

## CHAPTER 47.

[Published February 25, 1876.]

AN ACT to codify, consolidate, and amend the act to incorporate the city of Appleton, and the several acts amendatory thereof.

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

## CHAPTER I.

## CITY AND WARD BOUNDARIES.

General pow-  
ers.

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

Territory.

SECTION 2. The territory included within the following limits and boundaries, shall constitute the city of Appleton, to-wit: All of sections 25, 26, 27, 34, 35, and 36, and the south half of section 23, in township 21 north, of range 17 east.

New bounda-  
ries.

SECTION 3. The said city shall be divided into six wards as follows: The first ward shall comprise all that portion of territory lying south of the center of Second Avenue, and east and north of the following line: Commencing at a point in the center of Second Avenue, at the northern extremity of Drew street; thence south along the center of Drew street to College Avenue; thence southeasterly to northeast corner of block one, Appleton plat, thence along the east line of said block to its termination; thence due south to the center of Fox River; thence easterly, along the center of said Fox River, to the city limits. The second ward shall contain all that portion of territory lying south of the

center of Atlantic street and west of the center of Drew street, bounded on the west and south as follows: Commencing at a point in the center of North Division street at its intersection with Atlantic street; thence run south, in the center of North Division street, in direct line to the center of Elm street; thence southeasterly, along the center of Elm street to the center of Fox River; thence easterly, in the center of Fox River to the southwest boundary of the first ward. The third ward shall include and contain all the remaining territory of said city north of the center of Fox River, not included in the first and second wards, and south of the center of College Avenue. The fourth ward shall contain and include all that portion of territory lying south of the center of Fox River, in said city limits. The fifth ward shall contain all that portion of territory lying south of the center of Second Avenue and west of the center of North Division street, and north of the center of College Avenue. The sixth ward shall contain all that portion of territory in said city limits not included in the first and fifth wards, as follows: The south half of section 23, and all territory south of the center of Second Avenue, west of the center of Drew street, north of the center of Atlantic street and east of the center of North Division street.

## CHAPTER II.

### ELECTIONS.

SECTION 1. The annual election for city and ward officers, shall be held on the first Tuesday of April, in each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown; and ten days' previous notice shall be given by the city clerk, by publication of the time and place of holding such elections, and the city and ward officers to be elected. Annual election.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, a marshal, a street commissioner, an attorney, a clerk, and three assessors, to be chosen from the city at large. Said assessors, at the first election after the passage of this act, shall be elected as follows: One assessor for the term of one year, one assessor for the term of two years; and one assessor for the term of three years; and one assessor Elective officers—terms, salaries, etc.

shall be elected annually thereafter, whose term of office shall be three years. And their salaries shall not exceed the sum of three hundred dollars each in lieu of all other compensation. Two aldermen and one county supervisor shall be elected in each ward. At the annual city election to be held on the first Tuesday of April, 1876, a justice of the peace shall be elected by the qualified voters of each of the following districts, viz: The first ward shall elect one justice of the peace; the Second and sixth wards shall elect one justice of the peace; the third and fifth wards shall elect one justice of the peace; the fourth ward shall elect one justice of the peace. The justices of the peace of said city now in office, shall be and remain in office until the second Tuesday in April, 1876, and until their successors are elected and qualified. Vacancies in the office of the justice of the peace may be filled by appointment by the common council, to hold office for the residue of the term to which they are appointed. The appointive officers of said city shall consist of a city surveyor, commissioner of the poor, city physician, and a pound keeper or keepers, and all other officers necessary for the proper management of the affairs of said city, to be appointed by the common council. All elective officers, except justices of the peace and aldermen, shall, unless otherwise provided by law, hold their respective offices for one year, and until their successors are elected and qualified; and justices of the peace [and] aldermen shall each hold office for two years and until their successors are chosen and qualified; *provided, however,* the common council shall have power, for due cause, and after opportunity for a fair hearing, to expel any of their own number, and to remove from office any officer or agent under the city government, except justices of the peace, written notices being first given to the officer complained of, to appear before the common council and answer to the complaint made.

**Vacancies.**

SECTION 3. Whenever a vacancy shall occur in the office of mayor or aldermen, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after official notice of such vacancy shall be received by the city clerk or mayor; and any vacancy happening in any other office, shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired

term, and with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

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

How elections conducted.

SECTION 5. All persons entitled to vote for county officers, who shall reside in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office herein created.

Qualification of electors.

SECTION 6. All general and special elections under this act, shall be held and conducted by the aldermen of each ward, if present, who, with one qualified elector, to be chosen viva voce by the electors present, shall be inspectors of the election, and shall take and subscribe the usual oaths or affirmations as prescribed by the general laws of this state, to be taken by the inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths. All elections under this act 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 relating to elections.

Duties of certain officers at elections.

SECTION 7. If any person offering to vote at any election held pursuant to this act, shall be challenged, as unqualified, by any elector, or by one of the inspectors, before receiving such vote, shall require the party challenged to take the following oath; "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intention to become such, conformably to the laws of the United States, on the subject of naturalization); that you have resided in the State of Wisconsin one year next preceding this election; that you are now an actual resident of this ward; that you are not here for a temporary purpose, but that this ward is your home; 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,

Challenging of votes.

Penalty for illegal voting.

depending on the results of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury; and upon conviction thereof, upon indictment in the circuit court for the county of Outagamie, shall suffer the penalties prescribed by law for the punishment of perjury. If any person who is not a qualified voter, shall vote at any election herein provided for, or if any person shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to prosecution on information, and on conviction thereof, shall forfeit and pay a sum not less than twenty-five dollars nor more than one hundred dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote shall 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 herein authorized to vote, or shall make out false returns of an election, or shall alter or change any vote, or if any clerk shall not write down the name of every voter as he votes, or shall add to or diminish from the poll list kept by him or his associate, or shall willfully make untrue and incorrect count or tallies of votes, each and every such inspector and clerk shall be liable to prosecution on information, and on conviction thereof, shall severally forfeit and pay a sum not less than one hundred dollars nor more than five hundred dollars.

Canvass of votes.

SECTION 8. 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 and clerks shall make a return thereof, duly signed, stating therein the number of votes for each person and the office designated, and the whole number of votes cast; and shall deliver, or cause to be delivered, such return, together with the poll lists kept by the clerks, to the city clerk within twenty-four hours after any election. In case of any neglect or failure of any inspector or clerk to comply with the provisions of this section, such inspector or clerk shall be liable to said city in the penal sum of twenty-five dollars and costs of suit, to be recovered before any justice of the peace of said city, in an action of debt. Within one week after each and every election, under and by virtue of this act, the common council,

or in the absence of a quorum, the city clerk and two justices of the peace of Outagamie county, shall meet, 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 election.

SECTION 9. All fines imposed and collected by virtue of this chapter, and all fines and penalties imposed by a justice of the peace for assault and battery, breach of the peace, or other offense against the statutes, cognizable before a justice of the peace, committed within the limits of said city, shall be paid into the city treasury. Fines.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election, or appointment, to enter upon the discharge of the duties of his office, or if any officer shall be convicted of any infamous crime under the laws of this state, he shall be deemed to have vacated his office, and the same may be filled as provided for in this act. When office to be declared vacant.

SECTION 11. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for two years, and the alderman elected under the former city charter, shall hold his office for the term for which he was elected. At the first election under the provisions of this act, the third and sixth wards of said city shall each respectively elect one alderman who shall hold his office for one year; and one alderman who shall hold his office for two years; and thereafter each shall elect one alderman who shall hold his office for two years. Aldermen.

SECTION 12. All city and ward officers now in office, shall hold their respective offices until their successors shall be elected or appointed under this act; and the term of office of every officer elected under this act, shall commence on the second Tuesday of April, of the year in which he was elected. Terms of office.

SECTION 13. All duties herein required of the common council, aldermen, and city clerk, in regard to elections, shall be performed, so far as may be necessary, by the present common council and aldermen, in regard to the first election and the organization of the city government under this act. And the first election of officers, under the provisions of this act, shall be held on the first Tuesday of April, A. D. 1876. Should there be a failure by the people to First election—how to be conducted.

elect any officers herein required to be elected, on the day designated, the common council may order a new election to be held, as in the case of special elections to fill vacancies.

Justices of the peace.

SECTION 14. The justices of the peace, authorized by this act shall have and exercise all the powers and be subject to the same liabilities as justices of the peace in towns, and their jurisdiction shall be co-extensive with the limits of Outagamie county, and they shall have jurisdiction over, and cognizance of all actions and proceedings, the same as other justices of the peace in said county of Outagamie, and all proceedings at law before them shall be governed and regulated by the general provisions of law now in force in regard to actions and proceedings before all courts held by justices of the peace, and they shall also have jurisdiction of all offences against the ordinances and regulations established by the mayor and common council, and they may hold their offices in any portion of the city; *provided*, that no two of them shall hold their offices in the same room; *and provided, further*, that their official bonds shall be approved by the mayor and city clerk. The common council of said city may require a bond from each and all of said justices, to pay over all moneys belonging to the city which may come into their hands; and they shall, on the first Monday of April, of each year, report to the common council the amount of all moneys belonging to said city.

### CHAPTER III.

#### OFFICERS—THEIR POWERS AND DUTIES.

Officers to take oath and give bonds.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except a justice of the peace, shall, before he enters upon his duties, take and subscribe an oath of office, and file the same with the clerk of the city; and the treasurer, clerk, marshal, street commissioner, and such other officers as the common council may direct, shall severally, before they enter upon their respective duties, execute to the city of Appleton a bond with at least two sureties, who shall swear that they are worth, in the aggregate, the penalty specified in said bond, over and above all debts, exemptions and liabilities; and said bond shall contain such penal sum and such lawful conditions as the common council

may deem proper; and the common council may, from time to time, require new or additional bonds, or remove from office any officer neglecting or refusing to present the same.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and take care that the law 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, in writing, as he shall deem advantageous for the city. The mayor shall be chief executive officer, and head of the police of the city; and he may appoint as many special or temporary policemen as he may deem necessary. In the common council the mayor shall have a vote only in case of a 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 in writing, at any time within five days after the passage of such ordinance or resolution. In case of no session of the common council, on any day after the passage of the same, and before the expiration of said five days, such notification shall be made by filing with the city clerk a copy of his objections; and if the common council shall not, at its next regular meeting thereafter, re-enact such ordinance or adopt such resolution, by the votes of eight aldermen, the same shall be null and void.

Mayor—his powers and duties.

SECTION 3. At the first meeting of the common council, in each corporate year, they shall proceed to elect by ballot, one of their number president; and in 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. In case the mayor and president shall both be absent at any meeting of the common council, that body 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 discharging any of the duties of mayor, shall be styled acting mayor, and acts performed by them, or either of them, in such capacity, shall have the same force and validity as if performed by the mayor. The common council at their first or second meeting after the charter election, in each year, shall regulate,

President.



- Surveyor. by ordinance, the time of appointing city surveyor, and such other officers as they may deem necessary; and all the appointed officers herein named, shall hold office for one year, and until their successors are chosen and qualified. The common council shall, by resolution, fix the salary or fees of all officers of the city at the first regular meeting in March of each year; *provided*, that the present common council may fix the salaries of officers for the coming corporate year, at any meeting held during the month of March, 1876. And no salary shall be increased or diminished during the term of office of any officer, and such salary or fees shall neither be increased or diminished during the corporate year in which such resolution may be adopted. The common council at their first meeting in each year, or as soon thereafter as may be, shall order the city clerk to advertise for proposals from the publishers of weekly newspapers printed in said city, for all the printing and publication necessary to to be done by the city, except as otherwise provided herein, and said printing and publication shall be let to the lowest responsible bidder, who shall be styled the city printer, the same to be the publisher of some weekly newspaper, which has been published in the English language for at least two years prior to such letting; and in case of bids being alike, the common council shall designate which paper shall receive the contract; and all affidavits and verifications of the fact of publication of any notice, ordinance, by-law, or resolution, may be made by any person doing such printing, or by the foreman in the office in which such printing may have been done, and such affidavits shall be read in evidence in the same manner and shall in all respects have the same force and effect as if made by the city printer; and no appropriation of money shall be made for any printing or publishing, unless the same shall be let by contract, as herein provided.
- Salaries.
- Printing.
- City clerk. SECTION 4. The city clerk shall keep the corporate seal and all papers and records of the city. He shall keep a record of all the proceedings of the common council, whose meetings he shall attend. He shall draw and countersign all orders on the treasurer, pursuant to any vote or resolution of the common council, and keep an accurate record thereof in books provided for that purpose. He shall file in his office and safely keep all chattel mortgages presented for that purpose, on payment of twenty-five cents therefor,

and all chattel mortgages, so filed, shall be as valid and legal as if filed in the town clerk's office in any town. He shall have power to take acknowledgment of deeds and other instruments, and administer oaths and affirmations; and he may appoint a deputy, subject to the approval of the common council, at a regular meeting thereof, for whose official acts he shall be responsible. He shall keep an accurate and detailed account of the financial condition of the city in such manner as the common council may prescribe. He shall make copies of the assessment rolls of said city, and correct any errors therein made by the assessors in the description of lots or lands therein, and add the taxes thereon levied by the common council in pursuance to the provisions of this act, and as required by law. He shall keep an accurate account of the several funds, and charge the city treasurer with all taxes levied for each, and for all sums paid into the treasury for any other purpose. He shall annually on the first day of November in each year, report to the common council a list of all outstanding city bonds and coupons, to whom issued, and when and where payable, and the rate of interest they may respectively bear. He shall report annually at the same period, or as often as the common council may require, an estimate of the general expenses of the city, and of the amount of revenue necessary to be raised for the current year. He shall keep his office open for the transaction of business during business hours on every day except Sundays, or holidays. Copies of all estimates made by the city surveyor, or any engineer employed for the purpose, for work to be done by the city, shall be filed in the office of the city clerk, and a brief record or memorandum of the same made in a book to be by him kept for that purpose, in which shall be noted the time when, the person to whom, and the amount for which any contract is let under and subject to such estimates. The city clerk shall advertise and let all contracts for work to be done or services to be performed for the city in pursuance of the order of the common council, subject to the approval of the common council, and in behalf of said city, or any ward, shall sign such contracts, the originals or attested copies thereof, to be by him filed in his office. Whenever the street commissioner, or other officer thereto authorized by the common council, shall certify on oath that a lien has accrued against any real estate for

work done pursuant to a contract duly made, or to the charter or ordinances of the city, the city clerk shall issue to the contractor or contractors, a certificate or certificates, under his hand, stating therein the amount of work done by such contractor or contractors, the nature thereof, and a description of the lot or parcel of land upon which the same is chargeable, which certificate or certificates may be transferred by indorsement thereon; *provided*, that he shall keep a stub-book with a brief memorandum therein, showing the number, date of issue, description of the real estate, and of the work done, the amount in dollars and cents, and the person or persons to whom such certificate shall have been issued; *provided, further*, that he shall at the time the common council makes the annual levy of taxes in said city, report to that body a schedule of all the lots or parcels of land subject to special assessment or tax, and the amount of special assessments or taxes necessary to be levied upon such lots or parcels of land respectively, with a statement of the several acts done and performed in reference to such special assessments or taxes, which schedule shall be verified by his affidavit, and shall be prima facie evidence of the facts therein stated, in all cases wherein the validity of such special assessment or tax shall come in question; the common council shall, if from such report they deem such special tax or assessment legal and just, cause the same to be assessed in pursuance of the provisions of this act. He shall report to the common council monthly, the amount of work done, or for which contracts have been entered into, chargeable to the city. He shall make a report in writing at the first regular meeting in each month, showing the financial condition of the city. He shall keep a record in his office of all articles of personal property belonging to the city and shall effect in behalf of the city all such insurance upon the buildings or other personal property belonging to the city as the common council may direct. He shall examine the books, reports, papers, vouchers and accounts of the treasurer, and from time to time perform such other duties as the common council may direct. He shall not be directly or indirectly, interested in any contract or job to which the city shall be a party. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by

the city clerk, and the common council may modify, correct or disallow the same. He shall also be clerk of the board of health, and shall keep a record of their proceedings, and perform such other duties as said board may prescribe. He shall record, in books to be prepared for that purpose, all papers and proceedings had relative to the opening and laying out, altering or vacating of streets, lanes, alleys, public squares and parks, or changing the names thereof, and shall certify to the time when such records are made, and all such records shall be evidence in all courts and places the same as original papers or proceedings. Whenever the city clerk or his deputy shall be absent or otherwise incapacitated from performing any official duty the common council shall have power to appoint a clerk *pro tem*. Copies of all papers filed in the office of the city clerk, and transcripts from the records of said city, certified by him under the corporate seal, shall be evidence in all courts and places, in like manner as if the originals were produced.

SECTION 5. The treasurer of said city shall perform City treasurer. such duties and exercise such powers as may be required of him by the laws of this state, or ordinances of the city. All moneys raised, received, recovered, or collected by means of any tax, license, fine, penalty, forfeiture, or otherwise, by virtue of this act, or which belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order on that specific fund, signed by the mayor and countersigned by the clerk, by order of the common council. He shall keep an accurate account of all moneys or other property which may come into his hands as treasurer, in books to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the persons from whom the several sums were received, which books shall at all reasonable hours be open to the inspection of any person. As often as the common council may require, he shall render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his term of 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 the collector of taxes in said city, and for this service, he shall have the same powers and be subject to the same liabilities and governed by the

same laws as treasurers of towns, except as otherwise provided for in this act; *provided, always*, that he shall keep an accurate account of all fees by him received as treasurer, from any and all sources, in a book to be provided for that purpose, and when the amount thereof shall reach the sum of four hundred dollars, all sums by him received over and above that amount shall be by him paid and credited to the general fund of said city, for the use of said city; and such book shall be open at all reasonable times to the inspection of any person; and he shall, when required, make report to the common council, duly verified on oath, of all fees received by him as treasurer; and he shall receive no further or other compensation for his services as treasurer, except that the common council shall provide him all necessary books, blanks, and stationery, requisite to the discharge of his duties; *provided, further*, that whenever the aggregate amount of all taxes in the tax roll for any year, shall exceed the sum of twenty thousand dollars, the common council may allow him extra compensation to the amount of one per cent. on such excess. The treasurer shall keep separate accounts with each fund (state, county, city, school, etc.); if he shall neglect, or refuse to exhibit his books when called upon so to do by any elector of the city, he shall be subject to a penalty of not more than one hundred dollars for each and every offense, to be recovered in the name of, and for the use of the city. The treasurer may appoint a deputy, for whose official acts he and his bail shall be responsible.

**Marshal.**

SECTION 6. The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, and the collection of fines and license moneys. He shall possess all the powers of constables of towns, be subject to the same liabilities, and be entitled to the same fees. 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 the state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances, and breaches of the peace, to remove all obstructions in the streets, avenues, alleys, and highways in said city, to abate all nuisances, to apprehend any person in the act of committing any offense against any ordinance of said city, or laws of the state, and within reasonable time bring

such person before competent authority for examination or trial. He shall appoint one or more deputies, to be approved by the common council, for whose official acts he shall be responsible. He shall have an annual salary, to be fixed by the common council, and, in person or by deputy, he shall be on duty every day, within the city, and as he shall from time to time be directed by the mayor. The coroner of Outagamie county, if a resident of the city of Appleton, may upon filing a bond with the city clerk, in like sum and with like penalties as the bond of the marshal, duly approved by the mayor and clerk exercise all the powers and prerogatives of a constable of any town, be subject to the same penalties and liabilities, and be entitled to the same fees. Coroner.

SECTION 7. The city surveyor shall be a practical surveyor and engineer, and shall have a *per diem* compensation, to be fixed by the common council. He shall keep his office at some convenient place in the city. He shall preserve and have open to the inspection of any person all surveys, profiles, plans, or estimates made by him for the city, and which, with all books or papers pertaining to his office, and minutes of surveys by him made, he shall turn over to his successor, or the city clerk, on the expiration of his term of office. All bridges, reservoirs, and sewers shall be built subject to his acceptance, but a contractor may appeal from his decision to the common council. City surveyor.

SECTION 8. The city attorney shall be a person duly admitted to practice in the courts of record, conformable to the law of this state. City attorney.

SECTION 9. The city superintendent of schools, provided for by chapter X of this act, shall possess the necessary qualifications of a common school teacher of the highest grade, and he shall have an annual salary, to be fixed by the common council, on the recommendation of the board of education. Superintendent of schools.

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

SECTION 11. The mayor, acting mayor, sheriff of Outagamie county, each alderman, justice of the Officers of the peace.

peace, marshal, chief engineer of the fire department foreman of a fire company, policeman, watchman, and street commissioner, shall be officers of the peace in said city, and may command the peace, and suppress in a summary manner, rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all by-standers, and, if need, of all citizens, military and fire companies; and if any person, military officer, private, or fireman, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of not less than ten nor more than fifty dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior officer present, in the order mentioned in this section, shall direct proceedings.

Penalty for failure to deliver books, etc.

SECTION 12. If any person having been an officer in said city, shall not, within ten days after notification, deliver to his successor in office, all property, books, papers, and effects of every description in his possession, pertaining to the office he may have held, or belonging to said city, he shall forfeit and pay to the use of said city one hundred dollars, besides all damages caused by his neglect or refusal to deliver; and such successor may recover the possession of such books and papers and effects, in the manner prescribed by the laws of this state. 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, not inconsistent with this act, and to appoint such other officers as may be deemed necessary to carry out the provisions of this act, in which case they shall fully prescribe their duties and liabilities.

Council may require duties of officers.

Aldermen not to be interested in jobs with city.

SECTION 13. No alderman shall be a party to or interested in any job or contract with the city, 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 such contract, the common council shall sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same; and no compensation shall be allowed to the mayor or aldermen for their services, except for services as inspectors of elections, or board of health. The senior alderman of each ward shall be *ex-officio*, a member of the county board of supervisors of the county of Outagamie, whenever there shall be a va-

No compensation to mayor and aldermen.

cancy in the office or of disability on the part of the county supervisor thereof.

SECTION 14. The duties of assessors shall be as prescribed by the general laws of the state, except as modified by the provisions of this act. Assessors.

SECTION 15. The street commissioner shall be *ex officio* a policeman, and shall hold his office where directed by the common council, and shall receive a per diem compensation for the days he shall actually serve, to be fixed by that body. He shall attend the stated monthly meetings of the common council, and shall present in writing at each such meeting a sworn statement showing in detail the amount and cost of all materials used and all labor employed for the city during the previous month, of whom purchased and where used; and he shall make such purchases from time to time as the common council may direct, but not inconsistent with the provisions of this act; and at the end of his term of office make a full report thereof to said body. His powers, except as defined by this act, shall be prescribed by the common council. He shall make report in detail whenever required by the common council, of all his acts and doings, and at the expiration of his term of office, shall deliver over to his successor all books, records, papers, and other property pertaining to said office, or belonging to the city; and his records and papers shall be open to the inspection of any citizen of the city, at all reasonable hours. Street commissioner.

#### CHAPTER IV.

##### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

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 Appleton do ordain," etc. The common council shall meet at such time and place as they, by resolution, shall determine. A majority of the aldermen shall constitute a quorum. They shall hold stated meetings, and the mayor, or acting mayor, may call special meetings, by notice to each member, to be personally served or left at his usual place of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have the power to compel the attendance of absent members, and impose penalties for absence. Common council.



General pow-  
ers of council.

SECTION 2. The common council shall have the management and control of the finances and property of 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, and by-laws for the government and good order of the city, for the suppression of vice, the prevention of crime, and for the benefit of health, trade, and commerce thereof, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, and 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 ordinances, resolutions, or by-laws:

To license  
shows, etc.

1st. To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard-tables, bowling-alleys; and to provide for the abatement of all nuisances under the ordinances or at common law; and to grant licenses to such persons as they may deem proper to keep saloons, groceries, taverns, and victualing-houses, wherever may be sold strong, spirituous, ardent, or intoxicating liquors, beer, ale, wine, or cider, to be drank on the premises, in a quantity less than one gallon, under such regulations, conditions, and restrictions as they may deem expedient; *provided*, that such license shall not be less than seventy-five dollars, except for druggists, whose license shall not be less than twenty-five dollars a year, and that no license shall be granted for a term greater than one year by the present or any succeeding common council.

Gambling.

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

Riots, etc.

3d. To prevent any riots, noise, disturbances, or disorderly assemblages; suppress and restrain disorderly houses or groceries, and houses of ill-fame;

and to authorize the destruction of all instruments used for gaming.

4th. To compel the owner or occupant of any gro-<sup>Nauseous pla-</sup>  
cery, cellar, tallow-chandler shop, soap-factory, tan-<sup>ces.</sup>  
nery, brewery, distillery, 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 may be deemed necessary for the health,  
comfort, and convenience of the inhabitants of said  
city.

5th. To direct the location and management of<sup>Slaughter-</sup>  
slaughter houses and markets, and to establish rates<sup>houses, etc.</sup>  
for, and license venders of gunpowder, and to regu-  
late the storage, keeping and conveying of gunpowder  
or other combustile materials.

6th. To establish public markets, build or purchase<sup>Markets.</sup>  
market houses, make rules for the government of the  
same, appoint suitable officers to oversee such mar-  
kets, and to restrain all persons from violating or in-  
terfering with such rules; to license and regulate  
butcher's stalls, shops and stands for the sale of butch-  
ers' meat, game, poultry, fish, butter, provisions  
of all kinds, fruit and garden produce; to regu-  
late the place and manner of weighing and selling  
hay, and measuring and selling fuel; and to appoint  
suitable persons to superintend and conduct the  
same; to regulate the size and weight of bread,  
and to provide for the seizure and forfeiture of bread  
baked contrary thereto; to license, regulate and pre-  
scribe the fees of hacks, cabs, omnibuses, drays and  
express-wagons.

7th. To prevent the encumbering of streets, avenues,<sup>Encumbrances.</sup>  
alleys, highways, sidewalks and cross-walks, with rail-  
way cars, locomotives, engines, carriages, carts, wagons,  
sleighs, boxes, lumber, firewood, or any other sub-  
stances or materials whatever; to compel the owners  
or occupants of buildings or grounds to remove snow,  
dirt or rubbish from the sidewalks, streets, alleys,  
avenues and highways 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;  
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 the same

upon his premises, or shall have placed it upon the premises of another, and in default, to authorize the removal thereof at the expense of such person or persons offending.

**Horse-racing.**

8th. To prevent horse racing, immoderate riding or driving, the riding and driving of any horse, ox, mule, or other animal on the sidewalks, or the doing any damage to such sidewalks, and to regulate the hours and places of swimming and bathing in the waters within the limits of said city.

**Running at large of cattle, etc.**

9th. To restrain the running at large of cattle, horses, swine, sheep, poultry, and geese, and authorizing the distraining and sale of the same; to prevent the running at large of dogs; to tax the same, and to authorize their destruction in a summary manner, when at large contrary to ordinance.

**Public improvements.**

10th. To make and establish public grounds, wells, cisterns, and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, or as a protection against fire; to erect lamps, and to provide for lighting the streets, public grounds, and public buildings with gas or otherwise.

**Hospitals, poor houses, cemeteries, etc.**

11th. To make regulations for the board of health, provide hospitals and poor houses, purchase cemetery grounds, regulate the burial of the dead, the return of bills of mortality, and the exemption of burial grounds set apart for public use from taxation, to which end said city may purchase and hold within or without the city limits, not exceeding three hundred and twenty acres of land for hospitals, and poor houses or cemetery purposes, and may hereafter issue city bonds for the purchase and improvement of the same, to an amount not exceeding ten thousand dollars, at a rate of interest not exceeding seven per centum per annum, and payable at such time as the common council may direct, not exceeding thirty years.

**Fire-arms.**

12th. To prevent the shooting of fire-arms, or crackers, and to regulate and restrain the exhibition of fire-works.

**Drunkenness, etc.**

13th. To restrain drunkenness and obscenity, or vagrancy, in the streets or public places, and to provide for the arrest and punishment of the offender or offenders.

**Solicitors, watchmen, etc.**

14th. To restrain and regulate runners and solicitors for railways, steamers, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city, and to appoint watchmen and prescribe their duties.

15th. To regulate the time, place and manner of holding public auctions; to provide for a standard of weight and measures and prescribe by ordinance the punishment for the use of false weights and measures.

Auctions.

16th. To protect trees and monuments.

Trees, etc.

17th. To regulate the construction of wharves or piers extending into Fox River, to prescribe and control the prices to be charged for wharfage or pierage; to prevent the throwing or depositing of any filthy or putrid substance, or any slabs, chips, shavings, or other substances in said river, and by ordinance to construct, alter and maintain, or cause to be constructed, altered or maintained, at the expense of said city or any of the wards, wharves along the banks of said river.

Wharves and piers.

18th. To regulate, control, and prevent the landing of persons from railways, steamers, vessels, or other conveyances, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Contagious diseases.

19th. To establish and regulate pest houses within or without the limits of said city.

Pest houses.

20th. To prescribe and regulate the construction of all drains and sewers within said city.

Drains and sewers.

21st. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, avenues, alleys and public squares; to purchase land and to establish it for public parks or squares, and to keep them free from incumbrances, and protect them from injury; *provided*, that a record of the establishment and discontinuance of a highway, street, avenue, lane or alley shall be made in the office of the register of deeds of Outagamie county.

Streets, alleys, etc.

22d. To alter or change the name of any street; to alter or vacate the recorded plat of said city, or any part thereof surveyed, platted and recorded in the office of the register of deeds of Outagamie county, upon petition, and upon such notice as is required in vacating town plats in the circuit court.

Change of city plat.

SECTION 3. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses and buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of

Nuisances.

ill-fame, disorderly taverns, and houses or places where spiritous, vinous or fermented liquors are sold without the license required therefor, are hereby declared and shall be deemed public or common nuisances.

Ordinances, etc  
—how passed  
and put in  
force.

SECTION 4. All 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 or acting mayor, and shall be published in the official paper of said city, 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 said ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the printer, publisher or foreman of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as a sufficient evidence of the time and manner of such publication. A printed copy of an ordinance, regulation, by-law or resolution, passed by the common council and published in an official newspaper of said city, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Appropriations

SECTION 5. No appropriation shall be made without a vote of a majority of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the common council; nor shall any appropriation be made for any purpose not authorized by this act, nor any judgment or penalty recovered in favor of the city, be remitted or discharged, except by a majority of the aldermen elect.

Accounts of officers and agents.

SECTION 6. The common council shall examine, audit and adjust the accounts of all officers and agents of the city, at such times as they may deem proper, and also at the end of each corporate year, and before the time for which the officers or agents of said city are chosen shall have expired. The common council shall require each and every such officer and agent to exhibit his books, accounts, vouchers, moneys and funds for such examination and settlement; and if any such officer or agent shall neglect or refuse to comply with the orders of the common council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render his accounts or

present his books, funds, moneys and vouchers to said common council, it shall be the duty of the common council to declare the office of the offending person vacant, and the city attorney shall thereupon institute suits and proceedings at law against any officer or agent so offending, who may be found delinquent or defaulting in his accounts; and a full record shall be made by the city clerk of all settlements and adjustments.

**SECTION 7.** The common council shall have authority to investigate and examine into all and every official act and transaction of the mayor, any member of the common council, or any other officer or agent of the city, and also into all and every official act or transaction of every person who has heretofore been a member of the common council, or held any office under the city government; and for that purpose the mayor, acting mayor, president of the common council, or any member of any committee appointed by the common council, shall have power to administer all necessary oaths or affirmations to persons who may be called before the common council, or any such committee, to give testimony. The mayor, acting mayor or president of the common council, is authorized and empowered to issue a subpoena, by him signed, commanding any person to appear before the common council, or committee designated, to testify concerning any matter under examination or investigation, as above provided, and to produce before the common council, or such committee, any books, papers, or documents, relating to the matter under examination or investigation, and every person served with such process, is hereby required to obey the same without the prepayment of fees.

Investigations  
—how to be  
conducted.

**SECTION 8.** If any person shall neglect or refuse to appear and testify, and produce such books, papers, and documents, as required by section 7, of this chapter, the common council may declare him in contempt, and upon proof of service, it shall be the duty of the county judge of Outagamie county, or the judge of any court of record, upon the application of the mayor, acting mayor, or president of the common council of said city, or any committee appointed by such common council, to issue summary process, either in term time or vacation, for such offending person, and to bring him before him, and then, unless such person shall purge himself of contempt, and go before the common council or such

In case of neglect or refusal  
to testify.

committee, and testify and produce such books, papers, or documents, to commit him to the common jail of Outagamie county, there to remain in close confinement, until he shall so testify, or produce the books, papers, or documents, as required, or he is discharged by the common council, or any such committee; and the jailor of such county is hereby required to receive and secure any such person, pursuant to any such commitment.

Who may conduct investigations.

SECTION 9. The examination and investigation hereinbefore provided for, may be had, done, and taken by the common council, when in session, or by a committee to be appointed by the common council, who are authorized to perform such duties when that body is not in session.

Testimony not to be used against person giving it.

SECTION 10. Any admission which any person shall make when testifying before such committee, or the common council, shall not be used against him in any civil or criminal suit.

## CHAPTER V.

### FINANCES AND TAXATION.

How payments from treasury to be made.

SECTION 1. All funds in the treasury, except state, school and county funds, and the special funds for street improvements, as provided for in chapter 7, of this act, shall be under the control of the common council, and shall be drawn out upon 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.

Levy of taxes.

SECTION 2. The common council shall annually levy upon the taxable property of said city, to defray the current expenses of the city, for the support of the poor, the payment of the principal and interest upon city bonds which have been or may be hereafter issued, for the construction or repair of bridges, culverts, reservoirs, wells, or water-works, fire-engines or extinguishers, engine-houses, market-houses, poor-houses, city hall, prison or watch-house, and for all other purposes authorized by the charter of said city, or laws of the state, such sum of money, not exceeding two per cent. upon the assessed valuation of all property, as shall be determined by a majority of all the aldermen elect, upon a call of the yeas and nays at a regular meeting of the common council during the month of November in each year; *provided*, that this

section shall not be so construed as to interfere or conflict with any general law of this state authorizing the levy and collection of taxes. All existing indebtedness of the wards of said city shall be assumed by the city, and paid out of the general fund.

SECTION 3. No account shall be audited by the city clerk, nor allowed by the common council, unless the same is verified on oath by the owner thereof, which verification shall be substantially as follows: I, ———, being duly sworn, depose and say the above account is just and true, and the same has not been paid, or any part thereof, and that the same accrued by the order of ———. Subscribed and sworn to before me this ——— day of ———, A. D. ———; *provided*, that if the owner of an account is sick or absent from the city, the affidavit may be made by his agent or attorney cognizant of the facts, who shall also swear, in addition to the affidavit aforesaid, substantially as follows: That he is agent or attorney, (as the fact is,) of the said ———; that all the facts in reference to said claim or account are within his personal knowledge; that the said owner thereof is sick and unable to make this affidavit; or that he is absent from the city.

Accounts to be verified.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner herein prescribed; *provided however*, that the common council may, by ordinance more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering, or perfecting such rolls as they may from time to time deem advisable, not inconsistent with the provisions of this act.

Assessment of property.

SECTION 5. On the third Monday in April, in each and every year, the board of assessors shall meet at the common council chamber, and as soon thereafter as possible, decide upon a division of their labors, of which division they shall make a record duly signed by them, and filed in the office of the city clerk, and shall without delay enter upon the discharge of their duties.

Board of assessors.

SECTION 6. All taxes and assessments, general or special, levied by virtue of this act, shall be and remain a lien upon the land and tenements upon which they may be assessed, and upon all personal property

Taxes to be lien upon 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 personal property.

Back taxes--re-levying of same.

SECTION 7. If it shall appear to the assessors 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, they 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 taxes or assessment upon any parcel of land, be set aside or declared void by any reason of any defect or any informality in the assessing, levying, selling or conveying the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment to be set aside or declared void, to be re-levied in such manner as they shall by resolution direct; *provided*, that if 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 re-assessed or re-levied, shall be and continue to be a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Informality not to affect validity of assessment.

SECTION 8. 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 intrusted 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 9. The assessors shall constitute the city board of equalization, and shall meet at the common council chamber on the first Monday in July in each year, at nine o'clock in the forenoon, and shall proceed in all respects, so far as practicable, except as herein provided, as town boards are required to proceed, to make such amendments, corrections and alterations, and to review, correct and equalize the assessments of the several wards, in their order. They shall choose one of their number as chairman, and one as clerk. They shall devote at least two days to each ward, to the hearing of complaints; and thereafter they shall proceed to correct, equalize and determine said assessments; *provided*, that said board shall not have the power to increase the assessed valuation upon any real estate or personal property in said city without first giving twenty-four hours' notice, in printing or writing, to the owner, if a resident of the city, or the occupant or any agent thereof, if known as such to the board, of such proposed increase.

City board of equalization.

SECTION 10. Before the annual meeting of the board of supervisors of the county of Outagamie, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said county board at its annual meeting.

City clerk to transmit copy of assessment roll to county clerk.

SECTION 11. The county board of equalizers of Outagamie county, shall equalize the assessment-roll of the city with the assessment-rolls of the towns in that county; but in such equalization, shall consider the assessment-roll of the city as an entire roll, and shall not change the relative valuation of the different wards.

Equalization of assessment rolls.

SECTION 12. The county board of supervisors may levy taxes, as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied, and the various purposes, to be certified to the city clerk, as prescribed by law; and the city clerk shall thereupon make out a tax-list for all purposes, in a book or books to be provided therefor, setting opposite to each tract of land, and to each person named, under proper columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated "the tax-list," and to it shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of the

Levy of taxes.

city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments in said list specified, in the manner prescribed by this act. Before delivering such tax-list to the treasurer, the city clerk shall compare it with the assessment-roll as confirmed, and shall add to it his certificate, that the same has been by him compared, and that it is a true, full, and complete copy of such assessment-roll; and the tax-list, when so certified, shall be *prima facie* evidence in every court, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Collection of  
taxes.

SECTION 13. All the general laws of this state, which are now or may be hereafter in force relative to the 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, at the same time and in the same manner as is required by law of the town treasurer to collect taxes; and all unpaid taxes and assessments shall, in like manner, be returned to and collected by the county treasurer; but the five per cent. included in said return as collection fees, shall, when collected, be paid over to the city treasurer, and by him placed in the general fund of the city, for the use and benefit of the city. The city treasurer shall be entitled to charge, collect, and receive for said city, as fees for the collection of taxes and assessments, two per cent. on all sums collected by or paid to him prior to the first day of January in each year, and five per cent. on all sums collected by or paid to him after said day, and before his return to the county treasurer. The city treasurer shall, upon the receipt of the tax list, publish a notice in the weekly newspapers printed in the city, specifying that all taxes and assessments, whether upon real or personal property, in said tax list, shall be paid on or before the fifteenth day of January next ensuing, at his office in said city, and that all taxes and assessments not paid by that day will be collected by the seizure and sale of the goods and chattels of the person, company, or corporation charged with such taxes and assessments; and the publication of such notice shall be deemed and taken to be a demand, and failure to pay such taxes and assessments within the time limited in such notice, shall be deemed a refusal to pay the same.

Sale of of per-  
sonal property  
for taxes.

SECTION 14. If at any sale of personal estate for taxes or assessments, no bids shall be made for any

goods or chattels offered, the same shall be struck off to the city, and thereupon the city shall receive, in its corporate name, a certificate of sale, and shall be vested with the same rights as other purchasers, and personal property so purchased by the city shall be subsequently sold by the marshal at public auction, and the avails thereof paid to the city treasurer.

SECTION 15. Whenever the taxes on personal property shall not be paid by the fifteenth day of January, of any year, the treasurer may issue his warrant, directed to the city marshal, commanding him to collect such unpaid taxes; and for such purpose the city marshal shall have all the powers and be subject to the same liabilities, and be entitled to the same compensation as is now provided by the charter of said city; and the said warrant, when so issued, shall be returnable before the expiration of the time allowed by law to the said treasurer for the collection of said taxes.

Collection by  
distress.

SECTION 16. No person shall be permitted to institute 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 of 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 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.

Redemption of  
lands sold for  
taxes.

SECTION 17. The common council shall not have power to issue any bonds or other evidences of debt, payable at a day subsequently to the date thereof, except in cases authorized by this act or some law of this state; nor shall the common council issue, in any one year, orders upon the city to an amount greater than the surplus funds on hand, and the amount of taxes, which may be levied under the provisions of this act; and in case a greater amount of orders shall be issued than is herein provided, the members of the common council shall be personally liable therefor, and the amount of such excess may be collected of them, or any of them, by any person holding such orders, in any court of competent jurisdiction; *provided*, that no alderman shall be held liable as aforesaid, without proof of his assent to the issue of such excess of orders. Nothing herein contained shall be

Limitation of  
power of coun-  
cil to issue  
bonds or orders

so construed as to prevent the common council from making a temporary loan, if two-thirds of all the aldermen elect so vote, in anticipation of the tax to be levied and collected during the current fiscal year when such loan is effected.

Power of council to remit tax.

SECTION 18. Whenever it shall be shown to the satisfaction of the common council, by affidavit, deposition or oral testimony on oath, that manifest error or injustice has been done in the assessment, equalization or levying of general or special taxes upon any real or personal property in said city, by means of which excessive and unjust amount of tax has been levied, the common council may, by a two-thirds vote of all the aldermen elect, remit such sum as it decides to be in excess of the equitable amount; *provided*, that all such affidavits, depositions or oral testimony, reduced to writing, shall be filed in the office of the clerk, and be receivable in all courts and places; *and provided, further*, that if any person shall willfully and knowingly make a false affidavit or deposition, or make false statements under oath for the purpose of obtaining an abatement of any assessment or tax made or levied pursuant to the provisions of this act, he shall, upon conviction in the proper court, be deemed guilty of perjury.

When complaint of unjust assessment is made.

SECTION 19. Whenever any person shall signify in writing to the board of equalization, while such board is still in session, that he is dissatisfied with the equalization of his real or personal property, stating the grounds of such dissatisfaction, said board shall appoint a time to act thereon, and at such time, with the mayor and city attorney, they shall decide thereon, and such decision shall be final; and said mayor and attorney shall have a vote in the decision of such cases.

Duty of city treasurer in collecting taxes.

SECTION 20. The city treasurer in collecting taxes and making his return to the county treasurer, shall conform to the general laws of the state, except as herein provided, but the return to the county treasurer shall be for the city and not for the wards separately.

Process for collection of taxes.

SECTION 21. In case the city treasurer and city marshal shall be unable to collect any taxes assessed upon any personal property, and payable by any person named in the tax-list, he shall proceed in all things according to the general laws of this state in bringing the delinquent person before some justice of the

peace and such proceedings shall be had, as is provided by the general laws as aforesaid.

SECTION 22. On or before the first Monday of March, of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Outagamie county, a list of all land, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall extend to and may be enforced by the county treasurer to collect any delinquent personal property tax, of whatever year, due to said city.

Return of delinquent lands.

SECTION 23. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office and appoint a suitable person to fill the vacancy.

When treasurer neglects duty.

SECTION 24. Whenever the common council, as hereinbefore authorized, shall borrow money, certificates of appropriation therefor may be issued, payable at such time or times as the council may determine, not inconsistent with the provisions of this act, and such certificates may be drawn to bear interest at a rate not exceeding ten per centum per annum; and when so drawn and signed by the mayor and clerk, the interest shall be paid thereon as therein expressed.

Certificates of appropriation.

SECTION 25. No action shall be maintained by any person against the city, upon any claims or demands of any kind whatsoever, whether arising from contract or otherwise, until such person shall first have presented such claim or demand to the common council for allowance; *provided*, that nothing herein contained shall be so construed as in any manner to affect a right of action upon a city order, duly issued by authority of the common council, after payment has been duly demanded.

No action to be maintained until claim has been presented.

SECTION 26. The determination of the common council, disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, except that such person may appeal to the circuit court, as provided in section 27 of this chapter.

Action of council conclusive.

Council not to entertain claim a second time.

SECTION 27. In case any person shall present his claim or demand to the common council, and the said council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again, and such claimant, if he desires, may prosecute his said claim by appeal to the circuit court, and not otherwise.

Appeal from council to circuit court.

SECTION 28. When any claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of the council disallowing such claim, to the circuit court of the county of Outagamie, 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 the said city, with sufficient surety to be approved by said clerk, or any court commissioner of Outagamie county, conditioned for the faithful prosecution of such appeal, and the payment of all costs that may be adjudged against the applicant by the court. The city clerk, in case such appeal is taken, and one dollar return fee, and one dollar for the state tax on the appeal is paid to him by the appellant, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all papers in the case, to the clerk of the circuit court of Outagamie county, and thereupon such appeal shall be entered, tried, and determined, in the same manner as cases originally commenced in the circuit court, and costs shall be awarded thereupon in like manner. When any claim duly verified, shall be presented to the city clerk, and the common council shall neglect or refuse to allow or disallow the same for sixty days thereafter, it shall be deemed and taken to be disallowed, and the owner or holder thereof shall have the same right to appeal as in case of a disallowed claim.

City clerk to give notice of appeal.

SECTION 29. The city clerk, upon such appeal being taken, shall forthwith give notice thereof to the city attorney, and shall also report the same to the common council at its first meeting thereafter.

Who debarred from appearing as attorney against city.

SECTION 30. No member of the common council, nor the mayor, city clerk, or city attorney, if by profession an attorney at law in any court of record in this state, nor any law firm of which he is a member, shall be permitted to appear against the city in any suit or appeal in which said city is a party.

## CHAPTER VI.

## OPENING OF STREETS, ALLEYS, ETC.

SECTION 1. The common council shall have power <sup>Taking of lands for public use,</sup> to lay out and establish public grounds and squares, streets, alleys, and highways, and to widen the same, and may purchase land for a street or alley, to an amount not to exceed in any one case two hundred and fifty dollars, and also in the following manner: Whenever ten or more freeholders, residing in any ward, shall represent, by petition to the common council, that it is necessary to take certain lands within the ward where said petitioners reside, for public use, for the purpose of laying out public squares, grounds, streets, alleys, or highways, or the enlarging or widening the same, the courses, distances, and quantities of the lands proposed to be taken, as near as may be, together with the names and residences of the owners, if known to said petitioners, the common council shall thereupon cause notice of such application to be served upon the actual occupant or occupants of such lands, if any there be; and if any portion of such lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers, at least once in each week, for two weeks successively.

SECTION 2. Such notice shall state that, upon a day <sup>Form of notice.</sup> therein to be named, not less than five 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 a court commissioner of Outagamie county, naming such officer, for the appointment of twelve jurors to view the premises proposed to be taken, determine whether it will be necessary or expedient to take the same for the purpose specified in said petition, and to ascertain, appraise, and determine the value of the land and the amount of damages to be paid to the owner or owners of the property determined to be taken.

SECTION 3. Upon presentation of such application <sup>Jury to be appointed to view premises.</sup> and upon proof and publication of service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint as such jurors, twelve reputable freeholders, citizens and residents of



said city, but not residents of the ward in which said premises may lie, nor personally 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 five days thereafter, to view the premises to be specified in said precept, and to make a return under their hands to the common council, whether in their judgment it is necessary to take the premises specified, or any adjoining premises, for the purpose specified in such application, and also to make return of the value of the lands and the amount of damages to be paid to the owner or owners, respectively, of the property to be taken.

Marshal or coroner to serve precept.

SECTION 4. The city marshal or county coroner shall forthwith serve his precept on the jurors named, by reading the same to each of them that can be found, and immediately after such service, he shall return the precept, with his doings thereon, to the officer who issued the same.

When jurors disqualified or absent.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioners shall appoint others in their places, and shall endorse such substitution on the precept.

Oath of jurors.

SECTION 6. The said judge or court commissioner, or in his absence, any person authorized to administer oaths, 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.

Duties of jurors in viewing premises.

SECTION 7. The said jurors shall, at such times as they agree upon, without unnecessary delay, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses. After viewing the premises and hearing the testimony, 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 and expedient to take the premises in question or adjoining premises, for the public use; and in case they find it necessary to take such premises, they shall report in parcels the value of the lands and the amount of damages awarded by

them, which report, testimony and precept shall be returned to the city clerk within the time limited in said precept, and which award shall be final and conclusive, unless an appeal is taken as hereinafter provided; *provided*, that in case said jurors determine that it is necessary to take adjoining premises, not included in the original petition, the judge or court commissioner on application of the jurors, shall extend the time by endorsement on the precept, for a sufficient period to secure notice to the occupant or owner of such premises, by personal service, or by publication of the time and place when such jurors will receive the testimony relative to the value of such adjoining premises, and the amount of damages to be awarded; *and provided further*, that if the occupant or owner of any of the premises so viewed, shall show to the common council that he or she has other or further testimony, not previously obtainable, which will tend to establish greater value to the land proposed to be taken, or a greater amount of damages, the common council shall remand the case to the jurors, to receive and act upon such testimony, and when their report is again presented, it shall be final and conclusive, unless an appeal is taken as hereinafter provided.

SECTION 8. If the lands or buildings belonging 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 interest, respectively, may be awarded to them by the jurors.

Where land belongs to different persons.

SECTION 9. The lands taken for the purposes mentioned in this chapter, shall not be appropriated to the public use, until the damages awarded therefor, to each owner thereof, shall be paid or tendered to such owner or agent, cannot be found, or is unknown, deposited to his credit with the county treasurer of Outagamie county, 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 ordinances and regulations of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out; *provided*, that the damages awarded by the aforesaid jurors shall be paid, tendered, or deposited as hereinbefore required, within one year from the date of the filing of said award and report with the city clerk, and if not so paid, or tendered, or deposited, all the proceedings in such case shall be null and void.

When lands taken shall be appropriated.

When damages awarded may be tendered.

SECTION 10. It shall be lawful for any person to pay, or tender, or deposit, as hereinbefore required, at any time within one year from the date of the filing of the award and report of the jurors, the damages awarded in any case arising under this chapter; and whenever proper vouchers and evidence are filed with the city clerk, that said damages have so been paid, tendered or deposited by any person, it shall be the duty of the common council to enter an order among their proceedings, to take and appropriate such lands for the purpose required, and all expenses arising out of this act, shall be chargeable to the ward wherein the lands taken shall lie, except for public grounds or parks, which shall be paid out of the general fund of the city.

Contracts shall cease when premises taken.

SECTION 11. 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 chapter, all the covenants, contracts or engagements between landlord and tenant, or by any other contracting parties, touching the same, or any part thereof, shall, upon the filing of the award and report of the commissioners, [jurors] cease and be absolutely discharged.

When only part of tract is taken.

SECTION 12. When only part of a tract of land or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts, or agreements respecting the same, upon the filing 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, or in respect to the same, shall be so proportioned that the part thereof, justly and equitably payable for such residue thereof, and no more, shall be payable or recoverable for, in respect to the same.

When owner of land taken is under legal disability.

SECTION 13. When any known owner of lands, or tenements, affected by any proceedings under this chapter, shall be an infant, or labor under legal disability, the judge of any court of record in said county may, upon the application of the common council, or such party, or his next of kin, appoint a guardian for such party, and all notices required by this chapter shall be served upon such guardian.

Survey to be made.

SECTION 14. Whenever any public ground, street, avenue, highway, or alley, shall be laid out, widened, or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and

profile thereof to be made and filed in the office of the city clerk, and shall also cause the same to be recorded in the office of the register of deeds of Outagamie county.

SECTION 15. Any person whose property is taken, or against whom an assessment is made, may, within twenty days from the return of the jurors, to the common council, appeal from said assessment of damages to the circuit court of Outagamie county, where such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right of appeal.

Owner of property taken may appeal.

## CHAPTER VII.

### CITY IMPROVEMENTS.

SECTION 1. The common council shall adopt general regulations relative to the cleansing and repairing of streets, avenues, lanes, alleys, highways, bridges, sewers, sidewalks, crosswalks, and public grounds, and requiring the owners and occupants of lots or parcels of land bordering or abutting on any street, lane, avenue, alley, or highway, to keep in repair or rebuild the sidewalks adjoining their premises; and in case the owner or occupant of any such lot or parcel of land, after due notice, shall neglect or refuse to repair or rebuild any such sidewalk, the street commissioner shall, in pursuance of such regulations, or of the order of the common council, cause the same to be done at the expense of the said lots or parcels of land adjoining thereto or abutting thereon; and the street commissioner shall, prior to the second Monday in November in each year, make a report in detail to the city clerk, duly verified, of the amount of tax properly chargeable against each lot or parcel of land, for all work done and unpaid for under the provisions of this section, and such amount shall be a lien on such lot or parcel of land, and with other or like special taxes authorized by this act, shall be levied thereon by the common council, at the next succeeding annual levy of taxes in said city, as a special tax, with all the legal consequences, both as to collection of taxes and sale of such lot or parcel of land for unpaid taxes, prescribed in the act, or the general laws of this state for special taxes. The cleansing and repairing of streets, avenues, lanes, alleys, highways, and public grounds shall be done under the

Cleansing and repairing of streets, etc.

superintendence of the street commissioner, at the expense of the city; and the common council may provide for letting all such work by the month or year, by contract. Whenever the street committee of the common council signify in writing to the city clerk that certain repairs, as provided in this section, are needed, the city clerk shall forthwith notify, in writing, the street commissioner to cause the same to be done; and if the street commissioner shall fail or neglect to cause the same to be done within six days from the time of receiving such notification, said street committee may, in writing to be filed in the clerk's office, designate a suitable person to act in his stead, which person shall proceed in all respects the same as the street commissioner, and shall immediately thereafter make full return of his doings, under oath, to the city clerk, and the acts and doings of such person so appointed, shall have the same force, effect, and validity as the acts of the street commissioner.

Lands injurious to health—duty of street commissioner.

SECTION 2. The street commissioner shall give notice to all owners or occupants of lots or lands which may be deemed injurious to health, by reason of stagnant water remaining thereon, to abate such nuisance by draining or filling such lots or lands within a reasonable time to be specified; and if such nuisance shall not be abated or removed within the time so specified, the street commissioner shall cause the same to be abated or removed, and the expense thereof shall be charged to and collected from said lots or lands, as provided in section 1, of this chapter.

Expense of improvements—by whom payable.

SECTION 3. The costs and expense of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon, and of constructing and repairing public wells and reservoirs, shall be chargeable to and payable out of the general fund. Opening, grading, graveling, planking or paving streets and alleys, to the center thereof, shall be chargeable and payable as follows, viz: One-half out of the general city fund, and one-half by the lots fronting on such street or alley. Sewers may be ordered by the common council and built at the expense of the lots or parcels of land benefited thereby, which shall be apportioned among said lots or parcels of land by the city surveyor; *provided, however*, that where sewers are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks through which said sewers may be constructed; and where

sewers are constructed through streets, no lot shall be assessed therefor except those situated in the blocks fronting on such streets; *and provided further*, that in all cases where improvements or work of any kind are charged, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund, in proportion to the width of the street, alley or public ground.

SECTION 4. The street commissioner shall not have power to make, grade, gravel, or pave any street, avenue, alley, or public grounds, or to construct any well, gutter, or sidewalk, nor shall the city surveyor have power to construct or accept any reservoir or sewer, unless the same shall have been first duly authorized by an order of the common council, to be entered in their proceedings; *provided*, that nothing herein shall be so construed as to prohibit the street commissioner from making or causing to be made, all necessary repairs to any sidewalk, street, avenue, alley, public grounds, wells, reservoirs, sewers, and gutters; *and, provided further*, that he shall be at liberty to construct public wells whenever the common council shall order the same; but there shall not be more than one well to any four blocks upon any one street or avenue. Hereafter, no special improvements shall be ordered by the common council, exceeding in estimated costs the sum of two hundred dollars, unless more than one-half the owners of the lands or lots to be taxed for such improvement, shall petition, in writing, for the same, or unless the same shall be ordered by a vote of two-thirds of all the aldermen elect. If the common council order any special improvement to be made, or pass any ordinance requiring any special improvement to be made, or pass any ordinance requiring any special improvement to be done, the vote thereon shall be taken by yeas and nays, and entered upon the journal of the proceedings of said common council; and no special improvement shall be valid or binding unless said vote be so taken and recorded.

Authority and restrictions of street commissioner in making improvements.

SECTION 5. Whenever the common council shall authorize the making of any public improvement as provided by sections 3 and 4, of this chapter, the city clerk shall forthwith notify the city surveyor to make and file in his office all necessary plans and specifications therefor, and an estimate of the whole expense thereof, and the proportion, if any, to be as-

When public improvements authorized how work shall be done and by whom.

sessed and charged to each lot or parcel of land; and in the case of grading streets, avenues, lanes, alleys, highways, or building sidewalks, of the number of cubic yards to be excavated or filled in front of each lot or tract of land, and such estimate and plans shall be the property of the city, and shall be open to the inspection of all parties interested. The city clerk shall give notice by advertisement in the official paper of the city to the owners or occupants of the lots or parcels of land bordering on any street, avenue, alley, or highway, ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice within reasonable time therein to be specified, according to the plans and specifications on file in his office, and if the said work shall not be done within such time, the city clerk shall at once proceed to advertise for proposals, and enter into contracts for the doing thereof. Whenever any contract shall have thus been made and concluded, the city clerk shall without delay notify the street commissioner thereof, accompanying such notice with a copy of the terms and conditions of such contract. All contracts for work done by and pursuant to the provisions of this chapter, and for the construction of sewers and reservoirs, shall be subject to the acceptance of the city surveyor; *provided*, that any contractor may appeal from the decision of that officer to the common council. The common council may, in its discretion, employ any competent man to superintend the construction of such public works as they think proper. In all cases where any improvement shall be ordered pursuant to the provisions of this act, one-half the expense of which shall be chargeable to the lots bordering thereon, the owner or agent shall be entitled to do the work according to the plans and specifications on file, and on completion thereof, to the acceptance of the proper officer, shall be entitled to receive from such officer a certificate showing that the city is indebted to him for an amount equal to one-half of the estimated expense (previously made and filed by the city surveyor), upon the presentation of which certificate duly verified by the owner or holder thereof to the common council, the same shall be allowed to him out of the general fund of the city; *provided*, that any owner or agent shall, within ten days after said work is ordered by the common council, signify to the city clerk in writing that he will perform the same according to the plans, specifica-

tions and estimate made by the city surveyor, and shall execute a bond subject to the approval of the said clerk, conditioned for the faithful execution thereof within the time designated by the street committee or the city clerk.

SECTION 6. Whenever the general interests of the city requires deep cutting or extraordinary filling of any street, or for the construction of any sidewalk, and the owners of the lots or lands fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall, within ten days after the service or first publication of the notice requiring the improvement to be made, represent to the street commissioner, in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioners shall report the same to the street committee, who, or a majority of them, shall examine the premises, and if in their opinion, the cost of such work shall exceed the benefit derived therefrom, it shall be their duty to determine in writing, subscribed by them and preserved with the records of said city, which portion of the work shall be chargeable to such lots or parcels of land, and how much or what portion shall be chargeable to the general fund; and such proportion as shall be reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the general fund; *provided, however*, that the common council shall, by a majority vote, duly ratify the same; *and provided, further*, that any party feeling himself aggrieved by the determination of the common council, may, within ten days from the date thereof, appeal to the circuit court as hereinbefore provided.

When expense of improvement exceeds benefit to lot owners.

SECTION 7. After the completion and performance of any contract entered into by the street commissioner, for work chargeable to lots or lands, by virtue of this chapter, he shall give to the contractor or contractors a certificate, under his hand, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount thereof shall not be paid before the time for making out the annual assessment roll, or tax list, the same shall be levied upon the said lots or parcels

How charges for improvements collected



of land respectively, and collected for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required, shall have been given as herein provided, no informality or errors in the proceedings shall vitiate such assessment and levy; *provided*, that in no event not herein authorized, where work is ordered to be done at the expense of any lot or parcel of land in whole or in part, shall the city be held responsible for payment thereof.

## CHAPTER VIII.

### FIRE DEPARTMENT.

#### Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power, and it shall be their duty, 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 any buildings within the limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding 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.

#### Precautions against fires.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, furnaces, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; 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, and also to provide wells or cisterns on their premises; to authorize the mayor, aldermen, fire-wardens, and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to

compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and, generally, to establish such regulations for the prevention and extinguishment of fires, as the common council may deem expedient.

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 prohibited, and their apparatus to be delivered up. Each company shall not exceed forty 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 and regulations of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed, shall be exempt from service as juror, and from military duty, during the continuance of such membership; and any person having served for the term of seven years in either of said companies, shall be forever thereafter exempt from military duty, except in case of insurrection or invasion.

Purchase of fire apparatus and formation of fire companies.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of 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 one chief engineer, and three assistant engineers, and four fire-wardens; and the common council shall thereupon confirm or reject said nominations, and the persons so appointed shall perform such duties as the common council may prescribe.

Appointment of engineers and wardens.

SECTION 5. It shall be lawful for said wardens, at any time, in the discharge of their duties, to enter any building or enclosure, for the purpose of inspecting the same.

Privileges of wardens.

SECTION 6. The net proceeds of all fines and penalties recovered for any breach of any ordinance or regulation made in pursuance of this chapter, shall be paid to the fire department.

Fines and penalties.

SECTION 7. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor, or alderman at any fire, it shall be lawful for the officer to arrest, or direct orally the marshal, con-

Refusal to obey officers.

stable, watchman, or any citizen, to arrest such person, and confine him temporarily in some 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 obey such lawful order, or who shall refuse to arrest, or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Sack companies.

SECTION 8. The common council shall have power to organize sack companies, to consist of not more than thirty members each. Such companies shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said companies, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Appleton, and are hereby vested with all the powers and authority which now is, are, or hereafter may be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall as far as may be in their power, preserve the same from injury or destruction. Said companies may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said companies shall not be entitled to receive any pay or compensation for services rendered in their official capacity. They shall, in case of a riot or disturbance of the peace, have free 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. The members of said companies shall severally take an oath or affirmation, that they shall faithfully discharge the duties of their said office, and when any member shall cease to be a member thereof, by resignation, expulsion or otherwise, a notice thereof shall be given to the city clerk, and he shall preserve a list of all the members of each of said companies.

Report of chief engineer.

SECTION 9. The chief engineer of the fire department shall semi-annually, on the first Saturday in April and October in each year, make report in detail and under oath to the common council of all prop-

erty belonging to the city, in possession of the fire department and of its condition and value. The chief engineer shall, from time to time, make such recommendations in writing to the common council, designated [designed] to promote the efficiency of the fire department, as he shall deem expedient. He shall also keep in a book to be provided for that purpose, a record of all alarms of fire, the cause thereof, the extent of loss, and the amount of insurance, and shall incorporate the same in detail, in his semi-annual report.

## CHAPTER IX.

### SUPPORT OF THE POOR.

SECTION 1. All laws of this state for the relief and support of the poor in towns, shall apply to said city, but the common council may, by ordinance, prescribe the mode of supporting city paupers. And the common council shall appoint one or more suitable persons to act as commissioners of the poor of the city, who shall perform all the duties of overseer of poor in towns, and such other and further duties as the common council shall prescribe.

Support of  
poor.

## CHAPTER X.

### PUBLIC SCHOOL SYSTEM.

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

Board of edu-  
cation.

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

Meeting of  
board.

SECTION 3. A majority of the whole board shall be necessary to constitute a quorum for business. The mayor shall preside at all meetings, but in his ab-

Quorum—how  
constituted.

sence any one of the members present may be chosen a chairman pro tem.

Duties of board

SECTION 4. The duties of the board of education shall be as follows: 1. To elect annually, at the regular meeting in June, a city superintendent of schools, and one of their number to officiate as clerk. Such clerk shall keep a record of the proceedings of each meeting, and discharge such other duties as the board may direct. 2. To arrange and determine the boundaries of school districts, subject to the approval of the common council; *provided*, that no joint district shall be formed of a portion of the city and a portion of any adjoining town. 3. To arrange terms and vacations of all public schools, and establish uniformity in the school system. 4. To require uniformity in text books, and to adopt or reject text books at will; *provided*, that text books shall not be changed oftener than once in five years. 5. To institute uniform regulations for schools, not conflicting with the constitution or laws of this state.

Duties of city superintendent

SECTION 5. The duties of the city superintendent shall be as follows: 1. To examine all applicants for teachers' license, in the branches taught in the public schools of said city, and, if approved, give them certificates authorizing them to teach in said city. 2. To annul a teacher's certificate whenever he may think proper; *provided*, that such teacher shall have the right to appeal to the board of education. 3. To visit each school department in said city, at least three times during each term. 4. To report to the board of education at each regular meeting, relative to the condition of the schools under his supervision; to make such recommendations as shall in his judgment conduce to their welfare and to perform such other duties as may be required of him by the board.

Compensation of board.

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

School-district boundaries.

SECTION 7. From and after the close of the present school year, to-wit: On the first Monday in July, 1876, such proportions of the territory of said city as is now included in joint school districts with adjoining territory in the town of Grand Chute, shall be severed therefrom; and the school districts of said

city shall thenceforward be constituted as follows: District number 1, the territory comprised in the first ward; district number 2, the territory comprised in the second and sixth wards; district number 3, the territory comprised in the third and fifth wards; district number 4, the territory comprised in the fourth ward. The several school district boards in said city, to which territory heretofore embraced in joint districts is hereby added, are hereby authorized and directed to adjust and settle with the school district boards of said joint districts, all claims and demands against such joint districts, and to apportion between them, according to the last equalized valuation of property in said territory, all property or funds on hand.

SECTION 8. All annual meetings of the electors of the several school districts in said city shall hereafter be held at the oldest occupied school house in their respective districts on the first Monday of July in each year, at seven o'clock in the evening; and each school district clerk shall post in different public places in his district, at least twenty notices of each annual meeting, ten days prior thereto. A majority of the electors of any school district in said city may, at any annual or adjourned, but not at any special meeting, except as hereinafter provided, vote to levy such an amount of tax, or authorize such an amount of loan of money, as they shall determine, for the purpose of erecting, completing or enlarging school buildings in said district; *provided*, that nothing herein contained shall be so construed as to prevent the calling of a special meeting by a majority of the school district board, and the levying of a tax, or authorizing a loan to build and equip a school house, to replace one destroyed by fire; but in such case, notice of the said special meeting must be given by said board, by publication for one week in at least two weekly newspapers printed in said city, and by posting at least twenty notices in public places in said district, the same length of time. District boards, may, with the consent of the board of education, sell and dispose of school houses and school grounds, and purchase new sites; *provided*, the same shall be ratified by a majority of the electors present at a school district meeting, specially called to consider the same. Whenever the electors of any school district, at the annual or adjourned meeting, shall neglect or refuse to levy such amount of tax as is necessary to pay teachers'

School meetings.

Levy of taxes.

District board.

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

Exempt from act of April 1st 1861.

SECTION 9. The city of Appleton is hereby and forever declared to be exempt from the provisions of an act "to create the office of county superintendent of common schools," approved April 6, 1861, and of all subsequent amendments thereto, and said county superintendent shall possess no authority as such over the schools of said city.

School laws of State applicable.

SECTION 10. All the laws of this state relative to public schools, so far as the same shall be applicable, and not inconsistent with the provisions of this chapter, shall apply to the city of Appleton.

## CHAPTER XI.

### MISCELLANEOUS PROVISIONS.

Powers to levy and collect special taxes.

SECTION 1. All powers conferred upon the towns or cities of this state to vote, levy and collect special taxes, shall be of full force and effect in said city.

Work to be let to lowest bidder.

SECTION 2. All work for the city or any school district, when the amount exceeds one hundred and fifty dollars, shall be let by contract to the lowest and best bidder, and due notice shall be given of the time and place of letting such contract, reserving the right to said city to reject any or all bids.

Actions to be brought in corporate name of city.

SECTION 3. Actions brought to recover any penalty or forfeiture under this act or the ordinances, fire, health, or police regulations, made in pursuance thereof, shall be brought in the corporate name of the city, except actions brought for the violation of any ordinance or regulation relating to the sale, traffic, or dealing in intoxicating liquors, which action shall be brought in the name of the State of Wisconsin, and like proceedings had therein, as in other criminal actions. It shall be the duty of the district attorney of Outagamie county, on notice given to him by the justice of the peace before whom such complaint shall be made, to attend the trial before such justice, and to conduct the same on behalf of the state. It shall be lawful to declare, generally in debt for such penalty or forfeiture, stating the clause of this act, or

ordinance, or regulation, under which the penalty or forfeiture is claimed, and to give special matter in evidence under it, except as aforesaid.

SECTION 4. In all prosecutions for any violations of any of the provisions of this act, or any ordinance, or regulation, the first process shall be a summons, unless oath be made for a warrant, as in other cases. Prosecutions.

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

“The City of Appleton,  
 against \_\_\_\_\_ } In justice court.

The plaintiff complains against the defendant, in an action of debt for that the defendant did, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, violate section \_\_\_\_\_ of an ordinance, (or regulation, describing it by its title, and stating clearly the offenses charged or complained of,) which said \_\_\_\_\_ is now in force. By reason of such violation, an action has accrued to the city of Appleton, 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 the oath is made for a warrant, the complaint, shall be made on the oath of the complainant, and no other affidavit shall be necessary, which complaint last above named, may be substantially in the following form: Form of complaint.

The City of Appleton,  
 against \_\_\_\_\_ } In justice court.

State of Wisconsin,  
 Outagamie County, } ss.

\_\_\_\_\_, being duly sworn, complains, on oath, to \_\_\_\_\_, a justice of the peace of the city of Appleton, that \_\_\_\_\_ did, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, violate section \_\_\_\_\_ of an ordinance (or regulation) of said city, (describing it by its title, and stating the offense charged or complained of,) which said \_\_\_\_\_ is now in force and effect, as the complainant verily believes; and prays that said \_\_\_\_\_ may be arrested and held to answer to the said city of Appleton therefor.

“Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.”

Said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of

*J. C. C. 1872.*



such complaint with the justice of the peace, he shall issue a warrant thereon, which may be substantially as follows:

“State of Wisconsin, Outagamie County, City of Appleton, ss.:

To the sheriff or any constable of said county, or to the marshal of the city of Appleton, greeting:

Whereas, \_\_\_\_\_ has this day complained to me in writing, on oath, that \_\_\_\_\_ did, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, violate section — (or sections —), of ordinance (regulation or law, as the case may be, describing it by its title, and stating clearly the offense charged or complained of), which said \_\_\_\_\_ is now in full force and effect as the said complainant verily believes: Therefore, in the name of the State of Wisconsin, you are hereby commanded to arrest the body of said \_\_\_\_\_, and him bring before me forthwith, to answer to the city of Appleton, on the complaint aforesaid.”

“Given under my hand the \_\_\_\_\_ day of \_\_\_\_\_18\_\_\_\_.

“\_\_\_\_\_, Justice of the Peace.”

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

Duty of witnesses and jurors to attend before justice.

SECTION 7. Witnesses and jurors shall attend before a justice of the peace in all civil and criminal suits, without the payment of fees in advance, or a tender thereof, upon process of the court, duly served, and in default thereof their attendance may be compelled by attachment.

Finding of court, judgment, costs, etc.

SECTION 8. In all prosecutions under this chapter, the finding 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 contained in the ordinance or regulation for the violation of which the defendant shall have been adjudged guilty; and for the costs of the suit. But if not guilty, the costs shall be taxed against the city, except when the State of Wisconsin

is a party; then the costs shall be taxed against the county of Outagamie. Upon conviction, in all cases where the city is a party, under this chapter, and the non-payment of such judgment, the court may forthwith issue an execution, as in cases of tort, and shall determine and enter upon the 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 may be in the following form:

“State of Wisconsin, Outagamie County, City of Appleton, ss. Form of execution.

To the sheriff or any constable of the county of Outagamie, or to the city marshal, and to the keeper of the common jail of said county, greeting:

Whereas, The city of Appleton, on the — day of —, A. D. 18—, recovered a judgment before —, a justice of the peace of said city, against —, for the sum of — dollars, together with — dollars, costs of suit, for the violation of an ordinance (by-law, resolution, or law, as the case may be): These are, therefore, in the name of the State of Wisconsin, to command you to levy distress of the goods and chattels of said —, except such as the law exempts, and make sale thereof, according to law in such case made and provided, to the amount of said sum, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, take the body of said —, and him convey and deliver to the keeper of the common jail in Outagamie county; and said keeper is hereby commanded to receive and keep in custody in said jail the said —, for the term of —, unless said judgment, together with all costs and fees, are sooner paid, or he be discharged by due course of law.

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

—, Justice of the Peace.”

And on conviction in all actions brought pursuant to the provisions of this chapter and the laws of the State of Wisconsin, not inconsistent herewith, and the non-payment of such judgment, fine, penalty, or forfeiture, the defendant in such action shall be committed to the common jail of Outagamie county until such fine, penalty, or forfeiture and all costs are paid, or until discharged by due course of law; and

said commitment shall be in the usual form prescribed by law; *provided always*, that it shall be competent for the justice to impose hard labor, in addition to imprisonment, inside or outside of such jail, but within the "jail limits," as established, and the common council shall, by ordinance, regulate the mode and manner of performing such labor, and the officer or officers who shall control such prisoners; and the form of commitment may be varied accordingly.

Competency of witnesses.

SECTION 9. No person shall be an incompetent judge or justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city or state shall be a party in interest.

Ordinances etc. to remain in force.

SECTION 10. All ordinances, regulations, or by-laws now in force in the city of Appleton, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect.

Actions, etc. to be prosecuted by and vested in city.

SECTION 11. All actions, rights, fines, penalties, and forfeitures in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Fox River under jurisdiction of city.

SECTION 12. All that part of Fox River within the limits of said city, shall be under the exclusive jurisdiction of said city and its common council, and all bridges over said river within said limits, shall be under its control, and the common council shall have full power to build and construct, or cause to be built and constructed, new bridges, at such points as they may deem necessary, and for the best interest of the city, and to maintain and support all bridges which said city may now or may hereafter own, at the expense of said city.

Preservation of bridges.

SECTION 13. The general laws for the preservation of bridges, and the punishment by such laws provided for the willful and malicious injuries done thereto, are hereby extended to and shall include all of said bridges, and shall apply to any willful or malicious damage which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water-craft, or

by the master or any person in command thereof, such vessel or water-craft may be proceeded against under the law to provide for the collection of demands against boats and vessels.

SECTION 14. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as by ordinances or the by-laws of said common council may be in such case provided. No execution shall issue on any judgment against said city, nor shall any action be brought thereon; but the same shall be collected in the manner hereinafter provided. Whenever an exemplified copy of any final judgment rendered by any court of this state against said city, together with an affidavit of the plaintiff in such judgment, his assignee, agent or attorney, stating that said judgment has not been reversed, appealed from or removed to any other court, or paid or satisfied in whole or in part, shall be filed in the office of the clerk of said city; it shall be the duty of the clerk of said city to proceed to assess the amount thereof, with interest from the date of said judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said city, placing the same on the next city assessment and tax-roll, in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned in the same manner as other city taxes, and shall be paid to the party entitled thereto.

Service of process.

Payment of judgments.

SECTION 15. The common council may, at any time, by resolution duly passed and entered on its minutes, authorize the city surveyor, or such assistant surveyor as they may appoint, to make a new and accurate survey of the lines and boundaries of all the streets, alleys, avenues, highways, public grounds, wharves, docks, blocks and lots, establishing such permanent land-marks in each ward or in any one ward, as the common council may require, and to cause an accurate map or maps, plat or plats thereof to be made and certified to by such surveyor or assistant surveyor, to be approved by the common council, which approval shall be endorsed thereupon by the city clerk, and an attested copy thereof filed and recorded in the office of the register of deeds of Outagamie county; and such survey and land-marks when so established and

Re-survey and re-mapping of city.

recorded, shall be prima facie evidence in all courts and places of the facts therein set forth.

Grade of streets.

SECTION 16. The common council of said city may, at such times as they deem proper, establish the grade of all streets, avenues, alleys, highways, and sidewalks in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Outagamie county; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom, shall be paid by the city to the owner of any lot or parcel of land, or tenement which may be injured in consequence of any alteration of such grade; *provided*, that nothing in this section shall be so construed as to prevent the ——— from ordering or causing to be done, the grading of any street, avenue, alley or highway, to a temporary grade to be by him established.

City may possess real estate.

SECTION 17. Said city may purchase, lease, and hold real or personal estate, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Property subject to special taxation.

SECTION 18. Real estate exempted from taxation by the laws of this state, shall be subject to special taxes, as other real estate under this act, for special improvements.

Subdivision of lands into lots, streets, etc.

SECTION 19. Every individual, or company of individuals, or body corporate, owning a lot or tract of land within the limits of the city of Appleton, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets, avenues, and alleys in such plat to correspond in width and general direction with the streets, avenues, and alleys through the lots and blocks in said city, adjacent to said lot or tract of land so plated; and before recording such plat, as required by law, it shall be the duty of such person or persons making such plat, to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council, it shall be lawful for the party or parties making such plat, to record the same in the manner prescribed by the statutes of this state concerning town plats; but except such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified to by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds of Outa-

gamie county to receive such plat for record; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred dollars, and not more than one thousand dollars, and the register of deeds who shall record such plat without such resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum of not less than fifty nor more than one hundred dollars, for the use of said city.

SECTION 20. In all cases when, by the provisions of this act, or of any ordinance of said city, personal service is required upon the owner or occupant or agent of any property in said city, it shall be sufficient to deposit such notice, in a prepaid envelope, in the Appleton post-office, directed to such owner, occupant or agent residing in said city.

How notice served.

SECTION 21. When the city 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 Appleton," and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds and leases to be in name of city.

SECTION 22. The mayor of said city is hereby authorized to execute a deed or deeds, lease or leases, or other conveyance, of any real estate belonging to the city; *provided*, that such sale, lease, quit-claim, or other conveyance shall first be authorized by the common council, by ordinance or resolution, which ordinance or resolution shall fully describe the real estate and interest to be conveyed. Said deed or other instrument shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as prescribed by law.

Mayor authorized to execute deeds, leases, etc.

SECTION 23. When any such deed or other conveyance is so executed, the city clerk shall attach thereto a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds of Outagamie county, with said instrument; and such copy, so attached and recorded, shall be prima facie evidence in all courts and places, of the authority of such mayor to make and execute such deed, lease, or other conveyance.

Deeds to be attested by clerk, and recorded.

SECTION 24. The said common council shall have full power to make and repair any established road, and build and repair bridges thereon, in any town or towns adjacent to said city, whether within or with-

Power of council to make and repair roads, etc.

out the county of Outagamie, and may, through its street commissioner, enter into all necessary contracts for labor and materials; *provided*, that the written consent of a majority of the supervisors of such town shall first be obtained to the making of such expenditure and improvement.

Conflicting acts repealed.

SECTION 25. An act entitled "An act to incorporate the city of Appleton," approved March 31, 1865, and the several acts amendatory thereof, and all acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure, or invalidate any contracts, acts, suits, claims, or demands that may have been entered into, performed, commenced, or that may exist under, or by virtue, or in pursuance of the said acts, or any of them, but the same shall exist and be in force and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws, and orders of the common council of said city, or parts thereof not repealed, suspended, or made void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed, or suspended by the common council in pursuance of this act.

General laws not to repeal this charter.

SECTION 26. No general law of this state, contravening the provisions of this act, shall be considered as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this charter.

Town of Grand Chute to hold elections within city limits.

SECTION 27. The town of Grand Chute is hereby authorized to hold its annual town meetings and general and special elections within the limits of the city of Appleton, and the present board of supervisors of said town shall, if a majority so determine, select a place within said city where the town meeting shall be held on the first Tuesday of April next, of which election at least ten days' notice shall be given prior to said election by posting at least ten notices in different public places in said town. The electors of said town may, at their next annual town meeting, by vote of a majority voting thereon, authorize the board of supervisors of said town to purchase and hold a tract of land within said city; and erect a town hall thereon, upon such terms and conditions of payment as the majority may determine; and said town shall be authorized to hold such real estate and its

appurtenances free from all state, county and general city taxes, and the same shall be free from seizure for any debt due by said town; *provided*, that the real estate herein exempted shall not exceed three acres.

SECTION 28. This act shall take effect and be in force from and after its passage.

Approved February 21, 1876.

## CHAPTER 48.

[Published February 29, 1876.]

AN ACT to amend section one (1), of chapter one hundred and fifteen (115), of the general laws of 1874, entitled, "An act to authorize the city of Racine to levy a special tax to purchase additional school grounds"

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

SECTION 1. The city of Racine is hereby authorized to appropriate the remainder of the fund raised to purchase additional school ground, by virtue of chapter one hundred and fifteen (115), laws of 1874, to defray contingent expenses of the fire department in said city. Authority to appropriate fund.

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

Approved February 24, 1876.

## CHAPTER 49.

[Published February 29, 1876.]

AN ACT to extend the time for proving and filing claims against the Wisconsin Railroad Farm-Mortgage Land Company.

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

SECTION 1. The time for proving and filing claims against the Wisconsin Railroad Farm-Mortgage Land Company, is hereby extended to the first (1st) day of October, A. D. 1876. Extension of time for filing claims.