

[No. 173, S.]

[Published March 25, 1885.]

CHAPTER 130.

AN ACT to incorporate the city of Mayville.

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

CHAPTER I.

INCORPORATION.

SECTION 1. All that district of country contained within the limits and boundaries hereinafter described, shall be a city by the name of Mayville, and the people now inhabiting, and who shall hereafter inhabit the said district of country shall be a municipal corporation by the name of the city of Mayville, have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and 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.

Corporate name.

CHAPTER II.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Dodge, in the state of Wisconsin, known and described as follows, to wit: The west half of the southwest quarter of section thirteen, and the southeast quarter of section fourteen, and the northeast quarter and the east half of the southeast quarter of the northwest quarter, and the north half of the southeast quarter of section twenty-three, and the northwest quarter of the southwest quarter, and the west half of the northwest quarter of section twenty-four, all in town-

City and ward boundaries.

ship twelve north, of range sixteen east, known as the town of Williamstown, in said county, shall be included in and constitute the limits of the city of Mayville; provided, that any cemetery grounds of any church society shall not be a part of the territory of said city.

Ward bound-
aries defined.

SECTION 2. The said city is hereby divided into three wards, to be called and known as the first second and third wards, and limited and bounded as follows, to-wit: All that portion of said city west of Rock river and south of the center of Bridge street as designated on the recorded plat of the village of Mayville, Dodge county, Wisconsin, shall be and constitute the first ward; and all that portion of said city east of said Rock river shall be and constitute the second ward; and all that portion of said city west of Rock river and north of the center of the said Bridge street shall be and constitute the third ward.

CHAPTER III.

CORPORATE AUTHORITY.

Corporate
authority.

SECTION 1. The corporate authority of said city, and the exercise of its corporate powers, and management of its financial, prudential and municipal concerns, shall be vested in one principal officer, styled the mayor, and one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, and in such other officers as are hereinafter mentioned, or may be created under this act.

CHAPTER IV.

ELECTIONS.

Elections.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of April in each year, at such convenient place as the common council shall direct. The polls of every election under this act shall be kept open from ten o'clock in the forenoon until four o'clock in the afternoon of the same day, but the judges or inspectors of election may close the polls at twelve o'clock noon for one hour, giving notice thereof.

SECTION 2. The common council shall give at least ten days' notice of the time and place of holding every such election, and of the city and ward officers to be elected thereat, and shall cause such notice to be published at least ten days before every such election, in a newspaper published in said city, if one be published therein, and if there be no newspaper published therein, then said common council shall cause such notice to be posted up in at least five conspicuous places in said city; provided, however, that a failure to give such notice shall not invalidate any annual election otherwise duly held in said city on the first Tuesday of April in any year.

Notice of election to be given.

SECTION 3. The mayor and one aldermen from each ward of said city shall preside at and be the judges and inspectors of every election held under this act. The clerk of said city, hereinafter provided for, shall be the clerk of every such election. In case of the failure of the mayor and clerk, or either of them, for any cause, to be present in time to properly open the polls, the aldermen present may appoint a person or persons to act in their or his place as such inspector or clerk, and in case one alderman from each ward be not present, the by-standers may select one or more persons, as the case may be, to act as inspectors in the place of the absent alderman or aldermen. The clerks and inspectors shall take and subscribe an oath, in the same form and to the same effect as near as may be, as the oath required to be taken and subscribed by clerks and inspectors of general elections under the laws of this state. The clerk shall keep a list of the names of persons voting, as hereinafter provided, and all elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state, and the plurality of votes shall in all cases decide the election.

Judges and inspectors of elections.

SECTION 4. The common council of said city shall provide three ballot boxes, numbered one, two and three, to correspond with the three wards aforesaid, to be used at all elections under this act.

Ballot boxes.

SECTION 5. All persons qualified to vote at general elections for state officers, and who shall have

Who are qualified electors.

been residents of said city for at least ten days next preceding any election, shall be legal voters for any officer required to be elected by this act; and if any person's right to vote be challenged, or if the inspectors of election shall have reason to believe that any person presenting himself to vote does not possess the qualifications of an elector under this act, the inspectors shall decide upon the challenge, or upon the qualifications of the person as an elector, in the same manner as is required by law at general elections; provided, however, that the proper questions shall be propounded to and answered by such person to enable said inspectors to determine whether he has resided in said city for ten days prior to offering his vote.

ELECTIVE OFFICERS.

Elective
officers.

SECTION 6. The elective officers of said city shall be a mayor, clerk, treasurer, assessor, two justices of the peace, and two constables, elected by the city at large, and two aldermen from each ward. All elective officers except justices of the peace and aldermen, shall, unless elected to fill vacancy, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the council shall have the power, for due cause, satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city except justices of the peace, due notice and an opportunity for hearing being first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The term of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected, and the term of office of all appointed officers shall expire with that of the members of the body appointing them.

Officers to be
elected.

SECTION 7. At the first election held in said city under the provisions of this charter, one alderman shall be elected from each ward whose term of office shall be one year, and one alderman from each ward whose term of office shall be two years. Aldermen elected thereafter, except to fill vacancies, shall hold their offices for two years. The aldermen elected for one year at said

first election shall be known as the senior alderman, and the one elected for two years the junior alderman, and thereafter the alderman having the longest time to serve, the junior alderman of each ward.

SECTION 8. The senior alderman in each ward shall be *ex officio* a county supervisor of the county of Dodge, and shall represent his ward in the county board of supervisors, and in case of his absence or inability to attend any session of such county board, the common council shall have power to appoint some suitable person to serve in that capacity.

What wards supervisors shall represent.

SECTION 9. The elective officers shall be elected at the annual election to be held on the first Tuesday in April of each year. At the first election, each elector, in addition to voting for mayor, clerk, treasurer, assessor, two justices of the peace and two constables to be elected by and for the city at large, shall vote only for the two aldermen to be elected by and for the ward in which the elector voting resides; and no elector shall vote for more than two aldermen, and the two aldermen voted for must be residents of the same ward with the elector. The electors shall vote by ballot, written or printed, or partly written and partly printed. Each ballot shall contain the names of the ten persons only, in addition to the proper designation of the office for which each is named, to wit: The name of one person for mayor, the name of one person for clerk, the name of one person for treasurer, the name of one person for assessor, the names of two persons for justices of the peace, the names of two persons for constables, and the names of two persons for aldermen; the mayor, clerk, treasurer, assessor, justices of the peace, and constables to be chosen from the city at large, and the aldermen from the several wards, as aforesaid, wherein they reside, and if any ballot has more than two persons named thereon for aldermen, it shall not be counted as a ballot for aldermen, but shall for the other persons properly named thereon. The ballot of each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box other than the one corresponding in number to the ward wherein the person

When officers shall be elected.

named in such ballot for aldermen resides, shall be counted. Immediately after the closing of the polls, the ballots in each box shall be counted separately by the inspectors and clerk, and the two persons named on the ballots in any box for aldermen, who shall have received the largest number, or a plurality of all the votes cast by the electors of the ward, corresponding in number with the box, shall be declared elected aldermen of such ward, and the ballots for mayor, clerk, treasurer, assessor, justices of the peace and constables who shall receive the largest number of all the votes cast for such officers shall be declared elected thereto respectively. If any alderman shall change his residence from the ward for which he shall have been elected, his office as alderman shall become vacant, and the common council of said city shall, by resolution, so declare, and appoint a suitable person to fill the vacancy. For the purpose of carrying out this act, a person's residence shall be deemed to be in that ward where his family resides, or where he has his lodgings and sleeps at night.

Poll lists to be kept.

SECTION 10. At each annual election the inspectors of election shall cause three poll lists to be made, and numbered one, two and three, to correspond with the three wards hereinbefore provided for, and every person when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerk of election shall enter his name on the list numbered so as to correspond with the ward in which he resides. If any person is not a qualified voter in the ward in which he gives his name, and willfully and knowingly gives his name as belonging to a ward in which he does not reside, under the provisions of this act, and shall willfully and knowingly deposit his ballot in a box not corresponding in number to the number of the ward in which he resides, or if any person duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars and not less than twenty-five dollars, to be recovered in the same manner as other fines and penalties are recovered under this act, and shall also incur all the pains and penalties provided by any general law of this state for illegal or fraudulent voting.

SECTION 11. Immediately after counting of the

ballots, at any election under this act, the inspectors and clerks of election shall, under their hands and the seal of such city, make a written statement of the result of such election, and attach thereto the oaths of the inspector and the clerk and the three poll lists kept at such elections, and shall cause the same to be filed in the city clerk's office, and the said statement to be recorded in the records of said city; and the said statement shall be *prima facie* evidence, in all courts and before all tribunals, of the statements therein contained. Immediately after filing such statement, the clerk shall make out and deliver to each person who appears by such statement to have been elected to any office, a certificate of his election, under his hand and the seal of said city.

Written statement of result of election to be made.

SECTION 12. All elections after the first held under this act, and all votes cast thereat, shall be governed by the regulations provided in sections 9, 10 and 11, of this act, except that only one alderman from each ward shall be voted for and elected at such elections.

Elections to be held under regulations provided.

SECTION 13. All other officers necessary for the management of said city shall be appointed by the common council thereof, and the said common council shall at its first regular meeting in each year, appoint one marshal, one street commissioner, and such other officers as the council shall deem it necessary to appoint at that time. In case the council shall for any reason fail or neglect to appoint a marshal or street commissioner, or either of them, at its first regular meeting in each year, the mayor shall call a special meeting of the common council, to be held within fifteen days after such regular meeting, at which special meeting the common council shall appoint such of said officers as it neglected or failed to appoint at its first regular meeting.

Appointed officers.

SECTION 14. All the village officers of the village of Mayville shall hold their respective offices until their successors are elected and qualified or appointed and qualified under this act; and the term of every officer elected under this act shall commence the second Tuesday in April of each year for each year for which he shall have been elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified.

Present village officers to perform election duties.

SECTION 15. All duties herein required of the mayor, aldermen, common council, or clerk, in regard to elections shall be performed, as far as may be necessary, by the present president, trustees, board of trustees, and clerk of the village of Mayville, in regard to the first election and the organization of the city government under this act.

First election when held.

SECTION 16. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, A. D. 1885, and the president and any two trustees of the village of Mayville shall be the inspectors, and the clerk of said village shall be the clerk of such election.

In case of failure to elect.

SECTION 17. Should there be a failure of the people to elect any officer therein required to be elected on a day designated, the common council may order a new election to be held, and in such case the common council shall cause at least ten days' notice of the time and place of holding such election, and of the officers to be elected thereat, to be given by publishing such notice for at least ten days in a newspaper published in said city, or if no newspaper be published in said city, then by posting said notice in at least five conspicuous places in said city, at least ten days before said election.

Assistant marshal to be appointed by council.

SECTION 18. The common council may at any time, when in its judgment the interests of the city require it, appoint an assistant marshal or assistant marshals, and may remove the same at pleasure; and such assistant marshal or marshals when so appointed, shall have the same power and authority, rights and privileges, and be subject to the same duties as the marshal of said city.

List of elected officers to be made.

SECTION 19. Immediately after any corporation officer shall be elected or appointed and qualified, the clerk of said city shall, under his signature and the corporate seal of said city, make out two statements containing the names of the persons so elected or appointed and qualified, and the office to which each shall have been elected or appointed and qualified, and he shall transmit said statements, the one to the county clerk, and the other to the clerk of the circuit court of Dodge county; and said clerks shall file and preserve the same in the same manner as they file and preserve like

certificates of the election or appointment and qualification of town officers.

CHAPTER V.

VACANCIES AND REMOVALS.

SECTION 1. The death, neglect to qualify, refusal to serve, or removal from said city, of any officer elected or appointed under this act, or his inability for any cause to discharge the duties of his office, or his removal by the common council as herein-after provided, shall create a vacancy in such office, and the removal of any alderman or supervisor from the ward for which he shall have been elected, shall create a vacancy in the office held by him.

Vacancies and removals.

SECTION 2. For good cause shown the common council may remove any officer elected under this act, except the mayor, but before any officer shall be so removed, written charges shall be made against him and filed in the city clerk's office, and a copy of such charges, together with a written notice of the time and place, when and where the council will hear testimony to prove or disprove the same, shall be served upon such officer at least ten days before the time appointed for such hearing; and the officer against whom charges shall be filed shall have the right to appear in person or by attorney, or both, at such hearing, and to examine witnesses and present other pertinent evidence in his own behalf, and to cross-examine any witness that may be produced against him.

Removal of officer for cause.

SECTION 3. Whenever a vacancy shall occur in the office of mayor the common council shall call and cause to be held a special election to fill such vacancy. Every special election shall be held in the same manner as annual elections and the same notice shall be given as is required to be given of annual elections. Whenever a vacancy shall occur in any office other than that of mayor, the common council shall fill such vacancy by appointment at its next regular meeting after such vacancy occurs, or at a special meeting to be called for that purpose. Every person elected or appointed to fill a vacancy shall hold the office to which he shall have been elected or appointed for

Special election to fill vacancy may be held.

the unexpired term of his predecessor and until his successor shall be elected or appointed and qualified.

CHAPTER VI.

OFFICERS, THEIR POWERS AND DUTIES.

Officers—their powers and duties.

SECTION 1. Every person elected or appointed to fill any office under this act, shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath of office, to the effect that he will faithfully discharge the duties of his office, and will support the constitution of the United States and the constitution of the state of Wisconsin and the laws thereof, which oath shall be duly certified by the officer administering the same, and filed with the city clerk; and the treasurer, justice of the peace, 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 Mayville a bond in such sum and with such sureties and conditions as the common council may direct; and the common council may from time to time require new or additional bonds, and remove from office any officer neglecting or refusing to give the same.

Power and duties of mayor.

SECTION 2. The mayor, when present, shall preside over all meetings of the common council, sign all orders upon the treasurer for the payment of money, all ordinances passed, and all commissions, licenses and permits granted by the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall from time to time communicate to the common council such information and recommend such measures as he may deem advantageous to the city, and at all times give such information respecting city officers as the common council may require. In case of a riot or other disturbance or apparent necessity, he may appoint as many temporary assistant marshals as he may deem necessary. He shall have power to administer oaths or affirmations, and to take the acknowledgment of deeds, and other in-

struments in writing, and when presiding over any meeting of the common council shall have a vote only in case of a tie.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, it shall proceed to elect by ballot one of its number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his temporary inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. The common council in case the mayor and the president shall both be absent from any meeting thereof, shall proceed to elect a temporary presiding officer, who for the time being shall discharge the duties of the mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and acts performed by them as acting mayor shall have the same force and validity as if performed by the mayor.

President of council.

SECTION 4. The city clerk shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep in a book, to be provided by the common council for the purpose, a correct record of the proceedings of the common council, and of the doings and votes of the inhabitants of said city at their annual and other elections. He shall keep a full and accurate account of all orders drawn on the treasurer, in a book to be provided for that purpose, and shall keep all accounts of the city with individuals, and shall also keep an accurate account with the treasurer, and charge him with the amount of all tax lists delivered to him for collection and all sums of money paid into the treasury. He shall, within fifteen days after its publication, record in a book to be provided for that purpose, each ordinance passed by the common council, and the proof of publication of such ordinance. The records so kept by him, and the papers filed in his office, and copies of said records and papers duly certified by said clerk under the corporate seal, shall be received in evidence of the statements therein contained in all courts and tribunals. He shall likewise draw and countersign

City clerk to keep corporate seal.

all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in bonds provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed, shall be as valid and have the same effect as if filed in the town clerk's office of any town. It shall be his duty to do and perform every act required to be done by the clerks of towns, not inconsistent with the provisions of this act, and shall have authority to administer oaths and affirmations, and shall receive a compensation to be fixed by the common council. Such clerk may appoint a deputy, subject to the approval of the common council to act in the absence or disability of the clerk.

Duties of treasurer.

SECTION 5. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances or resolutions of said city, or the by-laws of this state. All moneys received, raised, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, shall be paid to and received by him, and he shall pay the same out only upon a written or printed order signed by the mayor and countersigned by the clerk, by order of the common council. Such order shall specify the amount of money to be paid thereon, the name of the person to whom and the purpose for which it is to be paid. He shall keep a just and accurate account of all his receipts and disbursements in a book to be provided by the common council for that purpose, which book shall remain the property of the city, and in which he shall note the several sums received by him, the time when, the person from whom, and the source from which each sum was received; and said book shall, at all seasonable times, be open to the inspection of the electors of said village. He shall, as often as the common council shall require, render to the common council a minute account of his receipts and disbursements; and at the expiration of his term of office, pay over and deliver to his succes-

sor all moneys, books, papers and vouchers in his possession belonging to said city.

SECTION 6. The assessor shall assess all taxable property of the city of Mayville, as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine.

Duties of
assessor.

SECTION 7. The marshal of said city shall attend all the meetings of the common council, and in addition to the duties herein specifically named, shall perform such other duties as shall be prescribed by the common council, for the preservation of the public peace, and the collection of license moneys, fines, penalties and forfeitures. He shall possess all the powers of constables of towns, and be subject to the same liabilities. He may serve any process directed to him or to the sheriff, or any constable of Dodge county. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions from the streets and alleys of said city, to abate all nuisances in said city, and to arrest, with or without process, any person whom he shall find in any public place of said city, in a state of intoxication, or making loud and boisterous noise, or guilty of any act of lewdness or obscenity, or whom he may find in any place in said city engaged in any affrays or fights, or violating any ordinance, rule, regulation or resolution of said city, made for the preservation of the peace and the good order thereof, or violating any law of this state, and having so arrested any such person, he shall, within a reasonable time thereafter, take him before competent authority, to be dealt with according to law; it shall also be his duty to obey all written orders of the common council; and for all such services as are usually rendered by constables he shall receive the same fees as constables, and for other services rendered to said city he shall receive such compensation as the common council shall fix by order, ordinance or otherwise,

Duties of mar-
shal.

SECTION 8. It shall be the duty of the street commissioner of said city to build, construct, maintain and repair all such sidewalks, cross walks,

Duties of street
commissioners.

streets and alleys of said city as the common council shall direct him to build, construct, maintain or repair; and for all services rendered by him by direction of the common council, he shall receive such compensation as the common council shall fix by order, ordinance or otherwise.

Further duties
of street com-
missioners.

SECTION 9. The said commissioner shall have control and charge of all teams, wagons, tools and implements owned by said city and used upon the streets of said city. He shall also employ such help, teams, tools and implements as he may require for the performance of all work necessary to be done by him, and shall carry out the details of the general plan laid out for him by the common council, and by the highway, street and bridge committee. He shall keep a record time book of the time of all persons and teams employed by him, where employed and what materials used, and where used, and the price to be paid for help, teams and materials; and no bill for services or materials furnished and used upon the streets, shall be allowed by the common council unless first certified to as correct by said commissioner, and in no event shall said street commissioner be interested in or own any teams employed by him in performing any work provided to be done by the provisions of this act; he shall also perform such other duties as the common council shall direct relative to streets.

Maximum
prices fixed.

SECTION 10. The maximum price to be paid for employes and teams shall be fixed by the council, but the said commissioner shall have the selection and control of the employes and teams so used. It shall also be the duty of the said commissioner to make to the common council an annual report of his doings, or oftener, if required by them, giving in detail where and what work has been done or performed, where and by whom performed, the amount by him certified to the respective persons who performed work, furnished teams, materials, tools and implements, together with such other information as the said council may direct or demand. Said respective reports shall have annexed thereto an affidavit, signed by and sworn to by said street commissioner before some person authorized to administer oaths, stating that said reports are in substance and detail true, and for any false swearing in connection

with said reports by said commissioner, he shall be deemed guilty of perjury and be subject to be punished as one guilty of perjury under the laws of this state.

SECTION 11. If any person having been an officer in said city shall not, within ten days after demand therefor, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, or under his control, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the city one hundred dollars, to be disposed of according to law, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such property, books, papers and effects in the manner prescribed by the laws of this state.

Penalty for failure to deliver.

SECTION 12. The mayor, sheriff of Dodge county, each and every alderman, police justice and marshal, shall be officers of the peace, and shall suppress in a summary manner, all rioting and disorderly behavior within the limits of said city, and for such purpose may command the assistance of the by-standers, and if need be, of all citizens; and if any person, or by-stander, shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine of not exceeding fifty dollars, and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mention in this section, shall direct the proceeding.

Suppression of disorders.

SECTION 13. The common council shall have power, from time to time, to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers or assistants as they may deem proper or necessary to carry into effect the provisions of this act, or to protect the rights of the city, and to prescribe the duties and fix the compensation of all such other officers; but the mayor and said common council shall receive no compensation for services rendered said city.

Other duties may be performed.

CHAPTER VII.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Style of ordinances.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Mayville do ordain." A majority of the aldermen shall constitute a quorum.

Shall hold stated meetings.

SECTION 2. The common council shall hold stated meetings at such times and places as it shall by resolution direct; provided, however, that its first regular meeting shall be held the third Tuesday of April in each year; and the mayor may call, and upon the written request of not less than three aldermen, it shall be his duty to call special meetings by notice to each of the aldermen, to be served personally or left at their usual place of abode, and all their meetings shall be open to the public. The common council shall determine the rules of its own proceedings and keep a journal thereof, and be the judge of the qualification and election of its own members, and shall have power to preserve order and propriety in its proceedings, and to compel the attendance of its members, and may adopt such by-laws, rules and regulations for its government as are not inconsistent with this act.

Management and control of finances.

SECTION 3. The common council shall have the management and control of the finances and of all the property, concerns and effects of the city, and shall, in addition to the powers herein specifically vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, change, amend and repeal all such ordinances, rules, resolutions, orders and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, for the protection against fires, and for the benefit of trade and commerce and the public health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, resolutions, orders or by-laws; and such ordinances, rules, resolutions, orders and by-laws

are hereby declared to be and have the force of laws: provided, that they be not repugnant to the constitution or laws of the United States, or the constitution of this state.

SECTION 4. The common council shall have ^{Fire com-} power to organize, support and maintain ^{panies.} fire companies, to regulate their government, and the time and manner of their exercise; to provide all necessary engines, hose and hose carts, hooks and ladders, and trucks, and all other necessary apparatus for the extinguishment of fires; to provide the necessary buildings for the safe and proper keeping of all such engines, hose and carts, hooks and ladders and trucks and other apparatus; to require the owners of buildings to provide and keep suitable ladders and fire-buckets, which are hereby declared appurtenances to the real estate exempt from seizure, distress or sale, in any manner for debt, separate from the real estate, and if the owner shall neglect, after reasonable notice, to provide suitable ladders or fire buckets, the common council may procure and deliver the same to him, and in default of payment thereof, the city may recover of such owner the cost of such ladder or fire-buckets, or both together, with the cost of procuring and delivering them to him, and the costs of suit and the amount of such money shall be a lien on such real estate; to regulate the sale and storage of gunpowder and other dangerous substances; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens, to enter into at all reasonable times, and examine all dwelling houses, lots, yards, inclosures, and buildings of every description, in order to discover if any of them are in a dangerous condition and to cause such as may be dangerous to be put in safe condition; to regulate the manner of putting up stoves and stovepipes; to prevent fires, and the use of any fire-works and fire-arms in said city, or such part thereof as it may think proper; to compel the inhabitants of such city, and all others who may be therein at the time a fire occurs, to aid in the extinguishment of fires, and to pull, break down and raze such buildings and structures, and to remove such goods or materials in the vicinity of a fire as it shall deem necessary for the purpose of prevent-

ing its communication to other buildings; to construct, maintain and preserve reservoirs, pumps, cisterns, wells and other water-works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention and extinguishment of fires as it may deem proper.

Powers of council defined.

SECTION 5. The common council shall have power, by order, ordinance, rule, resolution, regulation or by-law:

Collecting taxes.

1. To adopt all requisite measures for levying and collecting taxes and assessments, in manner hereinafter provided, and pursuant to the laws of this state.

Licenses.

2. To license and regulate the exhibition of common showmen, caravans, circuses, theatrical performances, or shows of any kind; to restrain, license, or prohibit the keeping of or playing upon billiard tables, pigeon-hole tables, or other tables for gaming.

Riots and disturbances.

3. To prevent any riots, noises, disturbances, disorderly conduct or disorderly assemblages, suppress and restrain disorderly houses, groceries and houses of ill-fame, and to provide for the abatement of all nuisances under the ordinances or laws of this state, or at common law.

Cleanse nauseous places.

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

Slaughter-houses and combustible materials.

5. To direct the location and management of slaughter-houses, and to prevent the erection, use and occupation of the same within the limits of said city, and to establish rates for and license venders of gunpowder and to regulate the storage, keeping and storing of the same or other combustible materials.

Incumbering streets.

6. To prevent the incumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, wagons, boxes, lumber, fire-wood, or any other materials or substances whatever.

Immoderate riding.

7. To prevent horse-racing, fast or immoderate riding or driving on the streets.

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

9. 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 ordinances. Dogs.

10. To make and establish a pound, purchase the necessary grounds and materials for the same, and appoint a pound-master. Pounds.

11. To prevent any person from bringing, depositing or leaving within said city any putrid carcasses or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substances, and in default of such person removing the same, to authorize the removal thereof by some competent officer, at the expense of such person. Putrid carcasses.

12. To require the owner of any lot or lots upon which there shall be any stagnant water, if deemed necessary for the health or welfare of the inhabitants of the city, or any part thereof, to fill up such lots, so as to prevent water from standing thereon, and in case any owner shall neglect so to fill up said lot or lots, after thirty days' notice being served on him personally, or posted at some public place in the vicinity of said lot or lots, or at the post-office in said city, the common council may cause the same to be done, and may levy and collect a tax on such lot or lots sufficient to pay the expense of so filling such lot or lots and the costs of giving such notice, in like manner as other corporation taxes are levied and collected. Stagnant water.

13. To regulate, control and prevent the landing of persons from railroad cars wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Contagious diseases.

14. To compel the owners or occupants of lots or parts of lots or lands to remove snow, ice, dirt or rubbish from sidewalks, streets or alleys opposite to such lots or parts of lots or lands, and in default of such owners or occupants removing of the same, to authorize the removal thereof by some officer of the city at the expense of such owner or occupants, and to levy Removal of snow, dirt, etc.

and collect tax upon such lots or parts of lots or lands to pay such expense, in like manner as other corporation taxes are levied and collected.

Boards of health.

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

Repair of streets.

16. To make, lay out, open, keep in repair, grade, improve, alter, widen, vacate or discontinue streets, lanes, alleys, public squares, sewers, gutters and sidewalks, to keep them free from incumbrance, and to protect them from injury; and also to protect, maintain and regulate the setting out of shade or ornamental trees on the public squares or in the streets of said city.

Driving on sidewalks.

17. To prevent all persons riding or driving any horse, ox, mule, cattle or other animals on the sidewalk in said city, or in any way doing damage to such sidewalks.

Police regulations.

18. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties, fix their compensations and punish their delinquencies.

Cleansing the river.

19. To provide for the cleaning out of the river in said city, of driftwood and other obstructions in said city, and to prevent any person placing in said river, within the boundaries of the city, any article of wood, stone, earth or other substance which may retard the flow of water, or fill up or contract the bed of said river, or which may be prejudicial to the health of said city.

Regulating the taking of ice.

20. To regulate the taking of ice from the river in said city, to designate the localities therein from which ice may be taken, and to prohibit the taking of ice from any other localities therein than such as are thus designated.

Exemption of highways and poll taxes.

21. To provide for the exemption from highway and poll taxes, of all persons belonging to any fire company, hose company or hook and ladder company organized in said city or under this act.

Compensation of officers.

22. To call regular and special meetings of the voters of said city, prescribe the compensation of the clerk and other officers whose compensation is not herein fixed; to examine, audit and adjust the accounts of all persons; but the members of the common council shall receive no compensa-

tion whatever for their services as officers of said city.

23. To prohibit the erection or construction of wooden buildings on such streets, alleys or blocks, or parts of streets, alleys or blocks, as the public safety may, in its judgment seem to require.

Wooden buildings.

24. To insure the public property of said city.

Insure property.

25. To direct in the prosecution and defense of actions in which said city may be a party, or otherwise interested, and to employ counsel for that purpose.

Employ counsel.

26. To procure the necessary blank books for records, accounts, orders, etc., and such stationery as may be required for city purposes.

Stationery.

27. To regulate and control the running of engines and cars through said city, and the rate and speed of the same, and to prevent the incumbering of streets, lanes, alleys, highways, sidewalks and cross-walks with railway cars or engines, or any other substance or materials pertaining to railways.

Running of engines through city.

28. To restrain drunkards, immoderate drinking or obscenity in the streets or other places in said city, and to provide for the arresting, removing and punishing of any person who may be guilty of the same.

Drunkenness.

29. To prevent the shooting of fire-arms or fire crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Shooting of fire-arms.

30. To establish and maintain a pest-house whenever necessity or the public health may require.

Pest-houses.

31. To erect and maintain lamp-posts along any of the streets, or on the public grounds of said city, and to protect the same from injury and to prevent interference therewith, and to light the streets, public grounds and buildings of said city.

Lighting of streets.

32. To provide and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same; to provide by ordinance or resolution for the punishment by fine and imprisonment of any person or persons for injuring in any manner the fences, ornaments, trees, shrubbery, plants, grave-stones, monuments, railings,

Cemetery grounds.

buildings, or other fixtures or improvements on the same, or by violating any ordinances or regulation of the common council enacted for the protection of such cemeteries against trespassers; and for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city, and to be within the jurisdiction of the same; to regulate the burial of the dead and registration of births and deaths; to direct the returning and keeping of bills of mortality and to impose penalties on physicians, sextons and others for any default in the premises.

License hawkers and peddlers.

33. To license, regulate, restrain, or suppress hawkers, peddlers, auctioneers, so-called Cheap Johns, transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by hawkers, peddlers, auctioneers, so-called Cheap Johns and transient dealers and persons who travel from place to place to sell goods, wares or merchandise, within the limits of said city, and when licensed, to fix the amount to be paid for such license. And no hawker, peddler, auctioneer, so-called Cheap John transient dealer or person who travels from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery and greenhouse products, without having first obtained a license therefor according to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this subdivision, or of the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided in the laws of this state, and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the license therein named, or the holder thereof, to make any of the sales herein inhibited; provided, however, that traveling peddlers who deal solely with merchants and tradesmen by wholesale shall be exempt from the provisions of this subdivision and shall not be required to take out any license there-

under, or by any ordinance passed pursuant thereto.

34. To provide by ordinance for the measuring or weighing of wood, coal, lime and other articles sold in said city. Wood, coal, and lime.

35. To let by contract, to the lowest bidder, all work to be done for said city. Let by contract.

36. To remove, for good cause shown, any officer of said city, except mayor. Remove from office.

SECTION 6. In all cases in relation to which, by the provisions of this act, the common council has power to enact or pass ordinances, resolutions or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinance, resolution or by-law, not exceeding fifty dollars for any one offense, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the person charged shall be imprisoned in the county jail of Dodge county for such time as the council may by such ordinance direct, not exceeding forty days for any one offense, for which purpose the said city shall have the use of the common jail of Dodge county, and all persons committed to jail by virtue of this act, or pursuant to the ordinances, resolutions, or by-laws of said common council shall be under the charge of the sheriff of said county for the time for which they shall have been so committed. Respecting collection of fines.

CHAPTER VIII.

ORDINANCES.

SECTION 1. The style of all ordinances shall be: Ordinances.
 "The common council of the city of Mayville do ordain." Every ordinance passed by the common council shall be signed by the mayor and countersigned by the clerk, but the failure of either or both of said officers to so sign or countersign any ordinance, which shall have been duly passed by the council, shall not invalidate any such ordinance.

SECTION 2. All ordinances, rules, resolutions, regulations, orders or by-laws imposing any penalty or forfeiture for the violation of their provisions, appropriating money, creating a debt or levying or assessing a tax, shall be published in a Ordinances to be published in a newspaper.

newspaper published in said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book to be provided for that purpose, but before any of the said ordinances, rules, resolutions, orders or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the printer or publisher of such paper, and such affidavit shall be recorded therewith, and the said record, as well as copies thereof duly certified by the clerk under the seal of the city, shall be received and considered in all courts and before all tribunals as sufficient evidence of the passage and publication of such ordinances, rules, resolutions, regulations, orders and by-laws.

Village ordinances to remain in force until repealed.

SECTION 3. All ordinances, by-laws, rules, regulations and resolutions now in force in the village of Mayville, Dodge county, Wisconsin, not inconsistent with this act, shall remain in force under this act until altered, modified, changed, amended or repealed by the common council, after this act shall take effect; and all such ordinances, by-laws, rules, regulations and resolutions shall, after this act shall take effect, and before the same shall be so altered, modified, changed amended or repealed, be taken, held, considered and declared on, as and to be ordinances, by-laws, rules, regulations and resolutions of said city, the same as if they had been duly passed and published, as provided in this act.

CHAPTER IX.

FINANCES AND EXPENDITURES.

Finances and expenditures.

SECTION 1. All moneys, credits and demands belonging to said city shall be kept by and deposited with the city treasurer, and be under the control of the common council, and shall be drawn out only upon the order of the mayor and clerk, authorized by a vote of said council, as herein provided, and in no other manner.

Fines and penalties.

SECTION 2. All fines, forfeitures and penalties accruing to said city for the violation of this act, or any ordinance, by-law, rule or regulations of said city, and all moneys received from licenses, shall be paid into the city treasury for the use of the city, and shall become a part of the general fund.

SECTION 3. All accounts and demands against the city, before the same shall be acted upon, shall be verified by affidavit to the effect that the said account or demand is just, correct and true, and that the same has not been paid, nor any part thereof. Before the final disposition of any such account or claim, the same shall be indorsed as follows: If allowed in part or in whole, the word, "allowed," and the amount allowed shall be indorsed thereon, and if disallowed, the word, "disallowed" shall be indorsed thereon, which indorsement shall be made and signed by the clerk. A memorandum of each and every account and claim allowed by said common council, shall be entered upon the minutes of the proceedings thereof, setting forth to whom the account or claim was allowed, for what purpose, and the amount; and no account or claim against said city shall be paid until it shall have been presented to and allowed by the common council, as provided by this act, and every account or claim duly allowed in any amount, shall be filed in the clerk's office, together with the affidavit thereto attached; and every account or claim presented in any year, shall be numbered from one and upwards, and filed by the clerk in the order in which they were received.

Accounts against city shall be verified by affidavit.

SECTION 4. All orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment of any debt or demand due to, or tax assessment levied by authority of the city.

All orders shall specify for what drawn.

SECTION 5. No money shall be expended for any special or extraordinary purpose, unless said expenditure shall have been authorized by a vote in favor thereof, of a majority of the qualified electors of said city voting at a general or special election. The ballots cast upon such question shall contain the words, "for the appropriation," or "against the appropriation," either written or printed, or partly written and partly printed, and shall be deposited in a separate box. Said ballots shall be canvassed, and a statement made and the result declared in the same manner as is provided in this act for the canvass of votes upon the election of officers of said city.

Expenditures must be properly authorized.

No debt shall be contracted against city.

SECTION 6. No debt shall be contracted against the city, or order drawn upon the city treasurer, unless the same shall be authorized by a majority of all the aldermen elect, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

CHAPTER X.

ASSESSMENT AND TAXATION.

Assessment and taxation.

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

Assessment roll to be made out.

SECTION 2. On or before the first day of June of each year, the 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 the name of each person or body politic shall be affixed the value of personal property assessed to each. When there are any buildings, or any lots or tracts 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 or subdivisions as they may deem proper, but it shall be necessary to enter the name of the owner opposite to every tract, lot or parcel of land.

SECTION 3. The mayor, city clerk, the city treasurer and the assessor shall constitute a board of review; said board shall meet annually on the last Monday of June; a majority shall constitute a quorum. Notice of the time and place of said meeting shall be posted up by the city clerk in at least one public place in each ward, and at least four days prior to such meeting. The city clerk shall be the clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day until its business is completed. Said board of review so constituted shall have the same powers, and shall be subject to the same restrictions as town boards of review under the laws of the state.

Board of review.

SECTION 4. Immediately after the final adjournment of the board of review in each year, the assessor shall return the assessment roll to the common council by depositing the same with the city 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 the power to increase the amount of said roll, except by the value of such real or personal property as may have been omitted by the assessor.

Return of assessment roll to common council.

SECTION 5. On the third Tuesday 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 the amount necessary to be levied for special purposes, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Special city taxes.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and 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 transfer of such real or personal property belonging to the

Taxes to remain a lien upon lands.

person taxed may be taken and sold for the payment of taxes upon personal property.

Abstract of the assessment roll: to be made.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Dodge, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at its annual meeting.

City to be regarded as a town.

SECTION 8. The board of supervisors shall regard the city of Mayville as a town in equalizing the assessment of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll.

How tax shall be levied.

SECTION 9. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns or town clerks and in all transactions of the board of supervisors of said county, said city shall be regarded as a town.

Complete statement shall be made out.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out 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, if any, of previous years, and all special taxes levied by the common council, since the making out of the last annual tax roll in such separate columns as may be necessary with the total footings carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax roll of the city of Mayville," 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.

Prima facie evidence.

SECTION 11. The tax roll 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 roll inclusive, has been done, regularly and correctly, as required by law.

SECTION 12. Immediately after making out the tax rolls as aforesaid, a warrant shall be appended thereto, signed by the mayor and clerk and sealed with the corporate seal of the said city, directed to the treasurer requiring and commanding him to collect the taxes and assessments specified in said tax roll in the manner provided by law; and said clerk shall, on or before the 25th of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and charge the amount of the tax roll to the treasurer.

Warrant shall be appended and signed by the mayor.

SECTION 13. The city treasurer, upon the receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like powers, and shall be subject to like requirements, liabilities and restrictions as a town treasurer, except as otherwise provided in this charter. The fees of the city treasurer shall be the same as provided by law for town treasurers for similar services.

Fees of city treasurer.

SECTION 14. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Dodge county, a list of all the lands, lots and personal property upon which taxes have not been paid, and shall make return of said taxes, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall extend to and may be enforced to collect any delinquent tax due to said city.

Delinquent list of lands.

WHO TO SELL DELINQUENT LANDS.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Mayville, at the same time and in the same manner as other delinquent lands are sold in said county.

Who to sell delinquent lands.

OF ERRORS.

Of errors.

SECTION 16. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate, or vitiate, or in anywise affect the validity of the assessment or tax.

Errors in assessment roll.

SECTION 17. In all cases of the re-entry of real estate omitted from assessment for previous years, and in all cases where property shall be re-assessed or re-assessable, as provided by the general laws of this state, the common council shall, in addition to the taxes of the current year, levy and collect such taxes as such omitted lands ought properly to have paid, in case they had not been omitted or such re-assessment had not been necessary.

General laws to be in force.

SECTION 18. All the general laws of this state which now or hereafter may be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided. The city treasurer shall proceed to enforce the collection of all taxes and assessments in the manner provided by law for the collection of taxes by town treasurers, except as herein otherwise provided.

CHAPTER XI.

CONSTRUCTION, REPAIR AND RECONSTRUCTION OF
SIDEWALKS.

Sidewalks constructed and repair of same.

SECTION 1. Sidewalks in said city shall be constructed only in the manner following, that is to say: Whenever a majority of the owners of the lots or of the lands on any street or part of street, or on one side of any block in said city, desire to have a sidewalk constructed along such street or part of street, or along the side of any block upon which their said lots or lands abut, they shall make and file with the city clerk a petition in writing, which petition shall describe the street or part of street, or the side of the block along which they desire such sidewalk to be constructed, and shall give the names of the owners of the lots or lands on such street, part of street or side

of block, so far as they shall be known to the petitioners, and designate the lots or land owned by each such owner.

SECTION 2. At the next regular meeting after such petition shall have been so filed, the common council shall enter an order among its records, requiring a sidewalk to be constructed along such street, part of street, or side of block, as prayed for in such petition. The common council shall in such order designate and determine the street, part of street or side of block along which such sidewalk shall be so constructed, and the time within which the owner or owners of the lots or the lands along such street, part of street or side of block, shall construct the same, and shall further declare therein that in case the owner or owners of any such lot or lots, or of any such lands, shall fail to so construct such sidewalk along the lot or lots, or part of lot or lots, or along the lands so owned by him or them, within the time limited in said order, the city will construct such part thereof as such owner or owners have so failed to construct, and charge the cost thereof to the lot or lots, or part of lot or lots, or to the lands along which the city shall have so constructed such sidewalks.

Manner of procedure regarding sidewalks.

SECTION 3. Within ten days after said order shall have been entered as aforesaid, the street commissioner of said city shall serve the same upon all the owners of the lots or the lands, on the street, or part of street, or side of block along which such sidewalk is to be constructed, personally, or by leaving a true copy thereof at the usual place of abode of such owners in said city. In case any owner or owners of any such lot or lots, or part of lot or lots, or of such lands, shall not reside in said city, or his or their name or names shall be unknown to the marshal, then such order shall be served on such non-resident, or unknown owner or owners, by publishing the same in some newspaper published in said city, at least once, and at least ten days before the expiration of the time limited in said order for the construction of such sidewalks. As soon as the marshal shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof,

Order to be served on owner of lots by street commissioner.

and in case the said order shall have been published, as hereinbefore provided, he shall attach to his return, and file therewith the affidavit of the publication thereof, in the usual form, subscribed and sworn to by the printer or publisher of a newspaper in which such order shall have been so published.

Owner may construct after order is issued.

SECTION 4. At any time after said order shall have been so entered by the common council as hereinbefore provided, and within the time therein limited therefor, the owner or owners of the lots or lands on the street, part of street or side of block along which such sidewalk is to be constructed may, at their own expense and in the manner, and of the width and material designated in such order, construct such sidewalk along said lot or lots, or part of lot or lots or along the said lands, owned by them respectively.

Examination of sidewalks ordered.

SECTION 5. Within ten days after the expiration of the time limited in such order for constructing such sidewalk, the street commissioner of said city shall examine the street, part of street or side of block, along which such sidewalk shall have been ordered to be so constructed, and within said ten days shall make and file with the city clerk a report in writing signed by him, as to the construction of the same. He shall state in such report what part of said sidewalk, if any, has been, and what part, if any, has not been, constructed in conformity with such order, and shall describe the lots or lands, if any, along which the sidewalk has been so constructed, as well as the lots or lands, if any, along which it has not been so constructed.

In case sidewalk has not been commenced the street commissioner to proceed at once.

SECTION 6. If it shall appear by such report of the street commissioner that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council shall, at its next regular or special meeting after such report shall have been made or filed, direct the street commissioner to proceed at once to construct in conformity with said order, such part of said sidewalk as said report shows has not been so constructed, and the said street commissioner shall thereupon proceed at once so to construct such part of such sidewalk.

SECTION 7. Immediately upon completing his work, the street commissioner shall make and file

with the city clerk, a statement in writing, subscribed and sworn to by him, in which he shall state the total expenses actually incurred by him in so constructing that part of said sidewalk so constructed by him; and also the actual expenses incurred by him in so constructing the part of such sidewalk in front of each lot, or part of lot, or land, along which it appears by his report, the owner or owners of such lot or part of lot or land had failed as aforesaid to construct such sidewalk.

Sworn statement of costs to be made by commissioner.

SECTION 8. At any regular or special meeting after such statement shall have been so filed, the common council shall by resolution levy and assess upon each lot or part of lot, or lands in front of which any sidewalk or part of sidewalk shall have been so constructed by said street commissioner, as appears by his said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same as appears by said statement; and said resolution shall describe each of such lots or parts of lots or lands, state the names of the owners thereof, when known, and give the amount of such tax so levied and assessed upon each such lot or part of lots or lands.

Expense to be assessed by resolution.

SECTION 9. The clerk of said city shall insert in a separate column in the tax list of his city next thereafter to be delivered to the city treasurer for collection, and opposite to the description therein of each of said lots or parts of lots, or lands, the amount of such special tax properly chargeable thereto as appears by the copy of such resolution or resolutions, so delivered to him as aforesaid; and the said special taxes shall be collected or returned delinquent in the same manner as town, county and state taxes are collected or returned delinquent by law; and the lots, or parts of lots or lands upon which such special taxes may be so levied and assessed may be sold and conveyed for non-payment thereof in the same manner and with the same effect as if said special tax had been a general town, county or state tax.

Special charges to be charged in its roll.

SECTION 10. Whenever it shall be necessary, in the opinion of the common council, to repair or reconstruct any sidewalk, the common council may cause such sidewalk to be repaired or reconstructed at the expense of the owners of the lots

Repair of sidewalks.

or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks, except that no petition of the lot or land owners or of any one else shall be necessary to authorize the council to cause such sidewalk to be repaired or reconstructed; provided, however, that when any sidewalk shall be in an immediately dangerous condition, and the cost of repairing the same opposite any one lot or piece of land shall not exceed one dollar, the street commissioner shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk if a resident of said city, to repair such sidewalk, and if such owner shall not at once proceed to repair the same, the street commissioner shall at once proceed to repair such dangerous sidewalk, and the cost of such repairs shall be levied upon and collected from the lots and lands abutting on such dangerous sidewalk, in the same manner as the cost of constructing new walks are levied and collected from the lots and lands abutting thereon.

CHAPTER XII.

LAYING OUT, OPENING, ENLARGEMENT, ETC., OF STREETS, ETC.

Laying out
streets.

SECTION 1. The common council shall have the power to lay out, open, widen and enlarge public squares, grounds, streets and alleys, as follows: Whenever ten or more freeholders residing in said city shall, by petition, represent to the common council that it is necessary to take certain lands within said city for the purpose of laying out any public squares, grounds, street or alleys, or the enlargement or widening of the same, and shall state in such petition the courses and distances, routes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such lands, if the same shall be known to the petitioners, the common council shall thereupon cause notice of such application to be given to such owners as well as to the occupant or occupants of said land, if any there be, by causing notice thereof to be published for four weeks, at least once in each week, in a newspaper published in said city.

SECTION 2. Such notice shall describe, as near

as may be, the land proposed to be taken, and shall state that at a time and place therein to be named, not less than ten days from the expiration of the four weeks' publication of such notice, application will be made to the judge of the circuit or county court of Dodge county for the appointment of six jurors to view said land, and to determine whether it will be necessary to take the same for the purposes specified in said petition. Such notice shall be signed by the mayor and countersigned by the clerk.

Notice to describe the land proposed to be taken.

SECTION 3. Upon presentation to such judge of certified copies of such petition and notice, duly certified under the hand of the clerk and the corporate seal of said city, together with the proof of the publication of such notice, as hereinbefore required, the said judge shall thereupon select six reputable freeholders, residents of Dodge county, Wisconsin, but not of said city, not interested in the result of such application, as jurors, for the purpose aforesaid, and shall issue his precept directed to said jurors, and requiring them, within thirty days, to view said land, which shall be described in said precept, and to make return under their hands to the common council of said city whether in their judgment it is necessary to take said land for the purpose specified in said petition.

Six reputable freeholders to be selected.

SECTION 4. If any of the jurors so selected shall be disqualified from acting, or shall refuse to act, the judge shall select others in their places, and a memorandum of such substitution shall be endorsed on the precept.

In case any jurors are disqualified from acting.

SECTION 5. The said jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officer to the effect that they are freeholders of the said county of Dodge and are not interested in the land proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, and they shall, at such times as they may agree upon, proceed in a body to view the land in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jury, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Each juror to take an oath.

SECTION 6. After viewing the land and hearing such testimony as may be offered, the jurors

Jurors to determine whether it is necessary to take the land.

shall determine whether, in their judgment, it is necessary to take said lands for the public use mentioned in said petition, and shall make a report of their proceedings, which shall be signed by each of them, and in which they shall state whether in their judgment it is necessary to take the land in question for the public use mentioned in said petition, which said report, testimony and precept, together with the certified copies of the petition and notice, and proof of publication upon which said judge acted, shall be returned to the common council, within the time limited in said precept.

In case jurors report it is necessary.

SECTION 7. Should the jurors report that it is necessary to take said land for the purpose mentioned in said petition, the common council shall enter an order among its proceedings, confirming said report, and directing the same jurors, on a day to be specified in said order, not later than sixty days from its date again to view said land, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the land proposed to be taken, and to assess and return within sixty days from the date of such order, such damages to the common council. And after the jurors shall have made their report, as to the necessity of taking any lands under this act, and the same shall have been confirmed, the county judge of said county 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 the new jurors so appointed shall, before entering upon the discharge of their duties in the premises, severally take an oath before some competent officer, to the same effect as the oath hereinbefore required to be taken by the jurors first appointed.

In case there should be a building in whole or in part, on the land to be taken.

SECTION 8. If there should be any building, in whole or in part, upon the land to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove, and shall report such estimate and determination to the common council; whereupon the common council shall cause a notice to be given to the owner of such building, or his agent, to signify to the com-

mon council his election either to accept the award of the jurors and allow such land to be taken with the land appropriated, or his intention to remove such building. Such notice shall describe the building, specify the award of the jurors, and designate a day, not later than twenty days from the date of such notice, on or before which such election is to be signified, the time within which such building must be removed in case the owner elects to remove the same, and shall be served personally on the owner of such building, or his agent, if known, and a resident of said city, or left at his usual place of abode; if not known, said notice shall be served by publishing the same in a newspaper published in said city for two successive weeks.

SECTION 9. If the owner shall fail to take the building at its value to remove, as so determined by such jury, or fail to signify 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, and the proceeds of such sale shall be paid to the owner or deposited to his use.

In case owner refuse to take the building at its value.

SECTION 10. The said jurors shall, within the time limited, view and examine the lands proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, 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 land so proposed to be taken, and the injury resulting to such owner or owners in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimate of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sales 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

The jurors shall determine the damages.

building or buildings, according to section 8, of this chapter.

In case they belong to different parties.

SECTION 11. If the lands or buildings belong to different persons, or if the land is subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award to be signed by jurors.

SECTION 12. The award of said jurors shall be signed by them, and returned with the testimony taken and the order mentioned in section 7, of this chapter, to the common council, within the time limited in such order.

In case party feels himself aggrieved.

SECTION 13. Any person whose property is proposed to be taken as hereinbefore provided, who shall feel himself aggrieved by the assessment of damages made by said jurors, may, within ten days after the return of said jurors is made to the common council, appeal from such assessment of damages to the circuit court of Dodge county, by causing a written notice of such appeal to be served on the clerk of said city, and by executing to said city and filing with said clerk a bond with two or more sufficient sureties in the penal sum of five hundred dollars, conditional that the appellant will pay to said city all the costs that it may sustain by reason of such appeal, in case the assessment of damages appealed from shall not be raised on the trial of such appeal. The common council shall also have the right to appeal from any assessment of damages made by such jurors, by filing with the clerk a notice of such appeal within ten days aforesaid. Within ten days after any appeal shall have been perfected as herein provided, the clerk of said city shall transmit to the clerk of the circuit court of Dodge county certified copies of the award of said jurors, and of the notice of appeal and of the bond, when a bond is required, which said copies shall be certified under his hand and the corporate seal of said city, and the clerk of said court shall, on receipt of said certified copies, file the same in his office, and upon the same being so filed by him, the said court shall have jurisdiction of said appeal, and said appeal shall be tried by said court and a jury, the same as if it were an appeal from the judgment of a justice of the peace. Within ten days after a judgment shall have been entered

on such appeal, the clerk of said court shall cause a certified copy of such judgment to be filed with the clerk of said city; and upon the filing of a certified copy of such judgment with the clerk of said city, the amount of damages therein awarded to the appellant (or respondent in case the city appeals), shall be taken and considered as the amount of damages to be paid by the city to such appellant or respondent, the same as if said jurors had originally fixed such damages at that sum in their award.

SECTION 14. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor, or party entitled thereto, shall be paid or tendered to the owner or party entitled thereto, or his agent, or in case the said owner or party entitled thereto, or his agent, or in case the said owner or party entitled thereto, 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.

Land shall not be appropriated until damages are paid.

SECTION 15. The damages assessed shall be paid, or tendered or deposited as herein provided, within one year from the time the award of said jurors shall have been returned to the common council, or in case an appeal has been taken from said award, within one year from the time a certified copy of the judgment of the court shall have been filed with the city clerk as hereinbefore provided; and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

Damages to be paid within one year.

SECTION 16. The city may at any time within the said year, pay, tender or deposit, as herein required, the damages assessed in any such case; and whenever said damages have been so paid, tendered and deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate the lands for the purposes required.

Damages may be paid any time within the year.

SECTION 17. When the whole of any tract or lot or other premises under lease or other contract

In case the land or part of it is under lease.

shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or other contracting parties touching the same or any part thereof, shall, upon the confirmation of such award respectively cease and be absolutely discharged.

In case only a part of it is under lease.

SECTION 18. 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 award, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such revenue thereof, and no more shall be payable or recoverable for or in respect to the same.

In case of infant or incompetency.

SECTION 19. When any known owner of any lands or tenements affected by any proceeding under this charter shall be an infant or labor under any legal disability, the county judge of Dodge county may, upon application of the common council, or of such party or his next friend, appoint a guardian of such party for the purpose of said proceeding, and all notices required by this act, shall be served upon such guardian.

Accurate survey authorized.

SECTION 20. When any public grounds, streets, or alleys shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Expense of laying out streets to be paid out of general fund.

SECTION 21. The expense of laying out, opening, widening, enlarging, improving or repairing streets, alleys, roads, crosswalks and public grounds, shall be paid from the general fund, or funds expressly appropriated for that purpose.

CHAPTER XIII.

JUDICIAL, JUSTICE OF THE PEACE AND CONSTABLES.

Justice of peace and constable.

SECTION 1. The justices of the peace elected under this act, shall have the same jurisdiction and perform all the duties of justices of the peace,

and shall qualify in the same manner as provided by the general laws of this state, except that their official bonds shall be approved by the mayor, and in addition thereto that they have jurisdiction in all cases arising under this act and the ordinances, resolutions and by-laws passed by said city council, unless therein otherwise provided. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns, and shall qualify in like manner, except that their official bonds shall be approved by the mayor of the city, and together with the official oaths, shall be filed in the city clerk's office. Constables' fees shall be the same as provided by law for constables in towns. As judicial officers and courts the justices shall have and possess, within the corporate limits of said city, all the authority, jurisdiction, powers and rights of justices and justices' courts of this state, and the powers of said justices, within said corporate limits, shall be co-equal and co-ordinate over and of all civil and criminal actions under the laws of the state, with that of the several justices of the peace of Dodge county, and shall have exclusive jurisdiction of all actions and causes for the violation of any ordinance, by-law, rule, resolution or regulation of said city under this act, and shall receive the same fees as a justice of the peace under the laws of this state receives for his services, but the said city shall not be liable for their fees, except such as shall accrue in prosecutions or actions brought for the violation of the provisions of this act, or of the ordinances, by-laws, rules, or regulations of said city.

SECTION 2. Appeals and writs of certiorari may be taken from the decisions or judgments of the said police justice, in the same manner and with the same effect and force as from judgments of justices of the peace under the laws of this state. In all actions and prosecutions in said justice courts, except as hereinafter provided, the practice and proceedings shall conform, so far as may be, to the practice and proceedings in like cases in justices' courts under the laws of this state; provided, however, that no action or prosecution brought to recover a fine or penalty for the violation of any ordinance, by-law, rule, resolution or

How appeals
may be taken.

regulation of said city, shall be removed from said justices to any justice without the limits of said city, but such actions and prosecutions may be removed from one of said justices to the other in the manner provided for removals in other cases by law.

Form of complaint.

SECTION 3. All offenses for which fines and penalties may be incurred for violating any of the provisions of this act, or of any ordinance, by-law, rule, resolution or regulation of said city, shall be treated as inferior crimes and misdemeanors, and shall be prosecuted in the name of the state of Wisconsin. The first process in all suits or prosecutions for such offenses shall be a warrant. Before any such warrant shall issue, a complaint under oath shall be filed with the police justice, which complaint shall be substantially in the following form, to wit:

The State of Wisconsin. }
County of Dodge, city of Mayville. } ss.
The State of Wisconsin, }
 against } In justice court.
X. Y. (name of accused.) }

A. B., being duly sworn, says that on said — day of —, 188—, in said city, the said X. Y. (name or accused or alias), did violate section — of chapter —, of the charter of said city, or section —, of ordinance No. —, of said city, entitled, “an ordinance” (describing it by its title), or section —, of a by-law, resolution or regulation of said city (describing it by its title) against the peace and dignity of the state of Wisconsin.

Subscribed and sworn to before me, this — day of —, A. D., 188—.

Form of warrant.

SECTION 4. It shall be sufficient to give the number and chapter of this act, or the section of the ordinance, by-law, resolution 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 form:

Dodge county — City of Mayville — ss.

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

Whereas, A. B. has this day complained to me,

in writing, on oath, that on the — day of —, 18—, at said city, X. Y. (name of accused) did violate (state offense as stated in complaint) against the peace and dignity of the state of Wisconsin; now, therefore, you are commanded forthwith, to apprehend the said X. Y. and bring him before me to be dealt with according to law.

Given under my hand this — day of —, A. D. 188—.

Justice of the Peace.

SECTION 5. Upon the return of the warrant with the accused, the police justice shall proceed summarily to try the case, unless it be adjourned by consent or for cause. If the case be adjourned, the accused shall recognize, with sufficient sureties, and in such sum as the court may order and approve for his appearance on the adjourned day, or such defendant may be left in charge of the officer or committed to the common jail of the county of Dodge. The complaint made as aforesaid, shall be the only complaint required, and the plea of, "not guilty" shall put in issue all subject matter embraced in the action

Return of
warrant.

SECTION 6. The complaint and warrant, or either of them, may be amended, and actions adjourned in the same manner and upon the same conditions and restrictions as complaints and warrants are amended, and actions are adjourned in criminal actions in justices' court under the general laws of this state, and in all cases either party shall enjoy the right of trial by jury, as in justices' court, unless the same is duly waived, and a failure to demand a jury shall, in all cases, be deemed a waiver; except that no trial by jury shall be allowed in any action or prosecution brought for a violation of any ordinance, by-law, rule, regulation or resolution of said city. In purely civil actions adjournments may be had upon the same conditions and subject to the same restrictions as adjournments in like actions are had in justices' courts under the general laws of this state.

Complaint and
warrant may
be amended.

SECTION 7. In all actions and prosecutions brought to recover a fine or penalty for violating any of the provisions of this act, or of any ordinance, by-law, resolution or regulations of said city, the finding of the court shall be, "guilty" or

What the find-
ings of the
court shall be.

“not guilty.” If “not guilty,” the defendant shall be discharged by order of the court, and the police justice shall enter a judgment of costs against the city, but such costs shall be presented, audited, allowed and paid in the same manner as is provided by this act for the payment of other claims against said city. If the finding of the court shall be “guilty,” the court shall render judgment thereon against the defendant, for the amount of the fines, penalty or forfeiture prescribed in this act, or in the ordinance, by-law, regulation or resolution, for the violation of which the defendant shall have been found guilty, or for such proportion thereof, not less than the minimum so prescribed, as in his discretion will best promote good order, and the public good in said city, and for costs of suit, and in such case shall also adjudge that in default of payment of any such judgment, the defendant be imprisoned in the county jail of Dodge county for such time, not exceeding forty days, as shall be prescribed in this act, or in the ordinance, by-law, regulation or resolution for the violation of which the defendant shall have been found guilty.

Form of judgment.

SECTION 8. In case the finding of the court be “guilty,” as provided in the preceding section, the judgment of the court shall be substantially in the following form:

“The court having found the defendant, X. Y., guilty, as charged in the complaint, it is now here adjudged by the court that the said defendant, X. Y. pay a fine of _____ dollars, and the costs of this suit, taxed at _____ dollars, and _____ cents; in all the sum of _____ dollars, and _____ cents, fine and costs, and that in default of payment of the said sum, _____ dollars and _____, fine and costs, the said defendant, X. Y., be imprisoned in the county jail of Dodge county for the term of _____ days from the _____ day of _____, 18— (inserting here the date of the rendition of the judgment).”

Form of commitment.

SECTION 9. Upon the rendition of such judgment against the defendant, and upon the non-payment thereof, the police justice shall forthwith issue a commitment, which shall be substantially in the following form:

Dodge County, }
 City of Mayville. } ss.

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

Whereas, at the police court of said city, held at my office in said city, for the trial of X. Y. for the offense hereinafter stated the said X. Y. was convicted of having on the — day of —, 18—, at said city of Mayville, in said county of Dodge, violated (here state the offense as stated in the warrant), and upon conviction the said court did adjudge that said X. Y. should pay a fine of — dollars and the costs of suit taxed at — dollars and — cents; in all, the sum of — dollars and — cents, fine and costs, and that in default of payment of the said sum of — dollars and — cents, fine and costs, the said X. Y. should be imprisoned in the common jail of said Dodge county for the term of — days, from the — day of —, A. D. 18—; and whereas, there has been and is default in the payment of the said sum of — dollars and — cents fine and costs; now therefore, you the said marshal, are commanded forthwith to convey and deliver the said X. Y. to the said keeper; and you, the said keeper, are hereby commanded to receive the said X. Y. into your custody in said jail, and him there safely keep until the expiration of said — days, or until he shall be thence discharged by due course of law.

Given under my hand the — day of —, A. D. 18—.

— — —,
 Justice of the Peace.

SECTION 10. Any person convicted of a violation of any of the provisions of this act, or of any ordinance, by-law, regulation or resolution of said city, may appeal from the judgment of conviction to the circuit court of Dodge county; as provided by law in other criminal cases.

To be sent to the circuit court for appeal.

SECTION 11. All appeals taken under the provisions of this act shall be conducted in the circuit court in the same manner as appeals from justices' courts, under the general laws of this state, and the judgment of such court shall be

How appeals to be conducted in circuit court.

carried into execution as hereinbefore provided, as near as may be.

How service is to be made.

SECTION 12. Whenever any suit or action shall be commenced against said city, the service in such case shall be made by serving the summons or other process on the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof.

Shall not work incompetency.

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

Printed copy to be prima facie evidence.

SECTION 14. A printed copy of an ordinance, by law or regulation passed by the common council, and published in a newspaper, or in a pamphlet or book form, purporting to be published by authority of the common council, or certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Attendances of witnesses and jurors.

SECTION 15. Witnesses and jurors shall attend before the court in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

All village ordinances to remain in force until repealed.

SECTION 16. All ordinances and regulations now in force in the village of Mayville, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Annual report of justices.

SECTION 17. The said justices shall, on the Monday next preceding the annual election in each year, and quarterly thereafter, file with the city clerk a report showing the amount of fines and penalties received by them during the quarter covered by such report, and the amount of such fines and penalties paid by them to the treasurer of said city, and the dates of payment of the same, and with such report they shall file the receipts showing such payment received by them from the treasurer during the quarter covered by such report. And the clerk shall lay such report before the common council at the next regular meeting after the same shall have been filed; and

all fines and penalties, by whomsoever received or collected, shall be paid to the city treasurer within ten days after the same shall have been collected or received.

CHAPTER XIV.

MISCELLANEOUS.

CONTRACTS FOR WORK TO BE LET TO THE LOWEST BIDDER.

SECTION 1. All contracts for work ordered by the common council shall be let to the lowest reasonable responsible bidder, who shall have complied with the requirements hereinafter set forth. All bids or proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city of Mayville, in the penal sum of one-third the city's estimate of the cost of the work, which bond shall be signed by the bidder and by a responsible surety, who shall make affidavit that he is worth the penal sum of such bond, over and above all his debts, liabilities and exemptions; such bond shall be conditional that such bidder will execute a contract, at such time as the common council shall require, with satisfactory sureties, to perform the work specified; said bond may be prosecuted in the name of the city, and judgment recovered thereon for the full amount of the penalty thereof as liquidated damages in any court having jurisdiction of the action; provided, that the penal sum of any bond in this section required to accompany a bid need, in no case, exceed the sum of one hundred dollars.

Contract to be let to lowest bidder.

CONTRACTS TO BE EXECUTED BY SURETIES.

SECTION 2. No contract shall be entered into by the city unless the same shall be executed by two or more sureties for the contractors, guaranteeing to the satisfaction and approval of the proper authorities the performance of such contract by the contractors, each of which sureties shall make an affidavit, indorsed on or attached to such contract, that he is worth the estimated amount of money to be paid on such contract, over and above all his debts, liabilities, and exemptions. Whenever the lowest bid for any work to be let by said city

Contracts to be executed by sureties.

shall appear to the said council to be unreasonably high, the said council is authorized to reject all bids therefor, and to relet the work anew.

Penalty for collusion.

SECTION 3. Every member of the common council of the city of Mayville who shall directly or indirectly vote to himself or knowingly to any other person, any sum of money for any other purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspectors of elections; any member of the common council, or other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of the 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 or city indebtedness, for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted by complaint before the police court, 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.

City to assume village rights.

SECTION 4. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts incorporating the village of Mayville, shall be vested in and prosecuted by the corporation hereby created.

City may hold real estate.

SECTION 5. The said city may have, purchase or hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

How property may be deeded by city.

SECTION 6. When the city of Mayville 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 Mayville, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

THE MAYOR TO EXECUTE LEASES.

Mayor to execute lease.

SECTION 7. The mayor of said city is hereby authorized, when the common council shall, by a

two-thirds vote, so direct, and shall, by ordinance or resolution, describe the real estate and interest to be conveyed, 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.

DEEDS AND LEASES TO BE RECORDED.

SECTION 8. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease and such copy so attached and the record thereof shall, in all courts of this state, be *prima facie* evidence of the authority of the mayor to make and execute such deed or lease; provided, that the provisions of this section shall not apply to deeds issued by said city to lots in any cemetery belonging to said city.

Deeds and leases to be recorded.

SECTION 9. On and after the first Tuesday in April, A. D. 1885, the connection between the town of Williamstown, and that part of said town included within the limits of the city of Mayville for all town purposes shall be dissolved; all that part of the town of Williamstown not included within the limits of the city of Mayville, shall constitute the town of Williamstown, and the first town meeting shall be held at the usual place of holding such meeting heretofore, and it shall be lawful for said town to hold its election poll within the limits of said city of Mayville, both for town meetings and general elections, and for the transaction of all other business of said town.

Connection between towns to cease.

SECTION 10. On and after the said first Tuesday in April, the said city of Mayville shall constitute an election precinct for all purposes, and the mayor and any two of the aldermen of said city shall constitute the inspectors and clerk of election at any general election held therein, and said elections shall be conducted in the same manner as is provided by law for the general elections in towns and the votes cast at such elections in said pre-

City to constitute an election precinct.

cinct shall be canvassed, certified and returned as provided by the laws of this state for the canvass and return thereof by town inspectors of elections.

City to maintain its own poor.

SECTION 11. The said city shall, from and after the said first Tuesday in April, support and maintain all poor residing within the limits thereof, heretofore supported and properly chargeable to said town of Williamstown, and the laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of its number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns.

City shall maintain all bridges.

SECTION 12. From and after the said first Monday in April, the said city shall keep up and maintain all bridges within the corporate limits of said city, and the common council of said city may appropriate money to the town of Williamstown to aid in the construction and maintenance of bridges in said town, whenever in any one year said town shall incur an expense therefor of one thousand dollars or over; provided, that no such appropriation shall be made unless a majority of the electors of said city shall have voted therefor according to the provisions of section 5, chapter 9, of this act.

General bridge law to prevail.

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

City to constitute one road district.

SECTION 14. The said city shall constitute one road district for highway purposes, and the common council shall have exclusive authority to levy taxes for street and highway purposes therein, and the warrant and tax roll for highway taxes levied by them shall be made out by the clerk of said city, and delivered to the street commissioner

of said city, who shall be *ex-officio* overseer of streets and highways therein.

SECTION 15. This act shall not in any manner change or affect the common or high schools of said town of Williamstown or city of Mayville, or the organization of school districts therein, but said schools and school districts shall in all things remain the same as if this act had not been passed.

Schools shall not be affected.

SECTION 16. The plats of the village of Mayville and of the additions thereto are hereby adopted as the plats of the city of Mayville and of the inhabitants thereto, and the real estate included in said plats may hereafter be described by giving the number of the lots and blocks as they appear on said plats, or by metes and bounds, and by describing the plats as "the original plat of the village, now city of Mayville," or "the plat of Barney's addition to the village, now city of Mayville," and in like manner with the plats of the other additions, or in any other manner that shall designate said real estate with reasonable certainty.

Village plats to be adopted.

SECTION 17. If any officer or other person fails to do or to perform any of the duties which this act or any ordinance, by-law, rule, regulation or resolution requires him to do at a time specified, the common council may designate another time when such officer or person may do or perform such duties, and when done or performed at the time so designated by the common council, it shall be taken, held and considered the same as if such duties had been done or performed at the time specified in this act, or in the ordinance, by-law, rule, regulation or resolution of said city.

Penalty for failure to perform duties.

SECTION 18. The city of Mayville shall succeed to all the property, rights of property, and to all the rights, privileges and franchises owned or enjoyed by the village of Mayville at the time this act takes effect, and shall be subject to and liable to pay all the debts and liabilities of said village existing at said time, in the same manner and to the same extent as the said village would continue to be, had not this act been passed.

City to succeed to possession of village property.

SECTION 19. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Does not repeal.

Repealing section.

SECTION 20. All acts and parts of acts heretofore passed for the incorporation of the village of Mayville, and all acts amendatory thereof, not necessary to carry out any of the provisions of this act, and all acts inconsistent with this act are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, act or suits, claims, penalty or demands that may have been entered into, performed, commenced or that may exist under, or by virtue or in pursuance of the said act, or any of them; but the same shall exist and be in force, and carried out and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed.

PUBLIC ACT.

Public act.

SECTION 21. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

SECTION 22. This act shall take effect and be in force from and after its passage.

Approved March 24, 1885.

[No. 49, A.]

[Published March 26, 1885.]

CHAPTER 131.

AN ACT to amend section 4, of title 9, and section 10, of title 4, of the revised and amended charter of the city of Beloit, being chapter 209, of the general laws of Wisconsin, approved March 24, 1882.

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

Section four of title nine of chapter 209 amended..

SECTION 1. Section 4, of title 9, of chapter 209 of the laws of Wisconsin, approved March 24, 1882, entitled, "An act to revise and amend the charter of the city of Beloit, and the several acts amendatory thereof," be so amended that said section 4, shall read as follows: Section 4. Appeals shall be allowed in all cases from the police