

is hereby amended by adding a new section thereto as follows, to wit: Subdivision 32d. To tax license and regulate auctioneers, distillers, brewers and pawn-brokers, and all keepers or proprietors of intelligence offices, junk shops and places for the sale and purchase of second-hand goods, wares and merchandise, and roller skating and ice skating rinks; and to tax, license, regulate and restrain hawkers, peddlers and keepers or proprietors of gift book-stores, gift concerts and other gift enterprises; and to fix and regulate the amount of license under this subdivision, and to prescribe the time for which such license shall be granted, and to provide and enforce penalties or carrying on of either said trades, kinds of business or employments; and to regulate the manner in which they should be carried on or used; provided, that the provisions of this act shall not apply to dealers or venders in malt, spirituous, ardent or intoxicating liquors.

Section 8, of chapter 8, amended.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 8, 1885.

[No. 606, A]

[Published April 11, 1885.]

CHAPTER 360.

AN ACT to amend chapter 271, of the laws of Wisconsin for the year 1882, entitled, "An act to incorporate the city of Neillsville."

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

SECTION 1. Section 1, of chapter 2, of chapter 271, of the laws of 1882, is hereby amended, so as to read as follows: Section 1. All of section fourteen, all of section number fifteen, lying and being east of the center of Black river, all of section number ten, lying and being east of the center of Black river, and all of the south half of section number eleven, lying and being east of the center of Black river, all in township number twenty-four, range number two

Section 1, chapter 2, amended.

west, shall be included within and constitute the territory comprising the city of Neillsville.

Section 2, of
chapter 3,
amended.

SECTION 2. Section 2, of chapter 3, of chapter 271, of the laws of 1882, as amended by section 1, of chapter 312, laws of 1883, is hereby amended so as to read as follows: Section 2. The elective officers of said city shall be a mayor, treasurer, city clerk, one assessor, two justices of the peace and one police justice, and one supervisor to represent each ward on the county board, and to be a member thereof. At the first charter election after the passage of this act, two aldermen shall be elected for each ward, one to serve one year and one to serve two years, to be determined by the words, "for one year" after the name of one alderman voted for, and "for two years," after the name of the other alderman to be voted for; and thereafter at each annual election, one alderman from each ward shall be elected to serve for two years. Said aldermen and supervisors must reside in the ward they respectively represent. The mayor, treasurer, city clerk, assessor and supervisors shall hold their respective offices for one year and until their successors are duly elected and qualified; the justices of the peace and the police justice shall hold their respective offices two years and until their successors are duly elected and qualified; all other officers necessary for the proper management of the affairs of the city shall be elected by the common council. All officers appointed by the common council may be removed at the pleasure of the council by a two-thirds vote of the aldermen elect. Elective officers shall be removed for cause as provided by section 975, of the revised statutes of 1878.

Section 4, of
chapter 3,
amended.

SECTION 3. Section 4, of chapter 3, of chapter 271, of the laws of 1882, is hereby amended so as to read as follows: Section 4. Any person entitled to vote for county and state officers and who shall have actually resided in the ward for which he offers to vote for thirty days next preceding the election at which he offers to vote, shall be entitled to vote for any officer to be elected, or on other questions or propositions that may be submitted to the people for their vote, except the aldermen and supervisors not residing in or to represent his ward.

SECTION 4. Section 2, of chapter 4, of chapter

271, of the laws of 1882, as amended by section 10, of chapter 312, of the laws of 1882, is hereby amended so as to read as follows: Section 2. The mayor and aldermen shall constitute the common council of said city, and the style of ordinance shall be: "The common council of the city of Neilsville do ordain." The common council shall meet and organize on or before the second Tuesday in May in each year, or as soon thereafter as may be. A majority of the common council shall constitute a quorum, and in the absence of the mayor may appoint one of the number acting mayor, who shall have the same authority and power as the mayor while so acting. The common council, in case of a vacancy, or the absence, inability to act or sickness of any officer, may appoint a suitable person to fill such vacancy or to act during the continuance of such absence, inability to act or sickness; provided, this shall not apply to the justice of the peace or police judge, but the charter relating to such officers shall govern.

Section 2, of chapter 4, amended.

SECTION 5. Section 3, of chapter 4, of chapter 271, of the laws of 1882, is hereby amended so as to read as follows: Section 3. At the first meeting of the common council in each year, or as soon as may be thereafter, they shall appoint one street commissioner and one marshal for said city who shall hold his office during the pleasure of the common council and until his successor is appointed and qualified, and prescribe the compensation they are to receive for their services, and may provide further and other duties for such officers to perform in addition to the duties provided in the charter or amendments.

Section 3, of chapter 4, amended.

SECTION 6. Section 10, of chapter 4, of chapter 271, laws of 1882, is hereby amended so as to read as follows: Section 10. Whenever any sidewalk in said city shall in the opinion of the common council require repairing or rebuilding or it is necessary to build a new one, the common council may, without a petition or request direct the street commissioner to notify the owners of such sidewalk, lot or tract of land to rebuild or build a new one, in cases where there has not been one previously built, within twenty days, or to repair the same within twenty-four hours, as the case may

Section 10, of chapter 4, amended.

be, which notice may be given and served as provided in case of petition for building sidewalks.

Section 11,
chapter 4,
amended.

SECTION 7. Section 11, of chapter 4, of chapter 271, of the laws of 1882, is hereby amended so as to read as follows: Section 11. In case any such person, corporation or company or society of persons shall fail to build, rebuild or repair such sidewalk within the time required by such notice, the street commissioner shall have authority to build, rebuild or repair the said sidewalk, and to certify and return the expense and costs thereof to the city clerk, and all such costs and expenses shall become and they are hereby declared a special tax against the property bounded or abutted by the said sidewalk built, rebuilt or repaired, and be a lien thereon for such tax.

Section 12,
chapter 4,
amended.

SECTION 8. Section 12, of chapter 4, of chapter 271, of the laws of 1882 as amended by section 10, of chapter 312, laws of 1883, is hereby amended so as to read as follows: Section 12. On the return of the street commissioner, if it shall appear that he has built, rebuilt or repaired any sidewalk, and the persons liable thereof have not paid the expense or costs thereof, the same shall be paid out of the general fund of said city, and the city clerk in making out the general tax roll of the city next thereafter shall enter therein all such unpaid costs or expenses or special taxes for the building, rebuilding or repairing of sidewalks, in a separate column opposite the names and a description of the property against which such tax remains unpaid, together with interest thereon at the rate of ten per cent., and if from any cause whatever said taxes should not be entered in said tax roll, the same may be entered on any tax roll thereafter, and all such taxes shall be collected by the treasurer of said city in the same manner as the general taxes are collected, and when collected shall be returned into the general fund.

Section 14,
chapter 4,
amended.

SECTION 9. Section 14, of chapter 4, of chapter 271, of the laws of 1882, is hereby amended, so as to read as follows: Section 14. The common council of said city shall, on or before the first Monday in November, in each year, determine the amount of highway tax necessary to be collected for the ensuing year, and shall levy such tax on the taxable property of said city, which tax shall not be more than four mills on the dollar of the assessed

valuation of said city, and such tax shall be entered in the tax roll and collected as other taxes are collected, and when collected be paid into the general fund.

SECTION 10. Section 15, of chapter 4, of chapter 271, of the laws of 1882, is hereby amended, so as to read as follows; Section 15. The city clerk shall, on or before the fifteenth day of May, in each year, make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, with the amount of poll tax, which shall be one dollar and fifty cents for each person, and set the same opposite to each person's name, in such list, and shall have the same published as made out by him, in the official city newspaper, if any; if not, then in any newspaper published in said city, together with a notice that said list will be submitted to the common council for correction, on the first Monday in June, at nine o'clock in the forenoon, and that if any person's name appears thereon who is not liable for such tax under the provisions of this section, he shall appear before the common council before ten o'clock in the forenoon of said day and have the same corrected, and if he fails to appear he shall be estopped from denying his liability to pay the tax for any cause whatever. When such list is correctly made out and on said first Monday of June in each year or as soon thereafter as may be, the common council shall, by order to be signed by the mayor or acting mayor and city clerk, and to be annexed to such list, direct the same to be delivered forthwith to the city treasurer for collection. The treasurer shall forthwith proceed to the collection of such list or tax, and shall demand the same once of each person named in the list, personally, or by notice, deposited postage prepaid in the post-office in said city, and if any person neglects to pay the same for ten days thereafter, then such treasurer shall, in the name of the city, sue for and collect such tax with fifty per centum damages on the same with costs of suit before the police judge or police court of Neillsville, and in default of payment of such judgment, execution shall issue against the defendant as in case of tort, and the first process in such action shall be by civil warrant. But the common council may exempt from the payment of such tax, all persons belong-

Section 15,
chapter 4,
amended.

ing to any fire company, or any person who is poor and not able bodied, when they may deem it proper to do so; and no others shall be exempt therefrom and the treasurer, while said list is in his hands for collection, may put upon the list the names of all persons liable to such tax as may have been omitted therefrom, who shall then be liable the same as if their names were originally placed in such list, and when such tax is collected it shall be paid into the general fund.

Grading or re-
pairing of
streets and
alleys.

SECTION 11. The common council may cause any street or alley, or any part of any street or alley to be graded, paved, macadamized or otherwise improved, or any gutter or sewer to be built or cause any gutter to be built on one side of a street or part thereof, or to rebuild, repair, repave, re-macadamize or regrade, or otherwise improve any street, alley, gutter or sewer. For the purpose of so improving any street, alley or building any gutter or sewer, or repairing the same or rebuilding or re-improving the same, the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved or through which such sewer is built, or on the side thereof where only such gutter is to be built, and upon the owners thereof a tax sufficient to pay the expense of constructing such improvement ordered opposite such property to the center of the street or alley or such proportion thereof not less than half, as they shall deem justly assessable to such property, if they think the whole ought not to be so assessed, in which case the remainder shall be paid from the city treasury. Every such tax for repair shall be for the entire costs of repairs in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the costs or proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency, and the council may provide that such tax be paid in annual payments, to be entered in the tax roll each year in such amounts as they may order, and in such case or in case such tax is not collected or paid, the costs of such improvements shall be paid from the city treasury, and when such tax is collected or paid, it shall be returned to the general fund of said city.

SECTION 12. Whenever the common council shall levy any such tax as specified in the preceding section, and the same or part thereof is to be paid at once, the city clerk shall make out and deliver to the city treasurer a list of the persons and a description of the property taxed, together with a warrant for the collection thereof; thereupon the treasurer shall notify the persons named in such list by publishing the same two weeks in some newspaper in said city, and if such tax is not paid within sixty days thereafter he shall proceed to collect such tax as other taxes are collected, and on the first Monday in November thereafter, or as soon as may be thereafter, he shall return such list to the city clerk, and if it shall appear from such list returned that any part of such tax remains unpaid, and such list is returned before the completion of the tax roll of said city, the clerk shall add the said delinquent taxes to said tax roll opposite to the description of the proper lots, pieces or parcels of land therein, and said delinquent taxes shall be collected with and in the same manner as the general taxes.

Taxes levied to be paid at once.

SECTION 13. The common council whenever they deem it necessary to take private property (which they are hereby authorized to do) to change, widen, extend, lay out and open any street, lane, alley, public grounds, square or other places, or for the purpose of building school-houses within the city limits or to construct and open, alter, enlarge or extend or build drains, canals, sewers or water-works, reservoirs or for building dams or reservoirs on O'Neill creek for water or other purposes or for laying pipes to conduct water to or from any reservoirs or dams or for the purpose of building engine houses for water-works, dams or reservoirs within or without or partly within or without the city limits, and the common council and the owner cannot agree upon the price or damages that the owner or any person interested therein would sustain by reason of the taking therefor or the necessity of taking the same, shall by resolution declare their purpose to take the same and therein describe by metes and bounds the location of the proposed improvement and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned

Proceedings to be had in case the city needs reservoirs.

by a distinct owner, mentioning the names of the owners or occupants, so far as known to them, and therein fix a day, hour and place when and where they will apply to the police justice or county judge for a jury to condemn and appraise the same. All other proceedings shall be conducted under the provisions of sections 896, 897, 898, 899, 900, 901 and 902, of the Revised Statutes of 1878, and the same shall apply to the city of Neillsville so far as applicable.

Tax to be levied.

SECTION 14. For the purpose of payment of the expenses, including all damages and costs incurred for the taking of private property and of making any improvement mentioned in the last preceding section, the common council may, by resolution, levy and assess the whole or any part not less than half of such expense, as a tax upon such property as they shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and clerk, shall be published once in each week for two weeks in the official city newspaper, and a notice therewith that at a certain time therein stated the common council will meet at their usual place of meeting and hear all objections which may be made to such assessment or to any part thereof. At the time so fixed the common council shall meet and hear all such objections, and for that purpose may adjourn from time to time, not more than three days at a time, and may by resolution modify such assessment in whole or in part, at any time before the first day of November thereafter, any person liable may pay any such tax to the city treasurer; and if such tax is not paid prior to the making up of the tax roll for said city, the city clerk shall put the same with five per centum thereon additional, upon the tax roll in addition to all other taxes therein levied on such land, which shall be collected as other taxes are collected.

Incumbering of sidewalks, etc.

SECTION 15. No street, alley, lane, sidewalk or public grounds shall be incumbered or encroached upon or obstructed in any manner or with anything whatever by any person or persons not authorized by the common council, and any author-

ty given may be revoked at any time, and any encroachment or incumbrance or obstruction may be removed at any time as may be provided by ordinance; the costs and expenses of removing shall be a lien upon the property moved, and the property moved may be sold, if salable, and if the proceeds are insufficient to pay such costs and expenses and costs of sale, the residue may be collected from the owner or person having charge of such property or both.

SECTION 16. No ordinance heretofore passed or adopted by the common council of said city and published as such by authority of said council, shall be held invalid in any court or place on the ground that the same was not recorded or the passage thereof noted in the minutes by the city clerk and the acts of the said council in passing ordinance No. 29, approved January 7, 1884, is hereby legalized and confirmed in all respects.

Ordinance to be valid, even if not recorded.

SECTION 17. Section 12, of chapter 312, of the laws of 1883, is amended so as to read as follows: The common council shall annually provide that all printing, publishing of ordinances, notices, etc., blanks and other printing authorized or required by it to be done for its use, or the use of the city, or the use of city officers, shall be let by contract to the lowest bidder for the term of one year from the date of letting the contract. The bid for publishing ordinances, notices, etc., in a newspaper shall be a separate bid from blanks or other printing, and shall not be considered unless made by the publisher of some newspaper published in the city of Neillsville, unless the bid of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publisher shall fail to bid. All proceedings required by this act or by laws or laws of the state, or ordinances of the common council to be published, shall be published in the newspaper so selected, and the printer of said newspaper shall either in person or by his foreman, file with the clerk of the city his or their affidavit of the length of time said ordinance, by-law or other proceeding or notice has been published, and shall not be paid until such affidavit, with a copy of the article published, is so filed, and such affidavit shall be *prima facie* evidence of the publication thereof. Any person or persons may bid on the other work, and the

Section 12 amended.

common council may reject any bid or bids made, and all bids shall include material and work.

Subdivision 13,
of section 4,
amended.

SECTION 18. Subdivision 13, of section 4, of chapter 4, of chapter 271, laws of 1882, as amended by section 10, of chapter 312, laws of 1883, is hereby amended so as to read as follows:

13th. To restrain and prohibit drunkenness, immoderate drinking, the selling or giving to, taking with or procuring for minors, prohibited persons, drunkards or intoxicated persons, or persons bordering thereon, intoxicating liquors or drinks; the use of profane, obscene, indecent, vulgar or abusive language; the keeping of houses of ill-fame, gambling houses, disorderly saloons, groceries or houses, affrays, riots, fights, assaults, noises, disturbances, unlawful assemblages, disorderly crowds, assemblages, and conduct; the abuse of, resistance to, or interference with the peace officers; the use of or carrying of concealed or dangerous weapons; obscenity, nuisances, vagrancy, lewdness, prostitution and fortune telling in said city; the soliciting for or enticing others to visit or frequent houses of ill-fame, gambling or disorderly houses, and to provide for arresting, removing, detaining, imprisoning and punishing any person or persons who may be guilty of the same, by fine or imprisonment or both.

Committing to
jail.

SECTION 19. The sheriff or keeper of the common jail of Clark county shall receive and commit to said jail any person committed for violation of the charter or any ordinance of said city or contempt of any court, at the expense of said county; and said sheriff and keeper shall obey the commands of the commitment, execution or order made by any court in relation thereto, unless discharged by due course of law.

Removal of
fences, etc.

SECTION 20. The common council may provide at what time and in what manner fences, buildings or any other structure whatever shall be removed from any street, alley, lane or public ground hereafter laid out, or ordered opened, or which have heretofore been built upon or in the same, and they may cause the same to be removed at the expense of the owner at any time.

SECTION 21. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1885.