

own members; and to remove from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for hearing having been first given to the person proposed to be removed. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The term of office of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected, except that of the superintendent of schools, which shall commence on the second Tuesday of July next following his election, and the term of office of all appointed officers shall expire on the second Tuesday of April next following their appointment, unless sooner removed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.
Approved April 2, 1891.



No. 200, A.]

[Published April 10, 1891.]

CHAPTER 130.

AN ACT to incorporate the city of Phillips, Price county, Wisconsin.

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

TITLE I.

BOUNDARIES.

SECTION 1. All the district of country in the county of Price contained within the limits and boundaries hereinafter described, shall be a city by the name of Phillips, and the people now inhabiting, and those who shall hereafter inhabit the district of country so described, shall be a municipal corporation, by the name of the "City of Phillips," and shall have the general powers possessed by municipal corporations at common Corporation created.

law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing or being sued, of pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries of city.

SECTION 2. The territory included within the following boundaries and limits shall constitute the "City of Phillips," to wit:

BOUNDARIES.

All of government lots numbered one, two, three, four, five, and the northeast quarter of the southeast quarter of section seven. All of government lot numbered one and the east one-half of the southwest quarter of section eight. All of government lots numbered one, two, three, four, and the southeast quarter of the southwest quarter of section seventeen. All of government lots numbered one, two, three, four, five, twelve, thirteen, fourteen, fifteen, twenty-two, twenty-three, and the west half of the southeast quarter, and the southeast quarter of the southeast quarter of section eighteen; all in township number thirty-seven north, of range numbered one east of the fourth principal meridian in Price county, Wisconsin.

Wards and their boundaries.

SECTION 3. The said city shall be divided into three wards, and the numbers and boundaries shall be as follows until altered by the common council.

WARDS.

First ward.

All the territory, part of said city, lying west of the center of Beebe street and a northerly continuation thereof to the north boundary line of said city, to the center of Maple street, and north of the center of Maple street and a southwest continuation thereof to the west line of said city, shall constitute and be known as the First ward of said city.

Second ward.

All that territory, part of said city, lying east of the center of Beebe street and a northerly continuation thereof to the north limit of said city, and north of the center of Maple street and a northeasterly continuation thereof to

the east boundary line of said city, shall constitute and be known as the Second ward of said city. All that territory of said city not included within the prescribed limits of the First and Second wards shall constitute and be known as the Third ward of said city.

Third ward.

TITLE II.

OF ELECTIONS.

SECTION 1. The elective officers of said city shall be: A mayor, two aldermen from each ward, constituting a common council, a city treasurer, a city clerk, one assessor, two justices of the peace, and one supervisor from each ward to represent such ward in the county board of supervisors of Price county, and one school commissioner from each ward, who shall constitute a board of education. And the appointive officers shall be: City marshal, three health commissioners, constituting a board of health, a city surveyor and such other officers and agents as may be provided for by this act, or as the common council may determine to be necessary.

Elective city officers; appointive officers.

SECTION 2. The annual municipal election in said city shall be held on the first Tuesday in April of each year, at such place or places in such ward or wards as the common council shall designate, at which time there shall be elected by the qualified voters of said city, in the manner herein provided, all officers required to be elected at a general municipal election. The polls of such election shall be opened and closed at the same hours which are and may be prescribed by law for opening and closing polls for general elections in the state of Wisconsin.

Annual municipal elections.

SECTION 3. The mayor, city clerk, city treasurer, one alderman from each ward, one assessor, one justice of the peace, one supervisor from each ward, shall be elected at the annual municipal election on the first Tuesday in April of each year; provided, however, that at the first charter election to be held on the first Tuesday in April, 1891, two aldermen from each ward shall be elected to hold office as follows: One alderman to hold his office for the term of one year, and one alderman

Officers to be elected at annual municipal election; term of office of aldermen.

to hold office for the term of two years; provided, further, that at said election to be held on the first Tuesday in April, 1891, two justices of the peace shall be elected to hold office for two years. Said officers so elected shall enter upon the duties of their respective offices on the third Tuesday in April in the year of their election, and shall hold their offices for one year, except as above provided, and until their successors are elected and qualified.

Two aldermen
from each
ward.

SECTION 4. Each of the several wards of said city created by this act, shall be represented in the common council by two aldermen who shall be residents of such ward. The first common council under this act shall be organized and enter upon its duties upon the second Tuesday in April, 1891, and shall be composed of the mayor, and two aldermen from each ward.

Vacancies in
office of alder-
men.

SECTION 5. If any officer remove from the city, or ward officer shall remove from the ward represented by him, or shall engage or continue in any service, business or employment, causing a continuous absence from the city of more than three months, his office shall thereby become vacant, and whenever any vacancy shall in any manner occur in the city or ward offices, the common council shall, within ten days after the vacancy shall happen, fill such vacancy by appointment.

Qualification of
electors.

SECTION 6. All persons entitled to vote for county or state officers, and who shall have resided in the city for six months previously to the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this law.

Election
boards, how
composed.

SECTION 7. The election in said city shall be held and conducted by the aldermen and supervisor of each ward, who shall be the inspectors of elections in their respective wards, who shall elect one of their number chairman of board of election, and shall take the usual oaths or affirmations as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have the power to appoint two clerks of such elections, and two ballot clerks, and to administer the necessary oaths; and in case of the absence of any or all the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons, to act in their

places as inspectors of election. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this state regarding elections.

SECTION 8. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of 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 of age, and that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year (within this city six months, and within this ward ten days next preceding this election), and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment 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 any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall forfeit and pay a sum not exceeding one hundred dollars (\$100.00) nor less than twenty-five dollars (\$25.00). It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof shall severally for-

Oath of voter
on challenges;
penalty for
illegal voting.

feit and pay a sum not exceeding five hundred dollars (\$500.00) nor less than one hundred dollars (\$100.00.) All such indictments shall be tried in the circuit court of the county of Price.

Canvass and return of votes.

SECTION 9. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating the number of votes for each person for each and every office, and shall deliver or cause to be delivered, such return to the city clerk within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

Special elections.

SECTION 10. Special elections to fill vacancies or for any other purpose shall be held and conducted by the aldermen of each ward in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

All officers to be on one ballot.

SECTION 11. Votes for aldermen and all other elective officers shall be upon one ballot and shall be deposited in one ballot box.

Vacancies, how filled.

SECTION 12. Should there be any failure by the people to elect any officer herein required to be elected on the day designated, the common council shall fill such vacancy by appointment.

Incumbent of office for remainder of term to possess same power as if elected for full term.

SECTION 13. Every person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

TITLE III.

OFFICERS -- THEIR POWERS AND DUTIES

Officers, how to qualify.

SECTION 1. 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 clerk of the city; and 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 Phillips a bond with at least two sureties, who shall swear that they are worth in the aggregate, double the penalty specified in said bond over and above all debts, exemptions and liabilities, and said bond shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give same, and no alderman or city officer shall be surety on any liquor license bond or on any bond running to the city.

SECTION 2. The mayor, shall, when present, The mayor, his powers and duties. preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police and fire department of the city, and in case of riot or other disturbance or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of tie. The mayor shall have power to veto any ordinance or resolution 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 or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and in case the council shall not, within one week after the receipt of such objection or such filing with the clerk, reenact such ordinance or pass such resolution by the votes of two thirds of the aldermen-elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after

the passage of same, unless sooner approved in writing by the mayor or acting mayor for the time being.

President of council; his powers and duties.

SECTION 3. At the first meeting of the common council, in each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and acts performed by them or either of them shall have the same force and validity as if performed by the mayor, except the signing of city bonds.

The city clerk; his powers and duties.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

SECTION 5. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council; and in addition thereto they shall have jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council, unless therein otherwise provided.

Justices of the peace; their jurisdiction.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty or fine, forfeiture or otherwise, under the authority of this act, or which may belong to said city, shall be paid into the city treasury and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the person from whom the amount of the several sums was received, which books shall at all reasonable times be open to the inspection of any person. He shall every three months and as often as the common council may require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services receive the same compensation, except as herein otherwise provided, and he shall have the same power and be subject to the same liabilities and give bond in like manner and amount, and be governed by the same laws as treasurers of towns; provided, that he shall receive no other fees except the compensation hereinafter provided.

The city treasurer; his powers and duties.

The city marshal; his powers and duties.

SECTION 7. The marshal shall attend all the meetings of the common council and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances or breaches of the peace, and to remove all obstructions in the streets and alleys in said city, and to abate all nuisances in said city, and to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination or trial; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

Additional duties may be imposed upon city officers.

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

Official city paper.

SECTION 9. The common council at their first meeting in each year, or as soon after as may be, shall designate one newspaper printed in said city, in which shall be published all ordinances and other proceedings, and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public news-

paper, which printing or publishing shall be let by contract to the lowest bidder.

SECTION 10. The city printer, immediately after the publication of any notice, or ordinance, or resolution, or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

The city printer; his duties.

SECTION 11. 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, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars (\$100), besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of the state.

Retiring officer to deliver books and papers to his successor.

SECTION 12. No alderman shall be a party to or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested, shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract, and the aldermen interested in same.

Alderman not to be interested in city jobs, or contracts.

SECTION 13. The mayor or acting mayor, sheriff of Price county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Price county, constables, policemen and watchmen, shall be officers of the peace, and may command the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city and for such purpose, may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars (\$50); and in case when the civil

Officers of the peace, who are.

power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

The city
surveyor; his
powers and
duties.

SECTION 14. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office shall be delivered over by the surveyor at the expiration of his term of office to his successor, or, should the common council abolish said office, to the clerk of said city.

The street
commissioner;
his powers and
duties.

SECTION 15. It shall be the duty of the council to elect a street commissioner for the whole city, who shall render his personal service and perform labor in repairing the streets of said city, and to superintend all local improvements throughout the said city, under the direction of the common council and committee on streets and to carry into effect all orders of the common council and committee on streets in relation thereto, and to perform such other duties as may be herein prescribed to be performed by street commissioner, or ordered by the common council. Said street commissioner shall receive a compensation to be fixed by the common council, not exceeding three dollars (\$3) per day for the time actually engaged in the discharge of his duties, and shall keep accurate account of all expenditures incurred in the discharge of his duties, and render quarterly accounts thereof to the common council, or oftener if required.

The city
assessor; his
powers and
duties.

SECTION 16. The assessor shall be a resident freeholder of said city, who shall perform all the duties required by law of assessors of property for the purpose of taxation for state, county, city and other purposes; the assessment rolls to embrace the property subject to taxation in each ward separately, and on completion of such assess-

ment, the assessment rolls, with the valuation of such assessor shall be returned as required by law. The assessor shall hold his office for a term of one year, and in case of vacancy in said office by failure to elect or otherwise as heretofore provided, the common council shall fill such vacancy by the appointment of an assessor for said city, at any regular or special meeting.

SECTION 17. The common council shall elect each year one of the justices of the peace, as police justice, who shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; but warrants returnable before said justice may be issued in criminal cases by any other justice in the city, but no fee shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace, in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city of Phillips or its charter, or for a breach or violation of any such ordinance, by law and regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Phillips, and the same proceedings shall be had in all civil and criminal suits before said justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace. In all cases of conviction for assaults, batteries and affrays within the said city, and in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame, or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses said justice shall have power, in addition to the fine or penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior and to keep the peace for a period not

The police
justice; his
jurisdiction

exceeding six months, and in a sum not exceeding five hundred dollars. In case of absence, sickness, or other inability of such justice, or for any sufficient reason, the mayor, by warrant may authorize any justice of the peace within said city to perform the duties of said justice for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace; and the justice of the peace so appointed shall for the time being possess all the authority, powers and rights of said police justice. All fines and penalties imposed by the police justice for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finance of said city.

Reports of police justice.

SECTION 18. The police justice shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him and belonging to said city; and said justice shall be entitled to receive from the county of Price, such fees in similar cases as are allowed to other justices in the county for similar services.

TITLE IV.

THE COMMON COUNCIL, ITS GENERAL POWERS AND DUTIES.

Common council, how constituted.

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

Meetings of council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings, by notice to

each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

SECTION 3. The common council shall have the management and control of the finances except state, county and school moneys, and of all other property in the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime and for the benefit of trade, commerce and health thereof and so enforce as they shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules and by laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States, or of this state; and for these purposes shall have authority by ordinance, resolution or by-laws:

Powers of common council.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibitions of caravans; circuses or theatrical performances, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state or at common law; and may grant licenses for and regulate all persons vending or dealing in spirituous, vinous, fermented or intoxicating liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous, fermented or intoxicating liquors, shall be governed by the general laws of the state, but in no case shall the sum paid for such license be less than two hundred dollars (\$200), and that all such licenses hereafter granted shall run from the first day of May in each year.

Licenses.

- Gambling, etc.** 2nd. To restrain, prohibit and to suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented, vinous or intoxicating liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.
- Riots, disturbances, etc.** 3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.
- Management of factories, breweries, etc.** 4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.
- Slaughter houses, etc., and combustible material.** 5th. To direct the location and management of slaughter houses and markets, and to establish rates and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible material.
- Encumbering of streets.** 6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood or any other materials or substance whatever.
- Horse racing on streets, bathing, etc.** 7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the water within the limits of the city.
- Running at large of cattle, etc.** 8th. To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining of same and to impose penalty upon owners for violation of ordinance relating thereto.
- Running at large of dogs.** 9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, and license the keeping of the same.
- Depositing putrid carcases within city.** 10th. To prevent any person from bringing, depositing or having within said city any putrid

carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substance of any kind, and on default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants; to erect lamps, and regulate, license and suppress omnibus driving, hackmen, coachmen, cartmen, draymen and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupation in this city; to provide for lighting the streets, public grounds and buildings with gas or otherwise.

Public pounds, water works, lamps, and licensing of hackmen, etc.

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

Boards of health and burial of dead.

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

Driving of cattle, etc., on sidewalks.

14th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Shooting of firearms, etc.

15th. To restrain drunkenness 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 and obscenity.

16th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city.

Runners and solicitors for boats and vessels, etc.

17th. To regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions, and cause seizure of unwholesome produce.

Butchers' shops, etc.

18th. To compel the owners and occupants of buildings and grounds to remove snow, dirt or

Removal of snow, etc., from sidewalks.

- rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.
- Public auctions.** 19th. To regulate the time, place and manner of holding public auctions or vendues.
- Watchmen.** 20th. To appoint watchmen and prescribe their duties.
- Standard of weights and measures.** 21st. To provide by ordinance for a standard of weights and measures, and for punishment of the use of false weights and measures.
- Trees.** 22nd. To protect trees and monuments in said city.
- Sewers.** 23rd. To prescribe and regulate the construction of sewers within the said city.
- Highways, streets, lanes and alleys.** 24th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from encumbrances, and to protect them from injury.
- Change names of streets.** 25th. To alter or change the name of any street in the city.
- To make, amend, or repeal ordinances, etc.** 26th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.
- Ordinances, etc., how passed, and published.** SECTION 4. 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 within fifteen days after their passage, respectively, be published in the official paper of said city, once before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time shall be proved by the affidavit of the foreman or publisher of said newspaper, and

said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor.

SECTION 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses of any kind wherein more than ten pounds of gunpower are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous, fermented or intoxicating liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Power conferred on council to abate nuisances, no bar to suits by individuals for same purpose.

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

Examination and auditing of account of city officers.

ing in his accounts or in the discharge of his official duties, and shall make a full record of all adjustment and settlement.

TITLE V.

FINANCE AND TAXATION.

Orders; how drawn on city funds.

SECTION 1. 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 common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such fund respectively, and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Annual levy of taxes.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city, a tax sufficient to defray expenses.

Council to issue bonds only when specially authorized.

SECTION 3. 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; provided, that whenever it shall be necessary to build or repair bridges, or school houses, and procure means for fire protection, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year, and the said taxes when so levied shall be collected at the same time as other city taxes are collected.

City orders.

Special taxes to pay interest on bonds.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the

purpose of paying the interest or principal of any outstanding bonds now due or hereafter to become due, issued by the city of Phillips or which may hereafter be issued by said city, by authority of law; provided, however, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointing by law for assessing and levying the annual taxes; said taxes when so levied shall be collected at the same time other city taxes are collected.

SECTION 5. No account shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf.

Accounts against city to be verified.

SECTION 6. When the claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Price, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge, or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Appeals from action of council disallowing claims.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bonds and all papers in the case in his possession, with the clerk of the circuit court for the county of Price and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council, upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance,

Duty of city clerk on appeals.

the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Claim against city to be presented to council before action maintainable.

SECTION 8. No action shall hereafter be maintained against the city of Phillips, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

Determination of council conclusive except in certain cases.

SECTION 9. The determination of the common council disallowing in whole or in any part any claim of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

TITLE VI.

OPENING OF STREETS AND ALLEYS.

Proceedings to lay out or widen streets, alleys, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to take certain lands within the wards where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there

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

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

Notice of application for appointment of jury to condemn lands.

SECTION 3. Upon the presentation of such application and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in such precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take such premises for the purposes specified in such application; and the said jurors, before entering upon the discharge of their duties as such jurors in the premises, shall take an oath to faithfully and impartially to discharge their duties as such jurors, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Appointment of jurors; their qualifications.

SECTION 4. The city marshal shall serve such precept immediately on the jurors therein named, by reading the same to every one that can be found, and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same; together with his doings thereon.

Service of precept on jurors.

SECTION 5. If any of the jurors so appointed cannot be found or shall be disqualified from act-

Appointment of talemans.

ing, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jury to be sworn.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Proceedings.

SECTION 7. The said jurors shall, at such time as they shall agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order upon their proceedings, confirming said report, and directing the same jurors, within twenty days thereafter, or at such future time as shall be necessary to again view the said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within the time limited, such damages to the common council. And after the jurors shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall refuse or neglect to serve in ascertaining the amount of compensation as above; and all the jurors before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent

officer, that they are freeholders of said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

SECTION 8. If there should be any building in whole or in part upon the land to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him of having such building taken from him; and secondly, the value of such building to him to remove.

Assessment of value of buildings.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given, by publication in the official paper or papers of said city three successive weeks. Such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken with the land appropriated, or of their intention to remove such building. They shall have such time for this purpose as the common council may allow.

Service of notice of determination of jury.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election 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 to his use.

Sale of buildings if owner elects not to take same; disposition of proceeds.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken and the injury arising to them

Assessment of value of real estate.

respectively in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages. In the estimates of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such land) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of the building or buildings, according to section 8 of this chapter.

Award of damages when lands belong to different persons, or encumbered.

SECTION 12. If the lands or buildings belong to different persons or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, shall be awarded to them by the jurors.

Award to be signed and returned to council.

SECTION 13. 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.

Appeal from award of jurors.

SECTION 14. Any person whose property is taken or against whom assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Price county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section 6 of title V of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal, by filing with the clerk a notice thereof, within ten days, as aforesaid.

Land not to be taken until damages paid or tendered.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit; and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment report, and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

Proceedings void unless damages paid or tendered within one year.

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

City may pay or tender damages within one year.

SECTION 18. When the whole of any lot or tract of land or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same, or any part thereof, shall upon the confirmation of such report, respectively cease, and be absolutely discharged.

When lands under lease taken, contracts, etc., at an end.

SECTION 19. When only part of a lot or tract of land or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof and no more, shall be paid or recoverable for in respect to the same.

If part only taken contracts, covenants, etc., not discharged as to remainder.

SECTION 20. 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 judge of the circuit court of Price county, or in his absence the judge of any court of record in said county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Guardian for infant party in condemnation proceedings to be appointed.

SECTION 21. Whenever any public ground, street or alley shall be laid out, widened or en-

Survey of public grounds, streets, etc., laid out, when, etc., to be filed with city clerk.

larged under the provisions of this title, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

TITLE VII.

ASSESSING, LEVYING AND COLLECTION ON TAXES.

All property in city except such exempt by state laws subject to taxes.

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

Power of assessors.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations or reductions as justice or equity may require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Assessor to give notice of hearing, objections to assessment.

Board of equalization; its powers and duties.

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct same; provided, however, the board of equalization shall not have the power to increase the amount of said roll, except by the

value of such real property as may have been omitted by the assessors.

SECTION 4. 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 two preceding years, and that the same was then liable to taxation, he shall, in addition to the assessment for that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment set aside or declared void, to be re-levied in such manner as they shall by ordinance direct; provided, that the defect was in the assessment; the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Lots or lands omitted in preceding years may be included.

SECTION 5. The mayor, city clerk, city treasurer and the assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

Board or equalization, how constituted.

Assessment roll revised and corrected to be filed with city clerk.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with 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, particularly specifying the purposes for which the same are levied.

SECTION 7. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes and assessments to be a lien on property on which assessed.

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which the same may be assessed, from the time of the confirmation of such assessment roll and on all personal property of any person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof until such tax shall be paid; and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Preparation of assessment roll.

SECTION 9. It shall be the duty of the city clerk, immediately upon the reception 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 all the city and other local taxes, adding thereto five *per centum* for the expense of collection, in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums set down, as the valuation of the 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 one cent.

Duplicate copy of assessment roll to be filed with treasurer.

SECTION 10. The city 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.

Warrant to be annexed to assessment roll.

SECTION 11. To each assessment roll so delivered, a warrant under the hand of the city clerk

and the corporate seal of said city, shall be annexed, substantially in the following form:
The state of Wisconsin,

To the city treasurer of the city of Phillips, in the county of Price: Form of warrant.

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 real estate therein described, 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 Price, on or before the last Monday in January next, the sum of for state taxes, you are to retain and pay out as city treasurer the sum of according to law, and the balance of said money you are required to pay to said treasurer for county purposes. 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 said county of Price.

Given under my hand and the corporate seal of the city of Phillips this day, 18..

.....
City Clerk.

SECTION 12. The said 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.

Warrant and assessment roll prima facie evidence that lands and persons therein named were subject to taxation.

SECTION 13. 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 the town treasurers to collect taxes, except as herein provided.

General laws on subject applicable to city.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give pub-

Treasurer to give notice that tax list is in his hands for collection.

lic notice in a newspaper published in said city, that such tax list (describing for what purpose such taxes are levied), has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said 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 notices in as many public places in said city.

Treasurer's fees; books, blanks and stationery.

SECTION 15. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two *per centum* upon all taxes collected by or paid to him prior to the second Monday in January in each year, and five *per centum* upon all taxes or assessments paid to or collected by him after the second Monday in January; and in case of a distress sale made by him of goods and chattels, for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer; and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

Treasurer to pay county treasurer state tax before third Monday of January.

SECTION 16. The treasurer shall, on or before the third Monday in January, in each year, pay to the county treasurer the state tax assessed upon the lots and tracts of lands and personal property in said city.

Directions herein to be considered directory merely.

SECTION 17. All the directions hereby given for the assessing of lands and the levying and collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with

the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land or to set aside or to set up or interpose any objections to the title derived by virtue of any deed executed in consequence of the non-payment of such taxes, and the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the city treasurer, the amount of all state, county and city taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

Party bringing action to set aside assessment, etc., to pay tax before suit brought.

SECTION 19. 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 according to chapter 18, of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter 18, and as are prescribed by chapter 198, of the general laws of 1860, and any act that may be hereafter passed amendatory to such acts, or in addition thereto.

Duties of city treasurer when owner refuses or neglects to pay taxes on personal property.

TITLE VIII.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall not be erected, placed or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or re-building of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty *per cent.* of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the vio-

Fire limits; construction of buildings.

lation of any resolution or ordinance passed under this section.

Construction
of chimney,
fire places, etc.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and cause the same to be removed or placed in a safe condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets and in such manner and time as they may prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roofs and stairs or ladders leading to the same; to authorize the mayor, aldermen fire wardens and other officers of the city to keep away from the vicinity of the fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Purchase of
fire-engines
and apparatus.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work or poll tax, and from serving on juries and from military duty, except in case of war, insurrection or invasion during the continuance of such membership; and any person having served for the term of ten years in either of such companies shall be forever thereafter ex-

Fire compan-
ies.

empt from poll tax and military and jury duty, except in cases as before mentioned.

SECTION 4. There shall be a meeting of said companies on the third Monday in April in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer, and one assistant engineer, and one treasurer, and the common council shall thereupon confirm or reject such nominations; and the person so appointed shall perform such duties as the common council shall prescribe. In case the common council shall reject such nominees, the said members shall, at a meeting held one week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council.

Meetings of
fire companies.

SECTION 5. The mayor shall appoint two fire wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the council may prescribe, and they may at any time enter into any building, house, store, barn or enclosure for the purpose of inspecting same.

Fire wardens;
their powers
and duties.

SECTION 6. One-half of the net proceeds of all fines and penalties recovered, and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

One-half of
fines collected
for violations
of ordinances,
etc., to be
credited to fire
department.

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars (\$20.00).

Person refus-
ing to obey
lawful order of
officer at fire
may be
imprisoned.

SECTION 8. The common council shall have power to organize a sack company, or to counte-

Sack compan-
ies.

nance any such company now organized, which shall be known by such name as they shall select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Phillips, and are hereby vested with all the power and authority which now is or hereafter may be vested in any other police officer in the city and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall as far as it may be in their power, preserve the same from destruction. Such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or other disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Treasurer of fire department; his powers and duties.

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Election of officers of fire companies.

SECTION 10. There shall be elected by the members of each company aforesaid annually, at their annual meetings, a clerk or secretary, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by

resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of Price, a list of all persons who are members of either or all of said companies exempt from said jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meeting of said board; and such board shall not place the names of such persons on the jury list for the ensuing year.

Record of members of fire companies to be kept by city clerk.

TITLE IX.

ACTIONS TO RECOVER PENALTIES, ETC.

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

Actions to be brought in name of city.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being.

First process shall be summons unless oath made for warrant.

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

Form of
summons.

County of Price, }
City of Phillips. }

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

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at my office in said city, on the day of, 18..., at o'clock, in the noon, to answer to the city of Phillips, in a plea of debt, to the damage of said city, one hundred dollars (\$100.00) or under.

Given under my hand at said city, this day of, 18...

C. D.,

Justice of the Peace.

Summons,
when returnable;
proceedings.

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

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

Form of com-
plaint.

The City of Phillips, }
against
A. B. }

In justice court before C. D., justice.

The plaintiff complains against the defendant, for that the defendant, on the day of, 18..., at the said city, did violate (section, of chapter, of this act, or section, of an ordinance or by-law or regulation of said city, describing it by its title), which said is now in force. By reason of such violation, an action hath accrued to the city of Phillips, to recover of the defendant the sum of dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a warrant for the complaint, shall be made an oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form: Form of complaint for warrant.

City of Phillips, }
against
A. B. }

In justice court, } ss. Before C. D., justice.
County of Price. }

....., being sworn, complains on oath to C. D., one of the justices of the peace in and for the city of Phillips, in said county, that A. B., on the day of, 18...., at said city, did violate (section of title of this act, or section of an ordinance, or by-law or regulation of said city, describing it by its title), which said is now in force, as this complainant verily believes, and prays that said A. B. may be arrested and held to answer to said city of Phillips therefor.

Sworn and subscribed to before me, this of, 18...

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

County of Price, } ss.
City of Phillips. }

The state of Wisconsin to the sheriff or any constable of said county, and to the marshal of the city of Phillips, greeting: Form of warrant.

Whereas, has this day complained to me in writing, on oath, that A. B., on the day, 18...., at said city, did violate (section, of title, 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 full force, as the complainant believes; therefore you are commanded to arrest the body of said A. B. and bring him before me forthwith,

to answer to the city of Phillips on the complaint aforesaid.

C. D., Justice of the Peace.

Proceedings on return of warrant.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court to do so, shall recognize with security to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Price county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter not embraced in the action.

Printed copy of ordinance, etc., published in newspaper prima facie evidence of due passage and publication.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Witnesses and jurors to attend in all city suits without payment of fees in advance.

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

Judgment of court on finding.

SECTION 9. In city prosecutions the findings of the court or jury shall be either guilty or not guilty. If guilty the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in case of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of

time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

County of Price, }
 City of Phillips. } ss.

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

Whereas, the city of Phillips on the . . . day of, 18. . . , recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against , for the sum of dollars, together with dollars and cents, costs of suit, for the violation of (section , of title , of this act, or section , of an ordinance or by-law or regulation of said city, describing it by its title); you are hereby commanded to levy distress of the goods and chattels of said , excepting such as the law exempts, and make sale thereof according to law to the amount of said sums together with your fees, and twenty-five cents (\$.25) for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said , and him convey and deliver to the keeper of the common jail in Price county; and said keeper is hereby commanded to receive, keep in custody in said jail, the said , for the term of , unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged, by due course of law.

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

C. D., Justice of the Peace.

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

SECTION 10. Any defendant feeling aggrieved by the judgment of a justice of the peace in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment, to the circuit court of the county of Price; provided, such defendant within twenty-four hours enter into a recognizance, with one or

Appeals from justices' judgments within twenty-four hours.

more sufficient sureties, to be approved by said justice, conditioned to appear before such court and abide the judgment of the court therein.

- The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his docket, in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from such judgment, as in other cases before justices of the peace.

Appeal to stand for trial in circuit court unless jury waived; notice of trial not necessary.

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

Judgment on appeal.

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

Inhabitaney of city does not disqualify judge, justice, juror or witness.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Actions, rights and penalties heretofore accrued to vest in city.

SECTION 14. All actions, rights and penalties, fines and forfeitures in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Service of process on city, how made.

SECTION 15. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city and it shall be the duty of the mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceedings as by or-

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

SECTION 16. Change of venue shall be allowed and may be taken from police justices in all cases in the same manner as before justices of the peace, as now provided by the general laws of the state, and in case the justice before whom the action is taken resides outside the city limits, nevertheless such justice shall have full and complete jurisdiction in all respects as freely as though he were acting justice of the peace of the city of Phillips, and shall be governed in all respects by the provisions of this act, and ordinances of the city of Phillips, and the by-laws and regulations of said city.

Changes of venue.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter 9, of this act.

Disposition of penalties and forfeitures.

SECTION 18. All fire-engines, hose carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders, and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

Apparatus used in extinguishing fires exempt from attachment or execution issued against city.

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

Property of inhabitants exempt from attachment or execution for city's debts.

SECTION 20. In all cases where a defendant shall be convicted of any violation of any ordinance or police regulation of said city, the court before whom the same is tried, shall have power to sentence the defendant to a term of imprisonment in the common jail of Price county, for any period not exceeding six months.

Defendant convicted of violation of ordinance may be sentenced to county jail.

SECTION 21. The mayor shall have power to grant pardons or commutations after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reasons therefor.

Mayor may grant pardons.

TITLE X.

OF SCHOOLS.

SCHOOL DISTRICT; BOARD OF EDUCATION. SECTION 1. The city of Phillips shall constitute a school district, and matters pertaining to the control, management and government thereof shall be vested in the board of education, consisting of one school commissioner from each ward, which said board shall be a body corporate, by and under the name of the board of education of the city of Phillips, with power of contracting and being contracted with, of suing and being sued, and shall have perpetual succession by and under that name.

MEETINGS OF BOARD OF EDUCATION. SECTION 2. The board of education shall meet at the council rooms, in the city of Phillips, on the second Monday in July, at 7 o'clock in the afternoon, and at such meeting shall choose from members, a president, a vice president, a secretary, and said secretary shall receive such salary as the board may direct, not to exceed one hundred dollars *per annum*.

DUTIES OF PRESIDENT. SECTION 3. The president shall be the executive officer of the board and shall preside at all meetings of the board, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, and in all suits brought by or against the school district he shall appear on behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring the appropriation of money, or the adoption of new text books, the vote shall be taken by ayes and noes, and on other questions the ayes and noes shall be called when any member shall request it.

DUTIES OF SECRETARY. SECTION 4. The secretary shall attend all meetings of the board, keep a true record of all the proceedings thereof, take the school census of the city annually, assist in grading the schools, and visit and report the condition of any school in the city when directed by the board, make all reports

required by law to be made by such board and record the same, to safely keep and preserve all records of the board, and deliver the same to his successor in office, and do and perform any and all other services that may be required of him by the board.

SECTION 5. The board of education may make all necessary rules and regulations for its government and proceedings, and in the absence of the president of the board may elect from its own number a presiding officer *pro tempore*. Rules and regulations.

SECTION 6. The board may meet from time to time, and at such place in the city as it may designate, and a majority of the commissioners shall always be required to constitute a quorum. Meetings.

SECTION 7. The clerk of the board shall keep a record of the proceedings of the board, in a book to be provided for that purpose, and shall record copies of all official reports made by the board, or the superintendent of schools. He shall also, under the direction of the board, take the annual enumeration of the scholars residing in the city at the time prescribed by law, and shall keep and preserve all books, records, papers or other property belonging to his office, and deliver the same to his successor in office. Clerk to record proceedings and take school census.

SECTION 8. The board of education shall have power: Powers of board.

1st. To organize and establish such and so many schools in the city, and in the several wards, as it may deem necessary, and required for the public good, and alter or discontinue the same at pleasure.

2nd. To have the custody and safe keeping of the school buildings and lots, the books, furniture, school apparatus and appendages, and all the property belonging to the schools.

3rd. To contract with and employ, in behalf of the city, all teachers in the schools of said city, under the direction of said board, and who shall have been licensed, and at its pleasure remove them.

4th. To hire buildings suitable for school-houses, and lease sites for the same, and to purchase necessary fixtures, furniture and apparatus for the schools of the city; but only with the consent of the common council as hereinafter provided.

Council to fix
teachers' salaries.

SECTION 9. It shall be the duty of the board of education, before the commencement of the school year, annually to determine the amount of salaries or wages to be paid to the teachers in the several schools and grades respectively, for the year then next ensuing, and report the same to the common council for its action.

Same.

SECTION 10. The common council shall consider the report or reports so made, and shall act thereon, and by resolution fix the salaries or wages to be paid to the teachers in the several schools respectively, according to grades, which resolution shall be certified by the city clerk to the board of education, and thereafter such board shall not contract for the payment of any salary or wages greater than the sum fixed in said resolution, except by the special order of the common council.

Estimate of expenditure for school purposes.

SECTION 11. The board of education shall also, annually before the close of the school year, make estimates of the expenses for necessary repairs to school buildings, furniture, apparatus, school room fixtures, incidentals, fuel, cleaning and care of rooms and rent of buildings, necessary to be incurred in the next ensuing year, and file the same with the city clerk.

Rules and regulations for schools.

SECTION 12. The board of education shall, from time to time, make such rules and regulations for the government and organization of schools, for the reception and instruction of pupils, and their transfer from one school to another, and for the promotion and good order and discipline in schools, as to it shall seem expedient, and also for the care and management of the several school rooms, fixtures, furniture and apparatus in the city, and shall establish the text books to be used therein.

Non-resident pupils.

SECTION 13. The board of education shall have power to allow the children of persons not resident in said city to attend any of the schools therein, upon such terms as the board shall, by resolution, prescribe, fixing the tuition therefor; provided, that no such pupil shall be received until he or she shall have paid into the city treasury in advance for the current term the amount of tuition fixed by said board to be paid therefor.

Reports of board of education.

SECTION 14. It shall be the duty of the board of education to report to the common council on

the first Monday of August, in each year, the condition of the several schools in said city, the average number of pupils in attendance, the names and rate of compensation of the several teachers, the cost of supporting each and all of said schools since its previous report, and also to do and perform all other duties that may be required by any general law of this state to entitle the schools of said city to participate in and enjoy the benefit of school money or school fund apportioned among the schools of the state.

SECTION 15. The teachers' wages and all moneys due upon contract under this chapter, shall be audited by the board of education and paid by an order on the treasury, signed by the president of the board and the secretary, and specifying on its face the purpose for which it was drawn.

Teachers' wages, how audited and paid.

SECTION 16. All the supplies of the several school houses and schools, exceeding fifty dollars shall be furnished by contract let to the lowest bidder by the board of education, subject to the approval of the common council.

Supplies exceeding fifty dollars in value to be furnished by contract.

SECTION 17. No member of the board of education shall have any interest, directly or indirectly, in any contract, made by said board, and every contract so made, in which any member of said board shall have such interest, shall be absolutely void.

Members of board to have no interest in contracts.

SECTION 18. The title of the school houses, sites, furniture, apparatus and appurtenances, and all other property herein mentioned, shall be vested in the city of Phillips, and the said city may accept, hold and dispose of any real or personal estate transferred to it, by gift, grant or bequest or devise for the use of schools of said city, whether the same shall be transferred in terms to said city by its proper style, or by other designation, or to any person or persons or body for the use of said schools.

Title to school property to be in city of Phillips.

SECTION 19. No member of the board of education shall receive any compensation whatever for services rendered on any committee of said board, under any pretext whatever, except when a member of said board shall be elected secretary thereof, he may receive such salary as is herein provided for said secretary.

Members of board not to receive any compensation.

Schools in town of Worcester.

SECTION 20. The present management of the schools in said town of Worcester shall continue intact until the first Monday in July, 1891, from and after which date the connection between said city and the town of Worcester, in school matters shall absolutely cease. The board of school directors of the town of Worcester shall, on the thirtieth day of June, 1891, when the school moneys then in the hands of the town treasurer, belonging to each sub-district therein, as well as moneys to become due, shall be ascertained, and the sum so due, or to become due sub-district number one, shall be transferred to said board of education of the city of Phillips, the said board of directors drawing an order therefor on said town treasurer in favor of the city treasurer of said city of Phillips. The school house and site of sub-district number one together with all textbooks in actual use, and all school apparatus therein, shall from and after said thirtieth day of June, 1891, vest in said city of Phillips.

TITLE XI.

MISCELLANEOUS PROVISIONS.

Work to be let by contract to lowest bidder.

SECTION 1. All work for the city or either of the wards, including all printing and publishing, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts.

Appropriations to be made only for authorized purposes.

SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Judgments not to be remitted or discharged.

SECTION 3. No penalty or judgment recovered in favor of the city, shall be remitted or discharged, except by a two-thirds vote of the aldermen-elect.

Surveys of streets, alleys, etc.

SECTION 4. The common council may at any time cause a new and accurate survey of the line and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the

office of the register of deeds of the county of Price.

SECTION 5. The surveys and landmarks 80 made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in the state.

Surveys and landmarks prima facie evidence of lines and boundaries.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks in said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Price county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefrom, shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street commissioners of the several wards of the said city from ordering, or causing to be done, the grading of any street within their ward to a temporary grade, to be established by such commissioners.

Grade of streets, changes may be made in same.

SECTION 7. 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, occupied or held by said city, shall be exempt from taxation.

City may purchase, hold or sell necessary property; same exempt from taxation.

SECTION 8. Real estate exempt from taxation by the laws of this state shall be subject to special taxation, as other real estate under this act.

All property liable for special taxes

SECTION 9. Every individual, or company of individuals or body corporate, owning a lot or tract of land within the corporate limits of the city of Phillips, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city, adjacent to said lot or tract so platted; and before making such plat as required by law, it shall be the duty of such person or persons, or corporation making such

Manner of platting additions to city.

plats, to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, said person or persons, or corporation, may cause such plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Price to receive such plat for record or to record the same; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid, approving the same, being entered or affixed thereto, shall forfeit a sum not less than fifty dollars nor more than one thousand dollars.

Deeds by city,
how executed.

SECTION 10. When the city of Phillips 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 Phillips, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor authorized to execute deeds.

SECTION 11. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under, and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided for the execution of deeds and conveyances.

Copy of resolution directing transfer to be attached to deed or lease.

SECTION 12. When any such deed or lease is so executed the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy so attached, and the record thereof, shall be in all courts in this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

SECTION 13. If any election by the people or common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinances or by-laws, or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

Elections not hold at time herein directed may be held at subsequent time.

SECTION 14. The common council shall have power to appropriate a sum not exceeding three hundred dollars, to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen-elect.

Council may appropriate three hundred dollars to public purposes.

SECTION 15. The common council shall have power to levy and provide for collection from every male inhabitant of said city, being over the age of twenty-one years and under the age of fifty years, excepting paupers, idiots and lunatics, and members of the fire department, a poll tax of one dollar and fifty cents. Said tax may be paid in cash or commuted for in labor, at the rate of one dollar and fifty cents per day. The street commissioner shall collect said tax, and enforce the collection of the same, in the same manner as provided by the general laws of the state.

Poll tax.

SECTION 16. The common council of said city, and the town board of the town of Worcester, shall meet on the third Tuesday in April, A. D. 1891, and proceed to make a settlement of all matters between said city and town.

Meeting of town board of Worcester and council to settle affairs between them.

SECTION 17. The town of Worcester shall hold its annual town meeting in the spring of 1891, at the town hall in the city of Phillips, and thereafter at such place, within said city or town as the town board of said town may direct; provided, that such elections shall be at the expense of said town, and provided further, that should the town of Worcester so desire it may keep its offices within the limits of said city.

Annual meetings of town board of Worcester.

Annual elections, where held and how conducted; first election.

SECTION 18. The first election under this act shall be held in the court room of the court house, in the village of Phillips, the same to be conveniently divided for the accommodation of the three wards herein provided for; the electors of each of said wards meeting thereat at nine o'clock in the forenoon, on the first Tuesday in April, 1891, and shall organize by electing a board of inspectors for each of said wards from the qualified electors thereof, respectively, said board when so elected, to appoint two clerks of election for their respective wards, said vote to be counted and canvassed as herein provided for, and filed with the town clerk of the town of Worcester. The town board of said town of Worcester, with said town clerk, shall meet within five days thereafter and canvass said vote, and of the persons found to be elected to the several offices herein provided for, the said town clerk shall give immediate notice to each of said officers of his election, by due certificate of the same. Notice of said first election to be given by the sheriff of Price county in the same manner as notices for general elections, not less than five days prior to said first Tuesday in April, 1891; two ballot boxes for each of said wards to be provided at the expense of said city. No officer of said city, elected or appointed under the provisions of this act, shall receive any compensation whatever for his services as such officer, excepting the city clerk, assessor and street commissioner, who shall receive such compensation as may be provided by the common council, and further, excepting marshal, justice of the peace and city treasurer, who shall receive the fees to which they are entitled by general law, and no more.

Price county board to regard city as a town in equalizing assessment roll.

SECTION 19. The board of supervisors of the county of Price shall regard the city of Phillips as a town, in equalizing the assessment roll of the several towns in said county, as provided by law, and shall receive the supervisors of said city as members of the county board. The said board of supervisors may levy a tax or taxes, as now is, and may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the man-

ner provided by law in relation to towns or town clerks.

SECTION 20. The plats of the village of Phillips and the additions thereto, heretofore executed and recorded, are hereby adopted as plats of the city of Phillips, and the additions thereto, and the real estate included in such plats, and the real estate not yet platted within the outside boundary line, may be hereafter described by lots and blocks, and by describing the plats as the original plat of the village of Phillips, now city of Phillips, or the plat of a specified addition to the village of Phillips, now city of Phillips, and, in like manner with the plats of other additions, or in any other manner so as to describe the land with reasonable certainty.

village plats adopted as plats of city.

SECTION 21. The use of the jail of Price county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders; and every such offender may be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible, as in other cases.

City may use county jail for confinement of prisoners.

SECTION 22. This act shall take effect and be in force from and after its passage and publication, Approved April 2, 1891.

No. 238, A.]

[Published April 10, 1891.

CHAPTER 131.

AN ACT to incorporate the city of Greenwood, Clark county.

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

CHAPTER I.

FORMATION AND BOUNDARIES.

SECTION 1. From and after the first Tuesday in May, 1891, all that territory in the county of Clark,

Corporation created.