

moneys in the treasury not otherwise appropriated, the sum of eight thousand (\$8,000) dollars, to be drawn and expended by them under and pursuant to the provisions of chapter 307, of the general laws of 1876, and acts amendatory thereof.

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

Approved March 1, 1877.

[Published March 5, 1877.]

CHAPTER 89.

AN ACT to incorporate the city of Chilton.

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

CHAPTER 1.

THE CITY OF CHILTON — CORPORATE POWERS, BOUNDARIES, ETC.

General corporate powers.

Charter to be submitted to vote of people.

SECTION 1. All that district of country hereinafter described, from and after the first Monday of April, A. D. 1877, shall be a city by the name of "Chilton," and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Chilton, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, suing or being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure; *provided*, that the question of the adoption of this act as a charter of such city, shall be submitted to the electors of such territory before such charter shall become operative. For the purpose of determining such question, the qualified electors residing in such territory shall meet on the twentieth day of March, 1877, at 10 o'clock A. M. of that day, at such place as the inspectors of such election shall appoint, and vote by ballot upon such question. R. Schlichting, George Oram and Michael

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Connelly are hereby appointed inspectors of such election. In case of vacancy in such board of inspectors, the electors present shall choose *viva voce* from the qualified electors of such territory so many inspectors as there are vacancies in said board, and the persons so chosen shall be authorized to act as inspectors of such election. Such inspectors shall give notice of such election by posting notices thereof in at least three public places in such territory, at least five days prior to such election. Such notice shall specify that at the time and place mentioned in said notice, a meeting of the qualified electors of such territory will be held to determine the question of the acceptance of this charter. At such meeting the polls shall be opened at ten o'clock in the forenoon, and shall be kept open till 5 o'clock in the afternoon, when they shall be closed; but such inspectors may close the polls at 12 o'clock, noon, for one hour, giving notice thereof. The time of opening and closing the polls shall be specified in the notice of such meeting. Such inspectors shall preside and act as inspectors at such meeting, and shall appoint some qualified person to act as clerk thereof; and all the laws of this state applicable to the election of town officers shall apply to such meeting and to all proceedings thereat, so far as the same may be applicable and are consistent with the provisions of this act. Every elector residing in such territory, and qualified to vote for town officers in the town in which such territory or any part thereof shall lie, may vote at such meeting by a ballot having thereon the word, "yes," or the word "no." If the majority of the ballots given at such election shall have thereon the word "no," the electors of such territory shall be deemed not to have assented to the incorporation thereof as a city under the provisions of this act, and such act is hereby declared to be inoperative. But if a majority of such ballots shall have thereon the word "yes," the inhabitants of such territory shall be deemed to have accepted the provisions of this charter and this act shall be of full force, and the territory following shall comprise and constitute the city of Chilton, to wit: Lots number nine (9), ten (10), eleven (11) and twelve (12), in section number seven (7). Lots number five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11) and twelve (12), in section number eighteen (18); and lots number five (5), six (6), seven (7) and eight (8), in section number nineteen (19), all in township

City boundaries.

number eighteen (18) north, of range number twenty (20) east; and also the south half of section number twelve (12), all of section number thirteen (13), and the north half of section number twenty four (24) in township number eighteen (18) north, of range number nineteen (19) east. The said inspectors shall make a certified return of the results of such election and file duplicates of the same, together with copies of this act, in the office of the register of deeds of the county of Calumet, and the town clerk of the town of Chilton and such returns shall be *prima facie* evidence of the facts therein stated and the regularity of all proceedings in relation to such election.

Ward boundaries.

SECTION 2. The said city shall be divided into three wards as follows: All of the territory above described lying north of the Manitowoc river, and south and west of the following boundaries to wit: Commencing at the intersection of the Manitowoc river and Madison street in said village, running thence north along the centre of Madison street to Washington street, thence west and westerly along the centre of said Washington street to Main street, thence northwesterly along the centre of said Main street and the state road to the west line of said territory, shall constitute the first ward of said city of Chilton; all the territory lying north and east of said boundary and north of the Manitowoc river shall constitute the second ward of said city of Chilton; and all that territory lying south and east of the Manitowoc river within the limits first above mentioned shall constitute the third ward of said city of Chilton.

CHAPTER II.

TIME OF HOLDING ELECTIONS.

Annual elections.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday after the first Monday in April in each year, at such places as the common council shall designate, and the polls shall be kept open from 9 o'clock in the forenoon till 5 o'clock in the afternoon, with this proviso: That an adjournment may be had in the discretion of the inspectors of election, for one hour between the hours of 12 o'clock M. and 1 o'clock P. M., upon due notice thereof given at the opening of the polls. Previous notice of six days shall be given of such elections, signed by the clerk, stating the time and place of holding the same, and of the city and ward officers to be elected, which

notice shall be posted in one public place in each ward of said city.

SECTION 2. The elective officers of said city shall be ^{Elective off-}
a mayor, who by virtue of his office shall be super-
visor of said city, and as such shall be the sole repre-
sentative of and for said city in the county board of
supervisors of said county of Calumet; a treasurer,
one assessor, a clerk and a city marshal, elected by and
for the city at large; and one justice of the peace and
two aldermen from each ward. The mayor, treasurer,
assessor, marshal, clerk and justices shall be qualified
voters and residents of the city of Chilton, and the al-
dermen shall be qualified voters and freeholders in the
city of Chilton. All other officers necessary for the
proper management of the affairs of said city shall be
appointed by the common council. All elective offi-
cers, except aldermen and justices of the peace, shall,
unless otherwise provided, hold their respective offices
for one year, and until their successors are elected and
qualified; *provided, however,* that the common council
shall have power for cause, to expel any of their own
number, and to remove from office any officer or agent
under the city government, due notice in writing being
first given to the officer complained of. The justices
of the peace shall hold their offices for two years, and
until their successors are elected and qualified. The
mayor shall have power to suspend any police officer
or watchman appointed by the council, when com-
plained of, for cause, until the council shall take up
his case and dispose of it, which shall be done within
ten days after such suspension. The mayor shall also
have power to fill any vacancy thus created, for the
time being, and until such case be so acted upon by
the common council.

SECTION 3. Whenever a vacancy shall occur in the
office of mayor, treasurer, justice, clerk, alderman, or
marshal, such vacancy shall be filled by a new election,
which shall be ordered by the common council within
ten days after such vacancy shall occur. Any vacancy
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
duty 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 ^{Election to be}
ballot, and a plurality of votes shall constitute an elec-
tion. When two or more candidates for an elective

office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, at such time and in such manner as they shall direct.

Qualification of electors. SECTION 5. All persons who are qualified electors of the state of Wisconsin and entitled to vote at a general election, and who have resided in the city of Chilton thirty days next preceding the election, and who shall have paid their poll tax as required by law for the year next preceding the election, or was then exempt from the payment thereof by the provisions of this act, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections, but this section shall not apply to the first city election, to be held on the first Tuesday in April, A. D. 1877, at which first election all persons who have been for thirty days residents of the territory within the city limits and who are qualified electors of this state, shall be entitled to vote for all elective city officers, and nothing herein shall be construed as relating to any general election.

Officers of election. SECTION 6. The mayor and the senior alderman from each ward shall be inspectors of all elections held in said city, and the city clerk shall act as clerk of all elections, or in his absence, the board of inspectors may appoint an elector of said city for that purpose, and at any general election two electors thereof, in the absence of the clerk, and if the clerk be present, one elector shall be so appointed. The inspectors of election of said city at the next election and at all elections hereafter held in said city for city affairs, shall provide three ballot boxes, one to be marked "First Ward," one marked "Second Ward," and one marked "Third Ward," and at such elections the inspectors shall deposit each elector's ballot in the box marked for the ward in which such elector shall reside. Each ballot may have written or printed thereon the names of all persons voted for at large in said city, and also for any ward officer for the ward in which the elector resides.

Oath of elector. SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote shall be challenged by an elector, the inspectors before receiving the vote of any such person shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intentions to become a

citizen conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year; that you have been an actual resident within this city for thirty days next previous to this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election, and that you have paid your poll tax as required by law for the year preceding this election, or that you was exempt from the payment of poll tax the preceding year by the provisions of the city charter, or by reason of non-residence within the city limits," which oath any member of the board of inspectors is hereby authorized and empowered to administer; and in addition thereto the person so offering to vote shall still further show by the statements of two qualified electors that he has resided in said city thirty days previous to the said election; and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment or information shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote for any other ward than the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of such election shall be the same as that provided by the statutes of this state for similar conduct at any general election. At the first city election held in April, 1877, the oath above mentioned shall be so modified as to meet the qualifications of voters at that election.

Penalty for illegal voting.

SECTION 8. When the polls of an election shall be finally closed, the inspectors of election shall proceed to count and canvass the votes of each of the boxes, one box being completed before another shall be opened, and shall make a return of the number of votes cast for each and every office, and the number of votes for each and every person for each and every office, and shall deliver such return to the city clerk immediately after such election, and shall declare the result as

it appears from the same, and the city clerk shall, within twenty-four hours, give notice to each person elected of his respective election. In all cases of the election or appointment of any person to office the common council shall file with the clerk a certificate signed by three or more of said council, giving the name of the person elected or appointed, and the term for which he was so elected or appointed, and the clerk shall record such certificate in the book containing the record of the proceedings of said common council. Whenever a justice of the peace or city marshal shall be elected, the clerk shall forthwith give notice thereof in writing to the clerk of the circuit court of Calumet county, giving both the names and the term for which elected, and upon the election of a mayor or a treasurer, the clerk shall give like notice to the clerk of the board of supervisors of said Calumet county, and those county officers, upon receiving such notices, shall file the same in their respective offices.

Special elec-
tions.

SECTION 9. Special elections to fill vacancies or for any other purpose shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections and within such time as may be prescribed by the common council.

When office to
be deemed va-
cant.

SECTION 10. Any officer removing from the city, or any alderman 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 qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Election of
aldermen.

SECTION 11. There shall be elected at the first election under this act one alderman for each ward, who shall hold his office for one year, and one alderman for each ward who shall hold his office for two years, and thereafter, at each annual election, one alderman in each ward, who shall hold his office for two years, and the first election under this act shall be held at one place to be designated by the said R. Schlichting, George Oram and Michael Connelly who shall act as inspectors of such first election, and shall prescribe the manner of holding and conducting such election, and shall provide ballot boxes for the reception of ballots from the qualified voters of the respective wards, and shall canvass and make returns of the result of such election as provided by this chapter and the general

laws of this state, and the clerk appointed by them shall give the required notice thereof as required by this act, and all duties herein required of the common council in regard to elections shall be performed so far as may be necessary by the said R. Schlichting, George Oram and Michael Connelly and the said clerk so appointed by them in regard to the first election and the organization of the city government under this act.

SECTION 12. The votes for mayor and all other ^{Votes to be on one ballot.} elective officers shall be on one ballot, and shall be deposited in the respective ward ballot boxes by said inspectors of election.

SECTION 13. At the first election aforesaid there ^{Distinction to be made in voting for aldermen.} shall be written or printed or partly written and partly printed, after the name of one alderman voted for, the words "for one year," and after the name of the other alderman voted for, the words "for two years," and no elector shall vote for more than two persons for the office of alderman, and shall only vote for the ward officers of the ward in which such elector resides.

SECTION 14. The term of every officer elected under this act shall commence the second Tuesday after ^{When terms of office to commence.} the first Monday of April of the year for which and in which he was elected, and shall, unless herein otherwise provided, continue for one year and till his successor is elected and qualified.

SECTION 15. The first election of officers under the provisions of this act shall be held on the first ^{When first election to be held.} Tuesday after the first Monday in April, A. D. 1877. The election of justices of the peace shall be held at the same time and place, and so every two years thereafter. The justices of the peace now residing within the territorial limits of said city of Chilton shall hold their offices until their terms of office expire, in addition to the justices who may be elected under this act.

SECTION 16. Should there be a failure to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days notice of the time and place of holding the election first being given.

CHAPTER III.

OFFICERS — THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office ^{Officers to take oath and give bonds.}

and file the same duly certified by the officer taking the same, with the clerk of the city. The treasurer, clerk, marshal, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Chilton 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 or liabilities, and said bond shall contain such penal sum and such conditions as the common council shall deem proper, and such bonds shall be approved by the common council or three members thereof, and said council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of mayor
or.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall in all cases have a vote in the common council, and said mayor, by virtue of his office, shall be supervisor of said city, and as such shall represent said city in the county board of supervisors of said county of Calumet. The common council shall, at their first regular meeting after their election, choose one of the board of aldermen, who shall be styled "president of the board of aldermen," and who, in the absence of the mayor, shall act as such mayor, and shall have and possess all the rights and privileges of said office, and be subject to all the liabilities thereof during such absence of the mayor.

Duties of city
clerk.

SECTION 3. The city clerk shall perform all the duties required by law to be performed by him. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law, to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like

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

SECTION 4. The justices of the peace elected under this act shall have the same and equal jurisdiction, and perform all and like duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the mayor of said city; and one of said justices, to be appointed by the common council, and to be called the police justice, in addition to his said jurisdiction as justice of the peace, shall have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said common council, unless otherwise provided.

SECTION 5. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, pay over the moneys in his hands according to law. He shall keep in a proper book an account of all moneys received, and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of said city. He shall make reports monthly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out, and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise, belonging to said city under the authority of this act, shall be paid into the treasury of said city, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor or acting mayor, and countersigned or attested by the clerk. The treasurer shall have the same powers and be subject to the same liabilities and be governed by the same laws as treasurers of towns in this state; *provided*, that he shall receive no other fees except the compensation hereinafter provided.

SECTION 6. The marshal shall attend all the meet- Duties of mar-
shal.

ings of the common council, unless excused by the council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace and to remove all obstructions in the streets and alleys of said city and to abate all nuisances in said city, to apprehend, with or without warrant any person in the act of committing any offence against any ordinance of said city or laws of this state and within reasonable time bring such person or persons before competent authority for examination; and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall have power to appoint one or more deputies subject to the approval of the common council but for whose official acts he shall be responsible and of whom he may require bonds for the faithful discharge of their duties; such deputies shall also take and subscribe the proper oath of office which shall be filed with the city clerk and when duly qualified as aforesaid such deputies shall possess like powers and authority and be subject to the same liabilities with the marshal.

**Further duties
of officers.**

SECTION 7. The common council shall have the power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

**Penalty for
withholding
books, etc.**

SECTION 8. If any person having been an officer in said city shall not within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars,

besides all damages caused by his neglect or refusal so to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

SECTION 9. No mayor, alderman or street commissioner shall be a party to or interested in any job or contract with the city, or any of the wards thereof, and any contract in which they or either of them may be so interested shall be null and void, and in case any money shall have been paid on any such contract the common council may sue for and recover the amount so paid from the parties to such contract, and the mayor, alderman or street commissioner interested in the same.

SECTION 10. The mayor or acting mayor, sheriff of said Calumet county, and each and every alderman, justices of the peace, marshal, under sheriff and deputy sheriffs, of Calumet county, deputy marshals, policemen and watchmen of said city shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behaviour, within the limits of said city, and for such purpose may command the assistance of all bystanders and, if needs be, of all citizens and military companies in said city; and if any person, bystander, military officer or private citizen, shall refuse to aid in maintaining the peace when so required, every such person so refusing shall forfeit and pay a fine not less than five nor more than fifty dollars, and in case when the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section shall direct the proceedings.

SECTION 11. The police justice shall have and possess in addition to the authority, powers, and rights of a justice of the peace in civil and criminal actions and proceedings, sole and exclusive jurisdiction of all offenses against the provisions of this charter and the ordinances, by-laws, and police regulations of the common council of the city, and shall have the same powers and authority in cases of contempt as a court of record; *provided*, that nothing herein contained shall be construed so as to divest the judge of the circuit or county courts of their authority as conservators of the public peace, nor to affect, impair or limit in any manner the jurisdiction of the circuit and county courts. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such fur-

*Officers not to
be interested in
contract with
city.*

*Officers of the
peace.*

*Powers and du-
ties of police
justice.*

ther compensation as the common council may allow and prescribe. In case of the absence, sickness or inability of the police justice, the mayor by warrant may authorize any justice of the peace within the city, elected under the provisions of this act, to perform the duties of police justice, and it shall be the duty of the mayor to inform the city marshal of such substitution and make a report thereof to the common council, and they may confirm or set aside such appointment, and before action thereon be had by the council the justice so appointed shall have all the authority, powers and rights of police justice. Appeals and writs of certiorari may be taken from the police justice in the same manner as from other justices of the peace.

Powers and du-
ties of justices
of the peace.

SECTION 12. The justices of the peace of said city shall possess and they are empowered to exercise the same and like jurisdiction, powers and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state. All prosecutions for assaults, assaults and batteries, and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall, in all cases when the same have been committed within the limits of said city, be commenced in the name of the city of Chilton, and the same proceedings shall be had in all civil and criminal suits before said justices of the peace when not otherwise herein directed, as are established and required to be had in civil and criminal actions and proceedings by the laws of this state before justices of the peace; *provided*, that in case of prosecution for a breach or violation of an ordinance, by-law or regulation of said city, or its charter, or for any assault, assault and battery, or breach of the peace, or any affray not indictable, committed within the limits of said city, defendants shall have the same rights of appeal under the same provisions and requirements as now are or may be provided by the laws of this state for taking appeals from justices of the peace. All fines and penalties imposed by said justices of the peace for offenses committed within the limits of said city, or by the police justice for violation of any city ordinance by-law or regulation, shall belong to and be paid over to the treasury of said city, and be a part of the finances thereof. Nothing in this section, nor in this act, shall be construed so as to interfere with the exclusive jurisdiction of the police justice, as laid down and defined in the preceding section.

SECTION 13. The said justices of the peace and police justice shall, as often as the common council of said city shall require of them, report to said common council all the proceedings instituted before them in which said city is or may be interested, and shall at the same time account for and pay over to the treasurer of said city all fines and penalties collected by them and belonging to said city. Said justices of the peace shall be entitled to receive, in all cases had before them in which the said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state, in similar cases had before them.

Police justices
and justices of
the peace to re-
port to council.

SECTION 14. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing towns in this state, and shall perform all other duties prescribed and directed by this act for him to perform, and his compensation therefor shall be provided by the common council at the beginning of his official year.

Duties of city
assessor.

SECTION 15. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report to the common council recommending what in his opinion is necessary and ought to be done thereto. On the receipt thereupon the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may at other times make such other reports as the necessities of the case may require.

Duty of street
commissioner.

SECTION 16. It shall be the further duty of the street commissioner to employ men and procure utensils, implements, teams, materials, and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice

Further duty of
street commis-
sioner.

of the common council, and he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured and of all teams and utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform or cause to be done any and all other duties pertaining to his office that may be prescribed from time to time by the common council; *provided, however,* that no street commissioner shall contract nor create any greater expense to the city in any one year than the amount raised by the common council for highway purposes.

**How payments
for street pur-
poses payable.**

SECTION 17. All accounts against the city for either work, hire or materials for street purposes, including street commissioners services, shall be paid out of the "highway fund," by orders drawn specifically against that fund, and issued by the common council; *provided, however,* that the expense of building any bridge, or the repairs thereof shall be provided for and paid out of the general fund of said city. All such accounts for street purposes, except for work and hire, shall be duly verified, and when they arose or were created under the direction of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may at its option let all or any of such street work by contract to the lowest bidder, but the expense shall be paid from the "highway fund." The street commissioner shall be paid for his services, and for every day's service actually rendered shall receive such compensation as the common council and said commissioner shall agree upon at the beginning of his official year, or he shall be paid such sum per annum in lieu thereof, for the services required to be performed by him, as he and the common council can agree upon at the beginning of his official year. The common council may at any time remove such street commissioner from office by a two-thirds vote of said common council.

CHAPTER IV.

THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

**Common coun-
cill.**

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, unless they be acting as inspectors of election, or as members of a board of registry or equalization, and the style of all ordinances

shall be, "The mayor and common council of the city of Chilton do ordain," etc. The common council shall meet at such times and places in said city as they by resolution shall direct. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

SECTION 2. The common council shall hold their meetings of council. first annual meeting in each year on the first Tuesday after the regular city election, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judges of the election and qualification of its own members, and have the power to compel the attendance of absent members.

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

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables and bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common or statute law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; *provided*, that the sum to be

General powers
of common
council.

To grant license.

paid for any such license shall not be less nor more than the amount per annum established by the general laws of the state of Wisconsin; and that all such licenses hereafter granted shall run from the first day of May in each year; *provided, however,* that when any such license may be applied for after that date, the same may be granted to expire on the said first day of May of each year, on the applicant paying pro rata therefor, but no license shall be granted for a longer term or period than one year.

2nd. To restrain, prohibit and suppress all description of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in any spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

3rd. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Chilton, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

To abate nuisances.

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

To enforce police regulations.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection of, and use and occupation of the same, when the offal or filth therefrom shall discharge into the waters of the rivers, lakes, ponds or sloughs, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible material.

6th. To prevent the encumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, boxes, lumber, firewood, or any other materials or substances whatever.

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

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

10th. To prevent persons from bringing, depositing or having within said city any putrid carcass or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

11th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, to regulate and license hacks, carts, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for lighting the streets, public grounds and public buildings, with gas or otherwise.

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

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

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

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

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

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

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

To regulate markets.

19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles.

20th. To regulate the place or places, and the manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

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

To enforce health regulations.

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

23d. To regulate the time, place and manner of holding public auctions and vendues.

24th. To appoint watchmen and prescribe their duties.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

26th. To protect trees and monuments in said city.

27th. To prescribe and regulate the construction of sewers within the city.

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, and alleys, and to keep them free from any incumbrances, and to protect them from injury.

29th. To alter or change the name of any street in the city.

30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order

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

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a paper or papers, both selected by the common council, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively within the same time, shall be proved by the affidavit of the foreman or publisher of each newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold, without the license required thereof, houses or buildings of any kind wherein more than 100 pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

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

How ordinances, etc., passed and published.

what deemed nuisances.

Council to audit accounts and settle with officers.

shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

In whom corporate authority vested. SECTION 7. The corporate authority of said city shall be vested in one principal officer styled a mayor, in one board of aldermen consisting of two members from each ward, who with the mayor shall be denominated the common council, together with such other officers as may be created under this act.

CHAPTER V.

FINANCE AND TAXATION.

City funds—How to be paid out. SECTION 1. All funds in the treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, or the city's proportion of the bonds of the town of Chilton, which shall be collected in money or in orders drawn upon such funds respectively, and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn, or bearer.

Council to levy tax. SECTION 2. The common council of said city shall annually levy upon the taxable property of said city to defray the current and lawful expenses of said city and its schools, a tax sufficient to defray the same. Provided said common council shall not levy a tax for general purposes exceeding one-half of one per cent upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election.

Bonds of city not to be issued. SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one

year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose not exceeding one thousand dollars in any one year, and the said special tax when so levied shall be collected at the same time as other city taxes are collected.

SECTION 4. Special taxes may also be levied by the ^{Special taxes.} common council at any regular meeting for the purpose of paying the interest or principal of the said city's proportion of any outstanding bonds now due, or hereafter to become due, issued by the town of Chilton, or for the purpose of paying the interest or principal of any bonds which may hereafter be issued by said city of Chilton by authority of law; *provided, however*, that no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; said taxes, when so levied, shall be collected at the same time other city taxes are collected.

SECTION 5. No account shall be allowed by the common council unless the same is properly verified by the owner thereof or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him. ^{Accounts to be verified.}

SECTION 6. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court of Calumet county, 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 such city with sufficient surety to be approved by said clerk, county judge or court commissioner of said county, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against appellant by the court. ^{Appeal to circuit court.}

SECTION 7. The city clerk upon such appeal being taken shall immediately give notice thereof to the mayor and common council or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said common council with their decision thereon and shall file the same together with said notice and all papers in the ^{City clerk to give notice of appeal.}

case in his possession with the clerk of the circuit court for the county of Calumet, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs thereupon shall be awarded in like manner, *provided, however,* that whenever an appeal is taken from the allowance made by said common council upon any claim and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest upon such allowance, the appellant shall pay the cost of appeal which shall be deducted from the amount of the recovery, and when the amount of the costs exceeds the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

Action not to
be brought un-
til claim has
been consider-
ed by council.

SECTION 8. No action shall hereafter be maintained by any person against the city of Chilton upon any claim or demand other than a city bond or order unless such person shall first have presented his claim to the common council of said city. 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 unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; *provided, however,* that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be construed so as to prevent the institution and maintenance of any action by said claimant against said city.

CHAPTER VI.

OPENING OF STREETS AND ALLEYS.

Authority of
council to lay
out streets and
alleys.

SECTION 1. The common council shall have power to lay out streets and alleys, and to widen the same as follows: Whenever ten or more freeholders, residing in any ward, shall, by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for the public use for the purpose of laying out streets or alleys or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of

the owners of such premises if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in 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 four weeks successively, at least once in each week, in some newspaper published in said city of Chilton.

Jury to be appointed to view premises to be taken.

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

Police justice or commissioner to issue precept.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said police justice or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said police justice or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands, to the common council, whether, in their judgment, it is necessary to take said premises for the purposes specified in such application.

Marshal to serve precept.

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

Appointment of new jurors.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the police justice or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Oath to be administered to jurors.

SECTION 6. The said police justice or court commissioner, or any justice of the peace, shall thereupon

administer an oath to said jurors before entering upon the discharge of their duties, 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, which oath shall be filed in the office of the city clerk.

Jury to view
premises.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report and directing the same jurors within twenty days thereafter, or such future time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid, to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council; and after the jurors shall have made their report, as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation, as above, and all the jurors before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer that they are freeholders in said city, and are not interested in the premises to be taken; and that they will faithfully and impartially discharge the trust reposed in them.

Jury to deter-
mine value of
Buildings.

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

jury to him in having such building taken from him to remove.

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

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

SECTION 11. The said jurors, within the time limited shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or be benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight (8) of this chapter.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it

Ten days notice of determination to be given.

Power of council to direct sale of building.

Jury to make appraisal of property.

When property belongs to different persons.

less than an estate in fee, the injury done to such persons or interests, respectively, shall be awarded to them by the jurors.

Award of jurors to be signed.

SECTION 13. The award of said jurors shall be signed by them and returned, together with the testimony taken, and the precept, to the common council, within the time limited in such precept.

Owner of property may appeal to circuit court.

SECTION 14. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages, to the circuit court of Calumet county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six (6), of chapter five (5), of this act, and such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof, within ten days as aforesaid.

Property not to be appropriated until damages are paid.

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

Damages to be tendered within one year.

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

When property may be taken.

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

Contracts, etc., to be discharged.

SECTION 18. When the whole of any tract or lot or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any

other contracting parties touching the same or any part thereof shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

SECTION 19. When only part of a lot or 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 confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, or in respect to the same.

*When but part
of a tract is
taken.*

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under legal disability, the judge of the circuit court of Calumet county, or, in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

*When owner is
an infant or un-
der legal dis-
ability.*

SECTION 21. Whenever any public ground, street, Survey of street
or alley, shall be laid out, widened or enlarged, under or alley to be
made.
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.

CHAPTER VII.

ASSESSING, LEVYING AND COLLECTING TAXES.

SECTION 1. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, bylaws, rules and regulations of the city, and all moneys accruing for licenses shall be paid into the city treasury and become a part of the general fund, except as otherwise provided in this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

*Forfeitures and
penalties to be
paid to city.*

SECTION 2. All property, real or personal, within the city, except such as may be exempt by the laws of this 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

*Property sub-
ject to taxation.*

in the manner hereinafter provided ; the assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except as far as they may be altered by this act ; *provided*, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to the revising, altering or perfecting such rolls as they may from time to time deem advisable.

Board of assessment and duties of same.

SECTION 3. The mayor, treasurer, assessor and city clerk shall constitute the board of assessment, and the mayor shall be chairman and the city clerk the clerk thereof, and, on or before the first day of July of each year, the said assessor shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots or parcels of land within the city, sufficient to identify the same ; and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite to the name of each person or body politic shall be affixed the value of personal property to each. When there are buildings upon any lot or tract of land the value of the same shall be set forth separately, when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels as he may deem proper, but it shall be necessary to enter the name of the owner, when known, opposite to any tract, lot or parcel of land. The assessment shall be certified to by the chairman or majority of the assessment board, and such certificate shall be conclusive evidence of the organization of the assessment board.

Board of review.

SECTION 4. On the first and second Monday of July and at such other times as they may appoint, the assessment board shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same shall make such alteration as justice and equity may require.

Return and correction of assessment roll.

SECTION 5. On or before the first day of September in each year the assessment roll shall be returned to the common council by depositing the same with the clerk. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said roll, except by the value of such

real property as may have been omitted by the assessor.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also to be levied for school purposes and for paying the city's proportion of the town indebtedness, and shall by resolution levy the same; but no such resolution shall be adopted except by a vote of two-thirds of the members elected, which shall appear in the proceedings of the common council; *provided*, that the said council shall not levy a tax for general purposes exceeding one half of one per cent upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by a majority of the electors of said city at a general or special election.

SECTION 7. All taxes or assessments, general or special, levied under this act, shall be and remain a lien ^{Taxes to be levied upon property.} upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes from the date of the warrant for the collection thereof until such taxes shall be paid, and no sales or transfers of such real property shall affect such lien. Any personal property belonging to the person taxed may be sold for the payment of taxes upon personal property, or real property.

SECTION 8. The board of supervisors of the county of Calumet may levy a tax or taxes upon such city, as now is or may be provided by law hereafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

SECTION 9. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out ^{Clerk to make tax roll.} upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list, in such

separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land or persons named therein, which statement shall be called the tax list of the city of Chilton, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list to be evidence.

SECTION 10. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly and correctly as required by law.

Clerk to make duplicate copy of tax roll.

SECTION 11. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor or clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall on or before the twenty-fifth day of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Collection of taxes.

SECTION 12. The city treasurer upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per cent fees upon all taxes paid to him before the first day of January, and two per cent fees upon all taxes paid or collected after that time, to be added to the amount of taxes and collected with the same, and one per cent upon all other moneys paid into the treasury, which shall be in full for services performed by said treasurer under this act or the ordinances of the city.

Return of delinquent taxes.

SECTION 13. On or before the fifteenth day of February of each year the said treasurer shall make out and return to the treasurer of the county in which said lands may be, a list of all lands and lots upon which the 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. The said treasurer shall also at the same time make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as are allowed or are required by law upon delinquent returns from the several towns.

SECTION 14. The county treasurer shall sell all delinquent lands and lots returned from the city of Chilton at the same time and in the same manner as other delinquent lands are sold in said county. *Sale of delinquent lands.*

SECTION 15. All real estate exempt from taxation by the laws of this state, shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same. *No property ex-emp' from spec' al taxes.*

SECTION 16. All the directions hereby given except in section six, of this chapter, for the assessing of lands and the assessing and levying, collections and returns 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 anywise affect the validity of the tax or the assessment. *Informality not to affect validity of tax.*

SECTION 17. The common council shall have power, *Judgment tax.* by a majority vote of all members thereof, to levy a tax or taxes to pay any and all judgments against the city.

SECTION 18. 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 to be removed.*

SECTION 19. At the expiration of the time now or hereafter designated by the general laws of this state for the collection of personal taxes, the treasurer shall proceed to enforce the collection thereof, in the same manner as now is, or may hereafter be prescribed by such law. In case the taxes on personal property shall not be paid, or the collection thereof enforced as aforesaid, within the time provided by law for town treasurers to make returns of delinquent taxes to county treasurers, the city treasurer may issue his warrant, directed to the marshal of said city, requiring and commanding him within a certain time, in such warrant to be specified, to proceed and collect such taxes *Collection of personal taxes.*

on personal property as shall then remain unpaid. And the marshal of said city, receiving such warrant, shall be subject to all the liabilities, and shall have all the powers of levying, distraining and selling, that are herein given to the city treasurer, and shall be entitled to the fees for collecting which said treasurer would have, had the tax been collected by him.

CHAPTER VIII.

FIRE DEPARTMENT.

Council to establish fire limits. SECTION 1. The common council for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damages.

Power of council to require precautions against fire. SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; and to regulate and prevent the carrying on of any manufactures dangerous in causing and promoting fire; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel the by-standers 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.

Power of council to purchase. SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus; pro-

vided, that the common council shall not expend for fire apparatus such purposes a sum exceeding five hundred dollars and organize in any one year without first submitting the question to a vote of the electors of said city, and being authorized by them to expend a larger sum ; and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support of the same, and to order such companies to be disbanded and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineers, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from poll tax, and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership ; and any person having served for the term of ten years in either of such companies, shall be forever thereafter exempt from poll tax, and military and jury duty, except as in cases before mentioned.

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 for appointment one chief engineer, two assistant engineers, and one treasurer, and the common council shall thereupon confirm or reject said nominations ; and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council shall reject such nominees, the said members shall, at a meeting held a week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of the common council.

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

SECTION 6. One half of the net proceeds of all fines and penalties recovered for the breach of any ordi-

Meeting of fire companies and appointment of officers.

Appointment of fire wardens.

Portion of fines and penalties to be paid to fire department.

nance, by-laws or regulation made in pursuance of this chapter, shall be paid to the fire department.

Preservation of
order at fires.

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, fire-warden or alderman of the city, the mayor or any police officer, at any fire, it shall be lawful for the officer giving such order to arrest or direct orally, or the marshal or watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars (\$20).

Organization of
sack company.

SECTION 8. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty (30) members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Chilton, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may from time to time adopt such by-laws as they deem necessary, not inconsistent with the laws of the state or the ordinances of said city. The members thereof shall not be entitled to any compensation for service rendered in their official capacity. They shall in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city; and shall perform such service as may be necessary for the peace and good order of the same.

Duty of treas-
urer of fire de-
partment.

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duties by his bond to said city, in such penal sum as shall be required, and with sureties to be ap-

proved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer and countersigned by the secretary of the fire department.

SECTION 10. There shall be elected by the companies aforesaid annually, at the annual meetings, one foreman, two assistant foremen, one treasurer, three trustees and one secretary, who shall, on or before the first Monday in May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Election of officers.

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

Duty of city clerk to keep record of members.

SECTION 12. T. McCarthy, chief engineer, and Henry Erdman, assistant engineer of the fire department of the town of Chilton, shall continue in their respective offices until their successors shall be nominated and appointed, as shall also all other officers of said fire department. Germania Hook and Ladder Company number one, and Chilton Fire Company number one, of the town of Chilton, upon duly and legally turning over, granting and assigning to the city of Chilton, their apparatus, shall, as now organized, be recognized as a part and portion of the fire department of said city, and shall have the same rights and be subject to the same liabilities as companies organized under this act. Upon the turning over and assigning to said city their said fire apparatus, the city of Chilton shall assume and discharge any indebtedness of said Germania Hook and Ladder Company number one, and Chilton Fire Company number one, which may now exist, and there-

Present officers to continue in office.

after safely keep and provide for the care and custody of the said fire apparatus so turned over to said city.

CHAPTER IX.

SUPPORT OF THE POOR.

General laws relating to the poor to apply to city.

SECTION 1. The laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of their number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns.

Common schools.

SECTION 1. The common schools of the city of Chilton shall be under the supervision and control of the school district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between a township and the schools therein, and the same reciprocal powers and duties.

CHAPTER XI.

OF FINES AND PENALTIES.

Powers and duties of police justice.

SECTION 1. The police justice appointed under this act in addition to the powers, duties and jurisdiction vested in and required of him as justice of the peace by the statutes and laws of the state of Wisconsin shall have exclusive power and jurisdiction to hear and determine all charges for offenses against any provision of this act or any act amendatory thereof, and all charges for the violation of any ordinance, by-law, police, or health regulations made in pursuance of and by authority herein conferred.

City may sue in corporate name.

SECTION 2. The city of Chilton in its corporate name may sue for and recover any and all fines, penalties and forfeitures under said city charter and the acts amendatory thereof, or under the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and such action shall be commenced by complaint substantially in the following form :

STATE OF WISCONSIN—County of Calumet,—City of Chilton—ss.

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

Sworn and subscribed before me this ____ day of _____, 18____.

Police Justice.

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

COUNTY OF CALUMET,—City of Chilton, — ss.

Form of warrant.

The state of Wisconsin, to the sheriff of said county, and to the marshal of the city of Chilton, greeting:

Whereas ____ has this day complained to me in writing, on oath, that A. B. on the ____ day of ____, 18____, at said city, did violate (section ___ of chapter ___ of this act, or section ___ of an ordinance or by-law, or regulation of said city, describing it by its title), which said ___ is now in force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith to answer to the city of Chilton on the complaint aforesaid.

C. D., Police Justice.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent, or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Calumet county. The complaint made as aforesaid shall be the only complaint required

and the plea of not guilty shall put in issue all subject matter not embraced in the action.

Printed copy of
ordinance, etc.,
to be evidence.

SECTION 3. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in a pamphlet or book form, purporting to be published by the authority of the common council shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of cases cognizable before any court of this state.

Trial of cases
by Jury.

SECTION 4. In all prosecutions and cases under this chapter and cognizable by the police justice of said city the defendant may demand a jury, after issue joined and before trial. The proper officer whom the police justice may direct shall thereupon make a list of eighteen jurors who may be qualified to serve as jurors in courts of record in Calumet county, and the parties shall then alternately strike therefrom, the defendant commencing, so many names as will leave six names remaining. The court shall thereupon issue a venire commanding the officer to summon those six remaining jurors to appear before him, at such a time as he may direct, to make a jury for the trial of the said action, and the court may compel their attendance by attachment. Either party may challenge any juror as in any case before a justice of the peace, under the laws of this state, and deficiencies thereby or by any other cause occasioned, shall be supplied by talesmen to be selected and summoned by the officer. If the defendant shall not demand a jury the city or state may demand a like jury as is above provided; and if no jury be demanded, it shall be deemed a waiver of a jury trial. If either party decline to strike from the list the names which he is entitled to strike, the court shall strike the same for such party. Each juror shall receive for his services in each trial the sum of fifty cents.

Prepayment of
fees not require-
ed.

SECTION 5. Witnesses and jurors shall attend before the justice court in all the aforesaid cases, without the payment of fees in advance, or a tender thereof, upon the process of the court duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, shall disagree, they shall be discharged without the payment of fees, and thereupon the court may adjourn the case to a day certain, and issue a new venire so aforesaid.

SECTION 6. In all the aforesaid cases, the finding of ~~finding of jury.~~ 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, by-law or resolution for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit; but if not guilty, the costs shall be taxed against the city. Executions issued upon judgment obtained for violation or non observance of ordinances or by-laws of the city may contain a clause directing the imprisonment of the defendant in the county jail or city lock-up, for such a time as shall have been provided by the ordinance under which the judgment shall be rendered, in case of the non-payment thereof by the defendant, and all fines, penalties and forfeitures, when collected, shall be paid into the city treasury for the use of the city. Such execution may be in the following form:

STATE OF WISCONSIN—Calumet County—City of Chilton—ss.

Form of execu-tion.

To the sheriff of the county of Calumet, the marshal of the city of Chilton, and the keeper of the common jail in said county:

WHEREAS, The city of Chilton, on the — day of —, 18 —, recovered a judgment before the justice court of said city, against — —, for the sum of — dollars, together with — dollars costs of suit, for the violation of (here insert the number of section and title of the ordinance as set forth in the complaint). These are therefore, in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of said — —, (excepting 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 the want of such goods and chattels whereon to levy, take the body of the said — —, and him convey and deliver to the keeper of the common jail in Calumet county, and the 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 jail fees are sooner paid, or he be discharged by due course of law.

Given under my hand, at the city of Chilton, this — day of —, A. D. 18 —.

A. B.,

Police Justice of the city of Chilton.

The form of commitment may be substantially the same as that of the execution, leaving out all that relates to levy and sale and return of writs.

Defendant may appeal.

SECTION 7. The defendant may appeal in the same manner as provided in cases of an appeal from judgment in courts of justices of the peace in criminal proceedings of this state, and the city may also appeal from any judgments without giving any bond upon appeal.

Fees to be audited by council

SECTION 8. The fees in police justice court and in justice courts, the jail fees, and officers of commitment in all the aforesaid cases, shall be audited and allowed by the common council, when the same cannot be collected of the defendant before his discharge, and said common council may, by resolution, direct the police justice to discharge from the jail any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment, unless said common council shall so direct in their resolution; upon filing a certified copy of such resolution, attested by the clerk of the city, the police justice of the city shall order said defendant discharged from custody, and make an entry of such discharge upon his docket; an execution may issue or be renewed by endorsement from time to time, and after the return day thereof, and before or after the commitment of the defendants, until the judgment is satisfied or released, but after the defendant shall have been committed no execution shall be issued against the body of the defendant, nor if previously issued shall authorize the taking of the defendant thereon.

Appeal to be tried by jury.

SECTION 9. In an appeal mentioned above, in section five of this chapter, said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court at the next term thereof, after the day said appeal be so taken, and no notice of trial shall be required to be given to or by either party.

When judgment affirmed.

SECTION 10. If the judgment of the police justice be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties, for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

Duties of marshal and deputies.

SECTION 11. It shall be the duty of the marshal and deputy marshals of the city of Chilton, and they are hereby authorized and required to summarily arrest

and take before the police justice of said city any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or any breach of the peace, by making any improper noise or disturbance, or indecent exposure of his person, or by firing guns, or fighting or threatening to fight, or in any other manner shall be engaged in violating any ordinance of said city, made for the preservation of the peace and good order thereof; and said police justice shall have power to hear, try and determine all such offenses. And any such person convicted of any offense specified in this act, where no other punishment is specified by law or by any ordinance of said city, shall be punished by fines of not less than three dollars nor more than fifty dollars, or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days, in the discretion of the police justice; and in all cases the police justice shall impose the payment of the costs of prosecution upon the person so convicted, as a part of the punishment, and in default of payment of any such fine or costs, the police justice shall commit the defendant to such county jail or lock-up for such number of days, not exceeding thirty nor less than five, as he may think proper. But in case any person shall be committed for non-payment of any such fine or costs, he shall be discharged upon payment of the same, together with the costs and expense of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up. Any officer making any arrest under the provisions of this act may, if necessary, commit the person arrested to such jail or lock-up without process, and such person shall be delivered up to such officer by the keeper of such jail or lock-up, on demand and without process; *provided*, that if such officer does not demand the person so committed within twenty-four hours (Sundays excepted) after such committal, the officer having charge of such prison shall discharge the person so arrested, from confinement. All of the general provisions of law concerning the trial of criminal offenses, the fees of officers, and proceedings in which upon trial the justice finds he has not final jurisdiction of the case, shall govern trials under this act unless otherwise provided in this act; *provided*, that in all convictions under this act where a punishment for the offense is prescribed in the general statutes of this state, or in any ordinance of said city, the penalty as prescribed by such statute or

ordinances shall be imposed upon the person so convicted. In all cases in which by the provisions of this act the city council have power to pass ordinances or by-laws, they may pass any penalty for the violation thereof not exceeding fifty dollars for any one offense, and may also provide that in default of payment of any judgment rendered for such violation or omission, the defendant may be imprisoned not exceeding forty days in the lock-up of said city.

**Fire apparatus
exempt from
taxation.**

SECTION 12. All fire engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders and other apparatus and implements shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

**Power of mayor
to grant par-
don.**

SECTION 13. The mayor shall have power to grant pardons or commutations after convictions for all offenses against the ordinances of the city upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting, with reasons therefor.

CHAPTER X.

IMPROVEMENT OF STREETS AND SIDEWALKS.

**Owners of prop-
erty to be nof-
fied of petition
to repair or con-
struct street.**

SECTION 1. When three freeholders of said city shall petition the common council for an ordinance, resolution, order or by-law for the repairing, construction or reconstruction of any sidewalk or gutter at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk or gutter, shall, on its being introduced at a meeting of the common council, be laid upon the table for at least seven days, and the owners of the property adjoining the proposed sidewalk or gutter shall be notified within twenty-four hours, and any such ordinance, order, resolution or by-law shall not be passed or adopted sooner than seven days after the introduction thereof, [nor shall] such ordinance, order, resolution or by-law take effect until said owners [of] adjoining lots shall be notified of the passage of said ordinance, by law or resolution.

**Power of coun-
cil to establish
grade of streets.**

SECTION 2. The common council of the city of Chilton shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; provided, that

whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have a right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

SECTION 3. It shall be the duty of the city marshal to see that all ordinances of the city relating to obstructions and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, water and water courses in said city are duly observed and kept. The committee on streets, to be appointed by the mayor, shall have a general supervision over all works let by contract or otherwise for the improvement of streets or sidewalks and gutters in said city, unless the common council shall otherwise provide.

Duty of marshal to enforce ordinances.

SECTION 4. Sidewalks and gutters shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk or gutter shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk or gutter as aforesaid, in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk or gutter shall be constructed, sufficient to pay the cost of constructing the same — the said tax to be collected at the time and in the manner as is provided herein for the collection of other taxes, provided that lands lying outside of the limits of the village of Chilton as it now exists and used exclusively for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof be required to build or maintain sidewalks along or fronting such lands under the provisions of this chapter, unless the common council by a two-thirds vote shall order sidewalks to be built along or fronting such lands.

Construction and repair of sidewalks, gutters, etc.

SECTION 5. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours,

When street commissioner

authorized to make repairs.

which in the opinion of the street commissioner will not cost to exceed the amount of five dollars, in front of any one lot or piece of ground, to repair the same, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired; thereupon, after such work is completed, the common council shall levy a special tax upon said lot or piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks.

Contracts for repair or construction of streets to be let to lowest bidder.

SECTION 6. The common council of said city shall have power, and may in its discretion, by an affirmative vote, let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, or as they may otherwise order, the construction of any sidewalk or gutter, or the making of any improvement on or along any street or highway in said city limits which shall have been ordered, levy and collect a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract or otherwise sufficient to pay the cost of constructing the same, as provided in section four of this chapter.

Costs of surveying, etc., chargeable to city.

SECTION 7. Costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city.

Work to be approved by street commissioner.

SECTION 8. All work provided for in this chapter shall be done under the supervision of the street commissioner, and shall be approved by him before it shall be accepted by the council.

Highway tax.

SECTION 9. The common council of the city of Chilton shall on or before the first Monday in May in each year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets and highways in said city, which amount shall not be more than seven mills on the dollar upon all of the taxable property of said city, as the same shall appear by the last assessment roll of said property.

City clerk to make list of persons and statement of property.

SECTION 10. The city clerk shall, within 20 days after said highway tax shall be so levied, make out and deliver to the city treasurer, a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall

appear on the assessment roll of the previous year; and if such lot or tract was not separately described in such roll, then in such proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of such person or persons, corporation or corporations to whom each item of taxable property upon such list is to be assessed, and such highway tax determined and levied shall be due and payable within thirty days from and after the first public notice given by the city treasurer that said tax list is in his hands for collection.

SECTION 11. The city clerk shall make a duplicate Clerk to make
duplicate list. of such list, both of which shall be signed by the mayor and countersigned by the city clerk, one of which lists shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer.

SECTION 12. The city clerk shall annex to each such Form of war-
rant. tax list a warrant, signed by the mayor and the city clerk, which shall be in substance in the following form:

To A. B., treasurer of the city of Chilton:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property within the time limited by this chapter, and to apply the taxes by you so collected, and make returns thereof on or before the third Monday of November next.

Dated — day of — 18—.

— — —, City Clerk.

— — —, Mayor.

* SECTION 13. The city treasurer shall have the same powers of city treasurer in collecting taxes. The city treasurer shall proceed to collect the said taxes, in the same manner as in the collection of general taxes, and such taxes so collected shall be passed to the highway fund and kept and paid out as such; and in case the said treasurer shall be unable to collect any portion of said tax, he shall on or before the third Monday in November of each year, make out and deliver to the city clerk of said city, a verified copy of the public notice given by him, together with a list of all such unpaid taxes, which list shall contain the names of all persons, corporation or corporations, and the description of all real estate or personal property included in

said tax roll, and the amount of such tax against each said descriptions or items so uncollected, which said list shall be sworn to by said city treasurer before some officer authorized to administer oaths.

Duty of clerk in making tax roll. SECTION 14. Upon the receipt of such list, the city clerk shall at the time of making out the general annual tax roll of said city for that year, place in a separate column on said roll, the amount of said delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

Settlement between city and town of Chilton SECTION 1. It is hereby made the duty of the common council of said city, and the board of supervisors of said town of Chilton, to meet together at some convenient place, on or before the first Monday of May, 1877, upon notice given by either body, and if possible agree upon some just, fair and equitable settlement or adjustment and division of the property, moneys, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city out of the territorial limits of the town of Chilton; and, among other things, make a fair and just proportion of the bonded indebtedness of said town, between the town and said city, fixing forever the amount of said indebtedness to be paid by said city, and the amount by said town, and such settlement and adjustment shall be made upon the basis of, and in proportion to the assessment roll of said town of Chilton for the year 1876.

In case settlement cannot be made, commissioners to be appointed. SECTION 2. If the common council of said city and board of supervisors of said town shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the circuit judge of the circuit court in and for the county of Calumet, upon application made to him by either of said bodies, five days' notice having been previously given to the other body, to appoint three commissioners, one to be a resident of said city, one of said town, and one to reside outside of both city and town, who shall have power, and it is made their duty, as soon as may be, after their appointment and filing with the clerk of the

circuit court, in and for said county, of their oaths to faithfully and fairly to adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned, to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city or any part thereof in common with said town; make a full and complete settlement or adjustment of all matters between said city and town, arising or growing out of the formation of said city, out of the territorial limits of said town, and especially of the indebtedness of said town, any portion of which said city ought to pay. And in order to make such a settlement, adjustment and division as herein contemplated, the said commissioners shall make use of and shall use as a basis of such settlement and adjustment, and shall be therein governed by the assessment roll of said town of Chilton for the year 1876. The said commissioners shall, as soon as possible, make their award in writing, and file the same in the clerk of the court's office of said county, which shall be final and conclusive between the parties.

SECTION 3. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside of the city, which comprises a part of the town of Chilton, from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found upon such settlement, that there is any amount due any portion of said city from any portion of territory outside of said city limits, which was an organization from which said city was formed, that portion of said territory so owing said part of said city, shall pay the amount thereof to the city treasurer. And in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages.

Amounts found
to be due to
town or city to
be paid thereto.

SECTION 4. The connection between the town of Chilton and that part of said town included within the city limits, for all town purposes, is dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Chilton, shall be performed by the aldermen, mayor and other officers of said city, except as herein otherwise provided.

Connection be-
tween town and
city dissolved.

Use of county
jail granted to
city.

SECTION 5. The use of the jail of Calumet county, until otherwise provided, shall be granted to said city, by and with the consent of the chairman of the board of supervisors of Calumet county, for the confinement of persons or offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

How money to
be appropriated.

SECTION 6. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

New survey of
streets, etc.

SECTION 7. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks in said city, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of the county of Calumet.

Survey to be
evidence.

SECTION 8. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Council may
establish grade
of streets, etc.

SECTION 9. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Calumet county, and one shall be filed in the office of the city clerk; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; *provided, however,* that nothing in this section contained shall be so construed as to prevent the common council of the said city from ordering or causing to be done the grading of any street within said city to a temporary grade, to be established by the common council.

SECTION 10. All sums of money necessary for grading streets and building sidewalks, not chargeable to grading paid, individuals, shall be collected from the property assessed, by general levy.

SECTION 11. The city may have, purchase and hold real estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same, while owned, occupied or held by said city, shall be exempt from taxation.

SECTION 12. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Chilton, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets.

SECTION 13. When the city of Chilton 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 Chilton, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

SECTION 14. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided for the execution of deeds and conveyances.

SECTION 15. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said action may be done and performed.

SECTION 16. The mayor, with the approval of the aldermen, may appoint as many police officers and

Appointment of
police and
watchmen.

night watchmen as he may deem necessary to the welfare of the city, whose appointment shall be either written or printed, and countersigned by the city clerk; and such police officers and watchmen shall have all the powers of a constable within the city of Chilton.

Persons ineligible to two offices.

SECTION 17. No voter shall be eligible to or hold more than one office under this charter at the same time.

When office deemed vacant.

SECTION 18. Any officer removing from the city, or any ward officer removing from the ward for which he is 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, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Act not repealed by general laws.

SECTION 19. No general law of this state contravening the provisions of this act shall be considered as repealing, annuling or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this chapter or this act.

Poll tax.

SECTION 20. Every male inhabitant in the city of Chilton over twenty-one years of age and under fifty, except active members of the fire department, and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually, the sum of one dollar and fifty cents each, as poll tax. It shall be the duty of the assessor of the city of Chilton, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Chilton and said assessor shall, on the last Monday of April of each year, deliver one of said lists to the city clerk, and one to the treasurer of said city of Chilton. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice left at their usual place of abode, on or before the first day of July of each year, shall be liable to and shall pay a penalty of two dollars, in addition to said poll tax together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Chilton. The process in each case shall be by warrant, as provided for in chapter eleven of this act, entitled "fines and penalties," and in case judgment shall be rendered against the defendants in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail of Calumet county or in the

lock-up of the city of Chilton, ten days. The moneys collected as herein provided for, shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Chilton. The mayor, city clerk and treasurer, shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property; *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in which he resides, and the certificate of the street commissioner, that such person has performed one full day's labor on said streets shall be received by the city treasurer in full discharge of such tax.

SECTION 21. The jurisdiction of the justices of the peace of the city of Chilton shall be coextensive with the county of Calumet and the said justices of the peace shall have exclusive jurisdiction to try all criminal cases and conduct all examinations within said city in which the said city is a party under the laws of which justices of the peace have jurisdiction and according to this act, except in those cases where the police justice has exclusive jurisdiction. And the justices of the peace of said city shall have and possess all the rights, powers and privileges of justices of the peace, and all the laws of this state concerning justices' courts shall apply to the justice's courts of the city of Chilton, except so far as the said laws conflict with the provisions of this act.

SECTION 22. In cases where an action might be brought by the city of Chilton against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any elector of said city; *provided*, that when the complaint is made by any person other than an officer of said city the justice may require security for costs as in civil cases before justices of the peace. In case that the complainant be not an officer of said city, and if the defendant be acquitted, and the police justice or justice of the peace shall certify in his docket that the complaint was willful and malicious, and without probable cause then judgment for all costs in the case shall be entered against such complainant, which judgment shall be collected in the same manner as a judgment against

*Actions may be
brought in
name of city.*

the defendant would have been collected had he been found guilty under said complaint, and the same proceedings to enforce such judgment shall be had as it would have been legal to have had, had defendant have been found guilty.

Definition of act.

SECTION 23. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

When city clerk is absent.

SECTION 24. Whenever the city clerk may be absent or incapacitated from performing the duties of his office the common council may appoint some suitable person to perform for the time being the duties of the office, and the acts of the person so appointed shall be of full effect and legality.

Publications and fees therefor.

SECTION 25. All publications required by this act to be published in any newspaper, shall be so published under the laws of the state, and the compensation to be paid therefor shall in all cases (unless otherwise contracted by the common council), be at the rates established and prescribed by the laws of said state, which rate shall not exceed sixty cents for every folio of such published matter for its first insertion, and thirty-five cents per folio for each succeeding insertion in said newspaper.

Power of council to change ward boundaries.

SECTION 26. The common council shall have the right and power, at any time after said city shall have been organized under this act, by ordinance to change the boundaries of the said several wards of the city, and to make and establish new wards therein whenever the common council may deem best: *provided*, that whenever the common council proceed to alter or change the boundaries of said wards, or to establish new wards in said city, due regard shall be had to the population and the valuation of property in each ward, so that all the wards in said city, when so changed or established, shall be as near equal in their respective populations and assessments as practicable.

Judgments against city.

SECTION 27. When judgment shall be recoverey against the city or any ward thereof, or against any city officer in any action prosecuted by or against him in his name of office, where the same shall be paid by the city, no execution shall be awarded or issued upon such judgment, except as herein provided, but the same, unless reversed, shall be levied and collected as other city charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher; but if payment thereon be not made within sixty days

after the city treasurer is required to make his return of city taxes, next after rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on a special application therefor; nor shall any execution be levied upon any property of any individual, nor shall such property be in any manner seized, taken, held or sold for any debt or liability of said city.

SECTION 28. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such action or proceedings as the ordinances or resolutions of said council may provide.

SECTION 29. The mayor and common council of the city of Chilton shall possess all the powers and shall exercise all the duties vested in town boards of supervisors of this state for all purposes whatever, except as otherwise provided by this act.

SECTION 30. Every member of the common council of the city of Chilton who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as a members of the board of equalization; any member of the common council or any other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of said city, and any member of said council or other city officer who shall directly or indirectly purchase or be interested in the purchase of any city order of city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint, before the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his said office, and any contract made in violation of the provisions of this section shall be void.

SECTION 31. Every license issued by the authority of this act or the ordinances of the city, shall be signed

Service of process.

Powers of mayor and council.

Penalty for official misconduct.

How licenses to be issued.

by the city clerk and sealed with the corporate seal of the city, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed a receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved either by the mayor or common council; every such license shall contain a clause prohibiting the selling, vending, or giving away of any spirituous, vinous or malt liquors, on general or special election days.

Repealed.

SECTION 32. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 33. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

[Published March 7, 1877.]

CHAPTER 90.

AN ACT relating to witness fees in courts of record, and amendatory of chapter 146 of general laws of 1869.

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

Amended.

SECTION 1. Chapter 146 of the general laws of 1869, is hereby amended so as to read as follows: That part of section 15, of chapter 133 of the revised statutes of the state of Wisconsin, relating to the fees of witnesses in courts of record, is hereby amended so as to read as follows: For attending in any one action or proceeding in a court of record, one dollar and fifty cents for each day, and seventy-five cents for each half day.

Fees of witnesses.

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

Approved March 1, 1877.