all persons whose votes may be challenged and 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 the statute of this state for similar conduct at any general election.

Manner of canvassing votes.

SECTION 13. When the polls of an election shall be finally closed, the inspectors shall proceed to count and canvass 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 declare the result as it appears from the same, and shall deliver such returns to the city clerk immediately after such election. 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 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, police justice or city marshal, shall be elected and has qualified, the clerk shall forthwith give notice thereof in writing to the clerk of the circuit court of Vernon county, giving both the name, and terms for which elected, and upon the

election of treasurer or supervisors the clerk shall give like notice to the clerk of the board of supervisors of Vernon county, and those county officers, upon receiving such notices, shall file the same in their respective offices.

SECTION 14. Special elections to fill vacancies, or for other purposes, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be provided by the common council; provided, that in case a special election is to be held in the city other than for ward purposes, the council may order a single poll for the entire city and appoint the place where the election is to be held and the inspectors and the clerks thereof.

Special elections, how held.

SECTION 15. 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 his duty, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

What is deemed vacation in office.

SECTION 16. 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 there is failure to elect.

SECTION 17. Every person elected or appointed to any office under the provisions of 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 officer taking the same, with the city clerk. The treasurer, clerk, marshal 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 Viroqua a bond with two sureties in form and amount as the common council may direct, to be approved by the common council or a majority thereof; and said common council may, from time to time, require new and additional bonds, and remove from office any officer refusing or neglecting to give the same.

Oath of office to be administered.

SECTION 18. The term of every officer elected under this act, except justices of the peace, shall

When terms of office shall commence.

commence the second Tuesday in April of the year for which and in which he was elected.

Mayor to preside over meetings of the common council.

SECTION 19. The mayor, when present, shall preside over the meetings of the common council and shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer and the head of the police of the city, and in case of riot and other disturbance or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall in all cases have a seat in the common council and he shall have a vote in the common council only in a case of a tie vote; he shall give the common council such information and recommend such measures as he may deem proper and advantageous to the city. The mayor shall have the power to veto any ordinance passed by the common council by notifying the common council of his objections thereto at any time within seven days after the passage of such ordinance. In case of no session of the common council on any day after the passage of the same and before the expiration of said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not, at the next ensuing meeting, re-enact such ordinance, by the vote of two-thirds of the aldermen elect, and cause the same to be published, the same shall be null and void. The common council shall, at its regular meeting after its election, choose one of the board of aldermen, who shall be styled president of the board of aldermen, 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.

Duties of city clerk defined.

SECTION 20. The city clerk shall perform all the duties required of him by law and the ordinances of the city. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall,

when certified by him, be received in all courts in like manner and effect. He shall perform the same duties in regard to common schools in said city that are by the general laws imposed on town clerks. He shall draw and countersign all orders on the treasurer, and keep a record of the same; he shall file in his office all chattel mortgages left with him to be filed and the renewals thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths; and he shall receive such compensation as the common council shall provide by ordinance or resolution.

SECTION 21. The justices of the peace elected under this act 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 shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the common council of said city.

Jurisdiction of justices of peace.

SECTION 22. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, and pay over all moneys in his hands according to law. He shall keep in a proper book an account of all moneys received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of the city. He shall make reports quarterly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out; and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine, or otherwise belonging to said city, under the authority of this act, shall be paid into the treasury of the city, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor or acting mayor, and countersigned or attested by the city clerk. The treasurer shall have the same powers and be subject to the same laws and liabilities, and governed by the same laws as treasurers of towns in this state;

Duties of city treasurer.

provided, that he shall receive no other fees except the compensation hereinafter provided.

Duties of marshal defined.

SECTION 23. 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 when necessary, in criminal cases, or for the violation of any ordinances of said city or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend with or without warrant, any person in the act of committing any offense against any ordinance of said city, or 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 powers and authority, and be subject to the same liabilities with the marshal.

Penalty for failure to deliver to successor.

SECTION 24. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects, belonging to said city pertaining to the office, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by law in this state.

SECTION 25. No mayor or alderman shall be a

party to or interested in any job or contract with the city; and any contract or job in which they or either of them may be so interested shall be null and void, and in case any money has been paid on such contract, the common council may sue for and recover back the amount so paid from the parties to such contract, and the mayor or aldermen interested in the same.

Shall not be a party to any job.

SECTION 26. The mayor or acting mayor, each and every alderman, justice of the peace, police justice, marshal, deputy marshal, policeman and watchman and constables of said city, and the sheriff of Vernon 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 such purpose may command the assistance of all bystanders, and if any person, bystander or private citizen, shall refuse to aid in maintaining the peace, when so required, every such person so refusing shall forfeit and pay a fine of not less than five nor more than fifty dollars.

Who may command the peace.

SECTION 27. 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, and the same proceedings shall be had in all civil and criminal actions before said justices of the peace, when not otherwise herein directed, as are established and required to be had in civil and criminal actions and proceedings by the laws of this state before justices of the peace.

Powers that may be exercised by justices.

SECTION 28. The justices shall account for and pay over to the treasurer of said city all fines and penalties collected by them and belonging to said city within ten days after receiving the same, and take 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.

Fines and penalties to be paid over by justices.

SECTION 29. 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

City assessor, his duties defined.

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 a year.

Duties of street commissioner.

SECTION 30. 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.

Further duties of street commissioner.

SECTION 30a. 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, graveling, planking, and 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.

Who shall constitute the common council.

SECTION 30b. 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 election, and the style of all ordinances shall be: "The common council of the city of Viroquado ordain," etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

When the first annual meeting shall be held.

SECTION 31. 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 it may appoint;

and the mayor may call special meetings by notice to each of the members, to be served personally or left at its several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members by fine or otherwise.

SECTION 32. 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 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.

Powers and duties of common council.

SECTION 32a. The common council shall have 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 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 two hundred dollars nor more than five hundred dollars, 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, and if so granted, shall expire on the first day of May of each year, the applicant pay-

Further duties of common council.

ing *pro rata* therefor; but no license shall be granted for a longer time or period than one year:

Suppress gambling, etc.

1st. To suppress, restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, 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 and peddlers.

Prevent disturbances.

2d. 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.

Cleanse nauseous places.

3d. 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.

Manage slaughter houses.

4th. 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 necessary for the health, comfort and convenience of the inhabitants of said city.

Prevent incumbering streets.

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

Prevent horse racing and swimming.

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

Restrain stock.

7th. To restrain the running at large of horses, cattle, swine, sheep, poultry, and to authorize the distraining, impounding and sale of the same.

Restrain dogs.

8th. 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.

9th. 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.

Putrid carcasses.

10th. 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 lighting the streets, public grounds and public buildings with gas or otherwise.

Establish public pounds.

11th. To establish and regulate 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 public use from taxation.

Boards of health.

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

Weight and size of bread.

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

Riding or driving on sidewalks.

14th. To prevent shooting of fire-arms or fire-crackers, 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.

Shooting of fire-arms.

15th. 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.

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

Runners and solicitors.

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

Police regulations.

18th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing

Public markets.

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, meat, fish and other articles.

Weighing and selling hay.

19th. 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.

Remove snow, dirt, rubbish.

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

Contagious or infectious disease.

21st. To regulate, control and prevent the landing of persons from all cars wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to best preserve the health of the city.

Auctions and vendues.

22d. To regulate the time, place and manner of holding public auctions and vendues.

Watchmen.

23d. To appoint watchmen and prescribe their duties.

Weights and measures.

24th. To provide by ordinance for a standard of weights and measures.

Protect monuments.

25th. To protect trees and monuments in said city.

Regulate sewers.

26th. To prescribe and regulate the construction of sewers within said city.

Highways, etc.

27th. 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 the name of streets.

28th. To alter or change the name of any street in the city.

Make and repeal ordinances.

29th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of this state, necessary for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor

and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

30th. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ counsel therefor. Provide for prosecution and defence.

31st. To purchase real estate and provide for the erection of a city hall and engine-houses. Purchase real estate.

32d. 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. Special election.

33d. To establish grades of any or all the streets in the city, to cause sidewalks, gutters and pavements to be constructed; 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 ordinance establishing the same. Establish the grades of streets.

34th. 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 fire-arms in the city or any part thereof; to authorize fire-wardens at all reasonable Establish a fire department and prescribe its duties.

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, 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 punishment for violation of any such ordinance or regulation. The engine, hose and hook and ladder companies, now existing in the territory of said city, and heretofore known as "Protection Fire Company No. 1," and their constitution, laws and by-laws, regulations and officers shall continue in full force in said city of Viroqua, and be supported by said city until the common council shall establish a fire department under the provisions of this act, and the proper officers of the department now existing shall in the months of May and October in each year, make a report to the common council, showing an estimate of what will be necessary and required for the maintenance of said department, and also a correct statement showing for what purpose moneys were expended which may have been paid to said department by said city.

Grading streets.

SECTION 33. The common council may cause any street, or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half the frontage of such street or part of street to be improved, or order any sidewalk or gutter on one side of a street to be built on the petition of a majority of the owners on such side, and of the owners of at least one-half of the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair, or build when necessary without petition.

Sidewalk tax may be collected.

SECTION 34. For the purpose of so improving any street or building, or repairing any sidewalk or gutter; the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof where only such

sidewalk or gutter is to be built, and upon the owners thereof a tax sufficient to pay the expense of constructing such improvement as ordered, opposite such property to the center of the street, or such proportion thereof as they shall deem justly assessable to such property, if they shall think the whole ought not to be so assessed, in which case the remainder of such expense shall be paid from the city treasury. Every such tax for repair shall be for the entire cost of repairs in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency.

SECTION 34a. Whenever the common council shall levy any such tax as specified in the preceding section it shall make out and deliver to the street commissioner of such city a list of the persons and a description of the property taxed, together with a warrant signed by the mayor and clerk, for the collection and expenditure of such tax, and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said city, and shall specify in such notice a time or times, not less than twenty days, nor more than forty days from the dates thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the persons charged with such tax may, at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials; provided the labor and materials offered in payment of such taxes are such as may be required by the said street commissioner and done and furnished to his satisfaction.

SECTION 35. The street commissioner shall be provided with a book by the city clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office, the amount received and disbursed by him, the name of every person from whom money or labor is due, the amount received and disbursed by him, the amount paid in money or labor, and a correct account of all expenditures by him made as street commissioner. The book containing the account so kept shall at all times, when re-

Manner of levying the tax.

Street commissioner to be provided with a b. ok.

quired, be furnished for the inspection of the mayor or common council, and ten days before the expiration of his term of office, shall be handed to the city clerk, to be filed in his office for the inspection of the taxpayers of said city. At the expiration of forty days from the date of said notice given by said street commissioner, he shall make out and deliver to the city clerk a certified list of the lots, pieces or parcels of land in said city upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of such lots or parcels of land, and the said clerk shall add the said delinquent taxes to the next tax roll, opposite to the description of the proper lots, pieces or parcels of land therein; and such delinquent taxes shall be collected with and in the same manner as other taxes in said city.

Work on delin-
quent lots to be
done at ex-
pense of city.

SECTION 36. Whenever any lot, parcel or tract of land shall be returned delinquent for any such tax as is hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax when collected.

Repairs to the
amount of \$5.00
to be done im-
mediately by
street commit-
tee.

SECTION 37. Whenever a sidewalk or gutter shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street committee, will not cost to exceed the amount of five dollars (\$5.00), in front of any one lot, to repair the same, it 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 costs 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 Viroqua, 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 common 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 and gutters. In case the owner

of such lot, piece or parcel of land does not reside in the city of Viroqua, the said commissioner 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.

SECTION 38. The common council shall have power to require the owner of any lot or parcel of ground in the city to set out ornamental trees on the street or streets fronting on the same, and on default thereof, to cause the same to be done, and to levy a special tax upon such lot or parcel of ground to pay the expense of the same. The common council of said city shall have, and is hereby granted power to tax annually each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents (\$1.50), to be denominated a poll-tax, and to be appropriated to the improvement of streets, roads, alleys and crosswalks in said city.

Setting out shade and ornamental trees.

SECTION 39. On or before the 20th day of May in each year, the city clerk shall make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, liable to pay such poll-tax, with the amount thereof set opposite to each person's name, and submit the same to the common council for correction. When such list is correctly made out, and on or before the 1st day of June in each year the board shall by order (to be signed by the mayor and clerk and annexed thereto) direct the same to be delivered forthwith to the treasurer for collection. The treasurer shall forthwith proceed to the collection of such tax, and shall demand the same once of each person named in the list, and if any person neglects to pay the same for two days thereafter, then such treasurer shall, in the name of the city, sue for and collect such tax with fifty per centum damages on the same, with costs of suit, before a justice of the peace of such city, or police justice, and in default of payment of such judgment, execution shall issue against the defendant as in the case of tort, and the first process in such action shall be by civil warrant; provided, the council may, by resolution, cause the said poll list to be placed in the hands of the street commissioner to be collected, and the said street commis-

List of all the male persons over 21 and under 50 years of age to be made out.

sioner shall have the same authority to collect and receipt for such tax as the treasurer, and shall account for such taxes by him collected in the same manner as for other money coming into his hands by virtue of his office, and the treasurer or street commissioner, whilst said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax as may have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such list.

Laws and ordinances — how passed.

SECTION 40. All laws, ordinances, regulations, and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor; and shall be published in a newspaper published in the city of Viroqua before taking effect, and within fifteen days thereafter 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 shall be deemed and taken as sufficient evidence of the time and manner of the publication.

Printing to be let to lowest bidder.

SECTION 41. All printing and publication required by this act, or by the common council, shall be let to the lowest bidder therefor, who shall be required to give bonds, with such conditions and such sureties as the common council shall determine and require. 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.

Auditing and adjusting accounts.

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 it 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 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.

SECTION 44. 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 upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of said city. All orders shall be payable to the person or the order of the person in whose favor they may be drawn.

SECTION 45. 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 two 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. 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.

Accounts to be verified.

SECTION 46. No 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.

In case account be disallowed.

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 section 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; provided, that any person in whose favor any claim is allowed in part may accept the part so allowed and bring an action against said city for the balance.

Annual report of council.

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.

Power to lay out public streets and highways.

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 on the owners or occupants of such lands, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the com-

mon 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.

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 expiration of such publication as the case may be, application will be made to a court commissioner of said county of Vernon 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.

What notice shall state.

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, residents 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 to ascertain the damages to be paid to the said owner or owners of said property proposed to be taken, 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.

Freeholders to be appointed.

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 mem-

City marshal shall serve precept.

orandum of such substitution shall be endorsed on the precept.

Jurors shall view premises in a body.

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, the amount of damages to be paid the owner or owners, said property proposed to be taken; which said report, testimony and precept shall be returned to the common council who shall enter an order confirming the same.

In case there is a building on land.

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.

Notice of determination to be given.

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 named therein, and give notice of their election to the common council either to accept the award of the jurors and allow such buildings to be taken, with the land appropriated, or their intention to remove such building as the common council may allow.

In case owner refuses to take building at value assessed.

SECTION 56. If the owner shall refuse to take 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.

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 Vernon 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 prosecution 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.

Award of jurors should be signed by them.

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.

Damages to be paid before land can be appropriated.

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 Vernon county, on the application of the mayor of the city, or such party or his next friend, shall appoint a guardian for

In case of infant.

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 accurate survey and may cause a profile thereof to be made and filed in the office of the clerk.

What property shall be subject to taxation.

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 purpose 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 assessor shall return the said assessment 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, 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 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, 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 re-

levied, in such manner as it shall direct by ordinance.

SECTION 61. The mayor, clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet on the first Monday of July in each year at 9 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, specifying the purposes for which the same are levied. 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.

What constitutes the city board of equalization.

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 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 assessment 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 assessment 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

Duty of city clerk on receipt of corrected assessment roll.

city treasurer of the city of Viroqua, in the county of Vernon: 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 Vernon, 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 Vernon. Given under my hand and the corporate seal of the city of Viroqua, 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.

What laws are in force.

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.

Treasurer to give notice on receipt of tax roll.

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 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.

SECTION 65. The treasurer shall collect as fees for the collection of taxes, one per cent. on all taxes collected by or paid to him prior to the second Monday of January in each year, and three 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 sale of goods upon execution.

Fees of treasurer for collecting.

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

State tax—when paid.

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.

In case treasurer cannot collect tax.

SECTION 68. The paupers of said city shall be removed to the poor-house of the county of Vernon by the county poor superintendent in like manner as they are removed from the several towns in said county, and the present system for the care and control of the poor in said county shall in no wise be interfered with or affected by this act.

Removal of paupers to poor-house.

SECTION 69. The town clerk of the town of Viroqua for the year 1885, shall apportion all school money or school fund that is to be apportioned prior to the first day of September, 1885, to the several districts, a part of which is embraced in the city of Viroqua, in the same manner as though this act had not been passed.

Apportionment of school money.

SECTION 70. The police justice elected under this act shall have the same and equal jurisdiction and perform all and like duties of justices of the peace of the several towns of the state and shall qualify in the same manner as provided for justices of the peace in this act, and in addition to his

Jurisdiction of police justice.

jurisdiction as justice of the peace he shall have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by the common council and in all actions in which said city is a party within the limit of jurisdiction of justice of the peace under the general law. The police justice 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 such further compensation as the common council may allow and prescribe. In case of absence, sickness or inability of the police justice, the mayor may issue to one of the justices of the peace of said city a warrant instructing him to assume the duties of police justice; upon the receipt of said warrant to (the) justice of the peace shall perform the duties of police justice and have the authority and 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.

Recovery of all
fines and pen-
alties.

SECTION 71. The city of Viroqua, 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, 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 police justice, 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:

Form of sum-
mons.

County of Vernon, }
City of Viroqua. } ss:

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

You are hereby commanded to summon

—, if he shall be found in your county, to appear before the undersigned, a police justice, in and for the city of Viroqua, on the— day of —, 18—, at — o'clock in the — noon, to answer to the city of Viroqua, to the damage of said city, two hundred dollars or under.

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

— —, Police Justice.

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

| | | | |
|--|---|--|-------------------------|
| The City of Viroqua, Against A. B. | } | In police court. C. D., Po- lice Justice. | Form of com- plaint. |
|--|---|--|-------------------------|

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 Viroqua, to recover of the defendant the sum of — dollars; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs 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 :

| | | | |
|--------------------------------------|---|---|-----------------------|
| City of Viroqua, against A. B. | } | In Police Court, County of Vernon, ss. | Form of war- rant. |
|--------------------------------------|---|---|-----------------------|

— —, being duly sworn, complains on oath to C. D., police justice of Viroqua, 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 Viroqua therefor.

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

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

Form of war-
rant.

County of Vernon,)
City of Viroqua.) ss.

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

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 the said A. B., and bring him before me forthwith to answer to said city of Viroqua, on the complaint aforesaid.

C. D., Police Justice.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. The defendant, if required by the court, shall recognize with security, to be approved by the court, for his 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 lockup 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.

Printed copy of
ordinance,
good authority.

SECTION 72. 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, as 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.

SECTION 73. In city prosecutions, the findings of the court 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; 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 provisions of this act, as are prescribed in similar or like cases in justices' court in this state.

Findings of court.

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 Vernon county in the time and manner provided by law for appeals from justices' courts.

Appeals how taken.

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

Shall not work incompetency.

SECTION 76. 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.

In case action is begun against the city.

SECTION 77. 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 Viroqua.

Personal estate exempt for city obligation.

SECTION 78. All contracts for work ordered by the common council shall be let by contract or job, as the common council may direct and order.

Contracts to be let.

Penalties how
remitted.

SECTION 79. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by two-thirds vote of the aldermen elect.

City may hold
personal estate.

SECTION 80. 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.

Deeds from the
city.

SECTION 81. When the city of Viroqua 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 Viroqua, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds and
leases to be
executed by
mayor.

SECTION 82. 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 to 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.

In case of fail-
ure to hold
election at
proper time.

SECTION 83. 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.

SECTION 84. No general laws of this state con-

travening the provisions of this (act) shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this charter.

No general laws shall repeal this charter.

SECTION 85. The board of supervisors of the county of Vernon shall have the right and shall regard the city of Viroqua as a town in equalizing the assessment rolls of the several towns in said county, as provided by law, and shall regard and receive the supervisors of the several wards of said city as a member of the county board. The said board of supervisors may levy 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 to be regarded as a town for equalizing purposes.

SECTION 86. Before the annual meeting of the board of supervisors of the county of Vernon, 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.

Assessment roll, copy to be transmitted to county clerk.

SECTION 87. The county treasurer shall sell all delinquent lands and lots returned from the city of Viroqua, at the same time and in the same manner as other delinquent lands are sold in the county.

Sale of delinquent lands.

SECTION 88. It shall be the duty of the county treasurer of the county of Vernon, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of such delinquent lots, tracts, pieces or parcels of land by him to pay said city treasurer the amount which may have been returned delinquent, belonging to the city of Viroqua, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of lands so returned as delinquent.

Return of delinquent lands.

SECTION 89. The use of the jail of Vernon county shall be granted to the city of Viroqua, until otherwise provided, for the confinement of offenders; and every such offender shall be deliv-

Use of jail of Vernon county

ered to the sheriff of said county, for whose safe keeping, custody and delivery said sheriff shall be responsible as in other cases.

When connection between city and town shall cease.

SECTION 90. From and after the first Tuesday in April, 1885, the connection between the town of Viroqua and that part of said town included within the limits of the city of Viroqua, for all town purposes, shall be dissolved; all that part of the town of Viroqua not included within the limits of the city of Viroqua, shall constitute the town of Viroqua, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint.

Town may hold meetings in city.

SECTION 91. It shall be lawful for the town of Viroqua to hold its meetings and elections in the city of Viroqua and shall be lawful for the supervisors of said town of Viroqua to hold their meetings for the transaction of all town business at any proper place within said city, and the said town board may authorize and empower the town clerk and town treasurer of said town to keep the books and papers of their respective offices at some suitable place within the limits of said city; provided, that said city shall not be chargeable with nor liable for any of the expenses arising or growing out of any of the provisions of this section.

Village rights to be assumed by city.

SECTION 92. All actions, rights and penalties, fines and forfeitures in suit or otherwise which have arisen or accumulated under the several ordinances or acts incorporating the village of Viroqua shall be vested in and prosecuted by the corporation hereby created.

Boundaries of school districts.

SECTION 93. The school districts now embracing the present village of Viroqua, and a part of the town of Viroqua, known as school district No. 5, of the town of Viroqua, and school district No. 4, of said town, a portion of which is included within the boundaries of the proposed city of Viroqua, shall remain intact, and the same territory shall remain therein and shall be known as joint school districts of the town of Viroqua and the city of Viroqua, Nos. 1 and 2, respectively, and the management of school matters shall be the same as in joint school districts formed from towns in this state.

Town treasurer to pay over tax.

SECTION 94. The town treasurer of the town of Viroqua shall pay to the treasurer of the city of

Viroqua, on or before the 1st day of May, 1885, such a part of the tax of said town levied for general town purposes in the year 1884, as the assessed valuation of said city is a part of the assessed valuation of the town of Viroqua and the city of Viroqua combined.

SECTION 95. The city officers to be first elected under the provisions of this act, and their compensation not provided for by this act, shall receive as 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.

City officers to receive compensation.

SECTION 96. The plats of the village of Viroqua and the additions thereto are hereby adopted as the plats of the city of Viroqua and additions thereto, and the real estate included in said plats may be hereafter described by lots and blocks as they appear on said plats, and by describing the plats as the original plat of the village, now city of Viroqua, or the plat of Decker's addition to the village, now city of Viroqua, and in like manner with the plats of other additions, or in any other manner so as to describe the land with reasonable certainty.

Plats of village to be adopted by city.

SECTION 97. All moneys, properties, effects and credits belonging to the present village of Viroqua shall belong to the city of Viroqua and shall be transferred to the proper officers of said city by the person in charge of the same, as soon as such officers shall be elected and qualified.

Village property to belong to city.

SECTION 98. Any lawful debt, claim, demand or right of action against the present village of Viroqua shall be and become a lawful debt, claim, demand or right of action against the city of Viroqua, and any and all irregularities that may exist by virtue of re-incorporating said village, and the election or appointment of any and all officers and the acts of any and all officers and pretended officers of said village shall in no way invalidate or be set

Lawful debts to be assumed by city.

up as a defense by the said city of Viroqua or any person or persons in any action upon any bond issued by said village, or any other debt, claim and demand against said village.

Village officer to perform certain duties.

SECTION 99. All duties herein required of the mayor, alderman, common council or clerk in regard to elections, shall be performed so far as may be necessary, by the present president, trustees, board of trustees and clerk of the village of Viroqua in regard to the first election and the organization of the city government under this act.

SECTION 100. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1884.

[No. 233, A.]

[Published March 16, 1885.]

CHAPTER 73.

AN ACT to incorporate the city of Augusta.

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

CHAPTER I.

CITY AND WARD BOUNDARIES.

City boundaries; also manner of conducting the first election.

SECTION 1. All that district of country described as follows: Commencing at the northwest corner of the southwest quarter of southeast quarter of section number thirty-two, in township number twenty-six north, of range number six west of the fourth meridian; thence running south on the quarter line through the center of section number five in township number twenty-five north, of range number six west, to the southern line of said section twenty-five; thence east on section line to the southeast corner of section number four in township number twenty-five north, of range number six west; thence north on section line to the northeast corner of the southeast quarter of the southeast quarter of section number thirty-three in township number twenty-six