

up as a defense by the said city of Viroqua or any person or persons in any action upon any bond issued by said village, or any other debt, claim and demand against said village.

Village officer to perform certain duties.

SECTION 99. All duties herein required of the mayor, alderman, common council or clerk in regard to elections, shall be performed so far as may be necessary, by the present president, trustees, board of trustees and clerk of the village of Viroqua in regard to the first election and the organization of the city government under this act.

SECTION 100. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1884.

[No. 233, A.]

[Published March 16, 1885.]

CHAPTER 73.

AN ACT to incorporate the city of Augusta.

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

CHAPTER I.

CITY AND WARD BOUNDARIES.

City boundaries; also manner of conducting the first election.

SECTION 1. All that district of country described as follows: Commencing at the northwest corner of the southwest quarter of southeast quarter of section number thirty-two, in township number twenty-six north, of range number six west of the fourth meridian; thence running south on the quarter line through the center of section number five in township number twenty-five north, of range number six west, to the southern line of said section twenty-five; thence east on section line to the southeast corner of section number four in township number twenty-five north, of range number six west; thence north on section line to the northeast corner of the southeast quarter of the southeast quarter of section number thirty-three in township number twenty-six

north, of range number six west; thence running west on the one-eighth line through the center of the south halves of the above named sections thirty-three and thirty-two to the place of beginning, making an area of thirty forties or twelve hundred acres, according to government survey and being in the town of Bridge Creek, Eau Claire county, shall hereafter be known and designated as "The City of Augusta," and the inhabitants residing or who may hereafter reside within the limits of said city are hereby constituted a body corporate by the name of "The City of Augusta," and by that name they and their successors, forever, hereafter, shall and may have perpetual succession and shall be in law capable of suing and being sued, and pleading and being impleaded, answering and being answered unto, defending and being defended in their corporate name in all courts and places and in all suits whatsoever with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure; provided, that the question of the adoption of this act as a charter of such city shall be submitted to the electors of such territory before such charter shall become operative. For the purpose of determining such question the qualified electors residing in such territory shall meet on Monday, the twenty-third day of March, 1885, at ten o'clock A. M. of that day at such place as the inspectors of such election shall appoint and vote by ballot upon such question. The president and any two trustees of the village of Augusta are hereby appointed inspectors of such election, and the village clerk of Augusta is appointed clerk thereof. Such inspectors shall give notice of such election by publishing notice thereof in a newspaper printed in the village of Augusta, or by posting the same in two or more public places in each ward of the proposed city, at least five days before such election. Such notice shall specify time, place and object of such election, the time of opening and closing the polls. At such meeting the polls shall be opened at ten o'clock A. M. and kept open until five o'clock P. M., when they shall be closed. In case of vacancy in the board of inspectors, the electors present shall choose, *viva voce* from the

qualified electors of such territory inspectors to fill such vacancies. Such inspectors shall preside over and conduct such election and all the laws of this state applicable to the election of village officers shall apply to all the proceedings thereat, so far as they are consistent with the provisions of this act. Every elector residing in such territory and qualified to vote for village officers in said village of Augusta, or town officers in the town of Bridge Creek may vote at such meeting by a ballot having thereon the word, "Yes," or the word, "No," according as he shall be in favor of or opposed to the incorporation of the city under this act. If the majority of ballots cast at such election have thereon the word, "No," this act shall be inoperative and void. If a majority of such ballots have thereon the word, "Yes," this act shall be of full force and effect. The said inspectors shall make and certify returns of the result of such election and file duplicates of the same in the office of the county clerk of the county of Eau Claire and the town clerk of the town of Bridge Creek and the village clerk of the village of Augusta, and such returns shall be evidence of the facts therein stated and the regularity of all proceedings in relation to such election.

Ward boundaries.

SECTION 2. The said city shall be divided into four wards as follows: The portion lying east of the centre line of Stone street continued to the north boundary line of said city and north of the centre line of Lincoln street continued to the east boundary line of said city shall constitute the first ward. The portion lying west of the center line of Stone street continued to the north boundary line of said city and north of the center line of Lincoln street, continued to the west boundary line of said city shall constitute the second ward. That portion lying west of the center line of Stone street continued to the south boundary line of said city and south of the center line of Lincoln street continued to the west boundary line of said city shall constitute the third ward. The portion lying east of the center line of Stone street, continued to the south boundary line of said city and south of the center line of Lincoln street continued to the east boundary line of said city shall constitute the fourth ward.

SECTION 3. The annual election for city and ward officers shall be held on the first Tuesday of April in each year at such place as the common council shall designate and provide and the polls shall be kept open from ten o'clock A. M. until four o'clock P. M. The city clerk shall give at least six days' notice of such election, stating time and place of holding the same, the officers to be elected thereat and also of any special action to be taken or asked at such meeting by causing the same to be printed in one or more papers published in said city of Augusta, or by posting copies of such notice in two or more public places in each ward of said city. If notice be given by newspaper publication as aforesaid, the city clerk shall file a copy of the paper containing such notice, in his office; if giving by posting notices as aforesaid, the city clerk shall attach to the original notice his certificate, stating the time of posting notices, and the number posted in each ward, and the places of posting the same, and file such original notice with such certificate attached in his office.

Annual election when held.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of four members who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act.

Corporate authority in whom vested.

CHAPTER II.

ELECTIVE OFFICERS, ETC.

SECTION 1. The elective officers of said city shall be a mayor, treasurer, assessor, two justices of the peace, one police justice and one constable for the city at large, and one alderman and one supervisor for each ward. All other officers necessary for the proper management of the affairs of said city shall be elected by the common council.

Election of office.

SECTION 2. All elective officers, except justices of the peace and police justice, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and

Term of office.

have qualified; said justices of the peace and police justice shall hold their respective offices for two years, except as hereinafter provided.

Elective officers to be qualified electors.

SECTION 3. All elective officers shall be qualified electors of said city, and the mayor, assessor, and aldermen shall be freeholders in said city.

Inspectors of election to be nominated.

SECTION 4. All persons qualified to vote at general elections for state officers, and who shall have been residents of said city for at least ten days next preceding any election shall be legal voters for any officers 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 qualification 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.

Board of inspectors of elections.

SECTION 5. The mayor of the city of Augusta shall nominate to the common council of said city at their first regular meeting in April of each year, and in case there be no such regular meeting, then at a special meeting which shall be held on the last Tuesday of said month, two inspectors of election and two clerks for each ward therein, who together with the alderman of said ward shall constitute the board of inspectors of election for their respective wards; and the alderman for each ward shall be the chairman of the board of inspectors for said ward; said common council shall immediately approve or disapprove such nominations, and in case of disapproval of any person so nominated such mayor shall immediately nominate another person for such position, and shall so continue to do until two inspectors and two clerks shall have been nominated and confirmed for each ward, at such meeting. The persons so appointed inspectors and clerks shall hold their offices for one year, and shall act as inspectors and clerks at every general, municipal and special election held within their respective wards during such term. Such inspectors shall fill any vacancies in their number or in the number of such clerks. Every person so nominated and confirmed as an inspector or clerk shall be an elector of the ward for which he is appointed, shall be able to read and write the English language understandingly, and

shall not be a candidate to be voted for at any election for which he is so appointed, and not more than one of such inspectors so nominated and confirmed shall be of the same political party, and the clerks shall be of opposing political parties, and when appointed to fill a vacancy, shall have the same qualifications and belong to the same political party as the person he succeeds. If at the time fixed for the opening of the polls on the day of any election such inspectors or clerks, or either of them, shall fail to appear or refuse to act, or have become incapable of acting by removal of residence from such election district or for other cause, and the inspectors appearing shall refuse to fill any such vacancy, the electors present may fill the same by *viva voce* vote 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 constitute an election.

SECTION 6. The common council of said city shall provide four ballot boxes, numbered one, two, three and four, to correspond with the wards aforesaid, to be used at all elections under this act. Ballot boxes numbered.

SECTION 7. All elections by the people shall be by ballot, on which the names of all persons voted for shall be written or printed. When two or more candidates of an elective office shall receive the highest and an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the common council, and at such time and in such manner as the common council shall direct. Elections shall be by ballot.

SECTION 8. If a person who is not a qualified voter of said city shall wilfully and knowingly vote at any election, or if any person shall vote more than once at any 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. If any inspector shall knowingly and corruptly receive the vote of any person not author- Penalty for illegal voting.

ized to vote, or shall make out false returns of an election, or if any clerk shall wilfully omit to write down the names of every voter as he votes, or shall wilfully make untrue or incorrect counts or tallies of votes, such inspector or clerk shall be liable to indictment or punishment by information, and on conviction thereof, shall forfeit and pay a sum not exceeding five hundred dollars or less than one hundred dollars.

Counting votes,
etc.

SECTION 9. When the election shall be closed the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return of the votes cast in their election precinct for each and every office, and the number of votes cast for each and every person, for each and every office, which shall be subscribed by the inspectors, and shall be forthwith delivered to the city clerk, and within one week after such election the council shall meet and canvass said returns and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election. As soon as the votes are counted and canvassed by the inspectors they shall be destroyed, except as otherwise provided for in section 45, of the revised statutes.

Election of al-
dermen.

SECTION 10. At the first election held under this act one alderman shall be elected for each ward to serve one year, and thereafter at each annual election, one alderman from each ward shall be elected to serve for one year, and the first election under this act shall be held at such place as shall be designated and provided by the president and trustees of the village of Augusta, any four of which shall act as inspectors of such election, appoint clerks thereof, prescribe the manner of conducting such election, and shall canvass and make returns of the result as provided by this act, and the general laws of this state; and the village clerk of Augusta shall give the notice thereof, as required by this act; and all duties required by this act of the common council in regard to elections, shall be performed so far as may be necessary by the said president and the trustees of the village of Augusta, and the clerks appointed by them in regard to the first election, and the organization of the city government under this act.

SECTION 11. At the first regular meeting of the common council in each year, or as soon thereafter as may be, said council shall elect a suitable person for city clerk.

City clerk how elected.

SECTION 12. The common council shall have power for due cause to expel any of their number. The mayor shall have power to suspend the marshal or any other police officer or watchman appointed by the council, when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being. All officers appointed by the mayor or common council may be removed at the pleasure of the council, by a two-thirds vote of the aldermen elect, the accused in all cases to be heard in his defense, with privilege of introducing such witnesses in his behalf as may be allowed according to the rules of evidence in courts of law.

Power of expulsion.

SECTION 13. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

What is deemed a vacation in office.

SECTION 14. Whenever a vacancy shall occur in the office of mayor, police justice or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same right and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

In case of vacancy, order of new election.

SECTION 15. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections and within such time as may be prescribed by ordinance.

Special elections how held.

Supervisor to represent each ward to be elected.

SECTION 16. A supervisor to represent each ward of said city in the county board of supervisors of Eau Claire county shall be annually elected at the time and place of the election of aldermen for said city. Each supervisor so elected shall hold his office for one year, and shall be, when so elected, a resident of the ward for which he is elected, and in case for any reason the said supervisor shall be incapacitated or unable to attend any meeting of said county board of supervisors, the aldermen of his said ward shall perform the duties of said supervisor, and for the time being shall, for all purposes, be a member of said county board. No supervisor shall receive any compensation from the city for any of his services, unless such service be specially authorized by the common council, and provision for the payment of the same be made by them.

CHAPTER III.

OFFICERS AND THEIR POWERS.

Officers and their powers.

SECTION 1. Every person elected or appointed to any office under this act, except justices of the peace and police justice, shall before he enters upon the duties of his office, take and subscribe the oath of office prescribed by the constitution, and file the same, duly certified by the officer taking the same, with the city clerk, and the marshal, constable, 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 Augusta a bond with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, liabilities or exemptions, and said bond shall contain such penal sums and such conditions as the council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond with at least two sureties. The penal sum, expressed in such bond, shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount, over and above all debts, liabilities or exemptions, and the aggregate of such shall, at least, exceed the penal sum specified in such bond.

The council may from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace and police justice shall qualify in the same manner as in towns, except that their bonds shall be approved by the common council.

SECTION 2. The mayor shall when present, preside over the meetings of the common council. He shall take care that the laws of the state, and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and head of the police force of the city; and in case of riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and appoint some one to fill the vacancy, but such removal and appointment shall be subject to the ratification or approval of a majority of the common council. The mayor shall have a vote in the council only in case of a tie.

Duties of mayor, prescribed.

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

President of council elected

council or temporary presiding officer, as acting mayor, shall sign no warrant or other proceeding whatever which the mayor theretofore has refused to sign.

Clerk, his duties defined.

SECTION 4. The clerk shall keep the corporate seal, and all papers and records of the city, and keep a full record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments or documents filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts, in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose, and perform all necessary acts required of town clerks. Whenever the clerk and his deputy shall be absent from any meeting, the common council may appoint a clerk *pro tem.*, who, for the time being, shall be vested with the powers and duties of the clerk. The city clerk shall have power and authority to administer oaths and affirmations, and may appoint a deputy in writing, under his hand, and file such appointments in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place.

Duties of the treasurer defined.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him, by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements in suitable books to be provided for that purpose, and in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties,

and be subject to the same liabilities as treasurers of towns.

SECTION 6. The city marshal shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or laws of this state, may pursue and serve all writs and processes in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed by law to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the mayor, common council or ordinances of said city. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties. The marshal shall be appointed by the common council as soon as it shall organize, and it may at the time of his appointment, or afterwards, allow him such further compensation than above described, as it may deem just.

Duties of city marshal defined.

SECTION 7. The common council may, at its first meeting elect a city attorney to conduct the law business of the corporation, but the council may omit such election, and when necessary, provide or employ such an attorney or counsel as it may desire. The city attorney, if there be one, shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. He shall keep a docket of all cases to which the city may be a party in any court, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor and any member or committee of the common council. It shall also be the duty of the city attorney, when

Powers of council.

required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances, and other instruments in writing necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon, for services rendered.

Other and further duties required of officers.

SECTION 8. The common council shall have power from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by it, where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix by resolution, the salary which shall be paid to the clerk and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted, except by unanimous vote of the council, approved by the mayor. For the year 1885, such compensation shall be fixed by the common council, within ten days after it shall organize, and the notice of the first election held under this charter, may be given by the acting village clerk, and the inspectors thereof may be appointed by the persons acting as the board of trustees of the present village of Augusta.

Penalty for failure to deliver.

SECTION 9. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Shall not be interested in any job or contract.

SECTION 10. No mayor or alderman shall be a party to, or interested in, any job or contract with the city, and any contract in which they or either

of them, may be so interested, shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for, and recover the amount so paid from the parties to such contract, and the mayor or aldermen interested in the same, or either, or any of them.

SECTION 11. The mayor or acting mayor, and each and every alderman, justice of the peace, police justice, marshal, constable and watchman, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders and other citizens; and if any person, bystander or citizen shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of five dollars (\$5.00); and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section shall direct the proceedings.

Who are officers of the peace.

SECTION 12. All actions brought to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police and health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice in such cases shall be paid over to the city treasurer, except those for refusing to pay poll tax which shall be paid over on demand to the street commissioner. Each justice of the peace and police justice shall report to the common council on the first Monday in January, April, July and October in each year a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

Actions may be brought before a justice of the peace.

SECTION 13. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant from the time such resignation shall be accepted by the common council.

How an officer may resign.

SECTION 14. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any

No city officer shall be surety on bond.

officer, required to give bonds as aforesaid, enter upon the duties of his office until such bond shall have been filed or approved as by this act provided.

CHAPTER IV.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Common council how constituted.

SECTION 1. The mayor and aldermen shall constitute the common council; and the style of all ordinances shall be: "The mayor and common council of the city of Augusta do ordain." The common council shall hold its first annual meeting each year on the third Monday in April and thereafter stated meetings upon the first Monday of each and every month during the year. A majority of the aldermen shall constitute a quorum.

Special meetings.

SECTION 2. The common council shall hold special meetings by order of the mayor or written request of two aldermen by notice to each of the members, to be served personally or left at their usual places of business or abode. The common council shall determine the rules of its own proceedings and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by fine, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct; and by a vote of two-thirds of its members, may expel any member for cause.

Council shall have management and control of finances, etc.

SECTION 3. The common council shall have the management and control of the finances, and of all property of the city; and shall likewise in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health thereof, 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 said ordinances, rules or by-laws, and such ordinances,

rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinance, resolution or by-law.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law, and to grant licenses and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors; and may prohibit and suppress the same, provided that the sum to be paid for any license for selling spirituous, vinous or fermented liquors to be drank on the premises, and the sum to be paid for any license for selling spirituous, vinous or fermented liquors not to be drank on the premises, shall not be less than the minimum nor greater than the maximum sums to be paid for any such licenses as fixed by the general excise laws of the state of Wisconsin; and, provided further, that druggists doing business in said city as such may be granted licenses for the sale of spirituous, vinous or fermented liquors to compound medicines in filling medical prescriptions only, for the sum of twenty-five dollars, such prescriptions to be drawn by practicing physicians in their regular practice. No license for the sale of spirituous, vinous or fermented liquors granted under the provisions of this act shall be granted for a longer term or period than one year, to run from the first day of May in each year; provided, however, that when any such license shall be applied for after that date the same may be granted to expire on the first day of each year, on the applicant paying *pro rata* therefor.

License and regulate.

2nd. To restrain and prohibit all description of gaming and fraudulent devices and practices, and playing of cards, dice and other games of chance, for the purpose of gaming, in said city; and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors or

Gaming and fraudulent devices.

drinks, unless duly licensed by the common council.

Prevent riots, etc. 3d. To prevent any riots, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Cleanse nauseous places. 4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, 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 necessary for the health, comfort and convenience of the inhabitants of said city.

Location and management of slaughter-houses. 5th. To direct the location and management of slaughter-houses and markets, and to regulate the storage, safekeeping and conveying of gunpowder or other combustible materials.

Prevent incumbering of streets. 6th. To prevent the incumbering of streets, sidewalks, lanes, alleys and bridges with carriages, carts, wagons, sleighs, boxes, lumber, firewood, logs or any other material or substance whatever, and to prevent the loading and unloading of lumber, logs, shingle, bolts or other material or substances of whatever name or kind upon the bridges of said city.

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

Restrain cattle, etc. 8th. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

Restrain dogs. 9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, if such animal shall be found out of the inclosure or immediate care of its owner or keeper, and to impose fines and penalties upon such owner or keeper for the violation of any ordinance of said city restraining dogs from running at large.

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

Unwholesome
substances.

11th. To regulate, license and suppress omnibuses, hacks, cabs, drays and carts, and to regulate the charges of omnibus drivers, hackmen, cabmen, draymen and cartmen in the city.

License omni-
buses.

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

Boards of
health.

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

Bread.

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

Damage to
sidewalks.

15th. To prevent shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof.

Shooting of
fire-arms.

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

Restrain
drunkards, etc.

17th. To restrain and regulate runners and solicitors for stages, public houses and other establishments, and to make rules and ordinances for the government and regulation of the police of said city.

Runners and
solicitors.

18th. To establish public markets, and to make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Public markets,
etc.

- Butchers' stalls and stands. 19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.
- Fuel and hay. 20th. To regulate the place and manner of the weighing, measuring and selling of fuel, hay and lime, and to appoint suitable persons to superintend and conduct the same.
- Remove rubbish. 21st. To compel the owners or occupants of buildings or grounds, to remove snow, ice, dirt, ashes, or rubbish from the sidewalks opposite thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health may direct; and on their default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owners or occupants.
- Contagious or infectious diseases. 22d. To regulate, control and prevent the landing or passing through said city of persons from cars or stages who are infected with contagious or infectious diseases or disorders; and to make such disposition of such persons and their property as to preserve the health of said city.
- License auctioneers. 23d. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers and transient dealers or the payment of a license or both, as the common council shall determine.
- City clerk, watchmen and policemen. 24th. To appoint the city clerk, watchmen and policemen and prescribe their duties.
- How ordinances shall be passed. SECTION 4. All laws, ordinances, regulations, and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council, and all ordinances, before the same shall be in force, shall be signed by the mayor, and shall be published once a week, for two successive weeks, in the newspaper selected by the council, printed in said city, before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk, in books to be provided for that purpose; but before the said laws, ordinances or regulations shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper,

and the said affidavit shall be recorded therewith; and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

SECTION 5. No ordinance or resolution requiring the signature of the mayor, shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

When ordinance shall take effect.

SECTION 6. The mayor shall have power to veto any ordinance, act or resolution, passed by the common council by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council in the manner provided by (section) two of this chapter, to consider such veto and objections; and in case the council shall not, within one week after the receipt of such objection, or such filing with the clerk, re-enact such ordinance or pass such resolution by the vote of three of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him, within seven days after the passage thereof, it shall take effect in the same manner as if he signed it.

Power of veto by mayor.

SECTION 7. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Reconsidering votes.

SECTION 8. The power conferred upon said common council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses or houses of ill-fame, are hereby declared and shall be deemed a public or common nuisance.

Shall not bar or hinder suits.

SECTION 9. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such time as it

Duties of common council.

may deem proper, also at the end of each year; and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties in pursuance of this section, or shall wilfully neglect or refuse to render his accounts, or present his moneys, books and vouchers, to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council may order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Standing committees.

SECTION 10. The mayor at the first regular meeting of the common council in each year shall appoint standing committees as follows: On streets and sidewalks, on bridges, on accounts, on finances and taxation, on ordinances, on fire department and public buildings and grounds, from the common council; and also a board of health and fire wardens from the members of the common council or otherwise, and such other committees as the ordinances of said city or common council may determine.

No compensation.

SECTION 11. No compensation or salary shall be paid to the mayor or any alderman of said city except for services as inspectors of election and on board of review.

Work to be let by contract to lowest bidder.

SECTION 12. All contracts for work ordered by the common council of said city, in which the amount thereof shall exceed the sum of one hundred dollars, shall be let to the lowest reasonable and responsible bidder who shall have complied with the requirements hereinafter set forth. All bids and proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city of Augusta in the penal sum equal to the amount of the bid, which bond shall be signed by the bidder and by a responsible surety or sureties, who shall justify that he is worth the sum mentioned in such bond, over and

above all his debts, liabilities and exemptions; such bond shall be conditioned that such bidder will execute a contract at such time as the common council shall require, with satisfactory sureties, to perform the work specified; and in case of failure, 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.

CHAPTER V.

OPENING OF STREETS, ALLEYS, ETC.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge and extend the same, and to use the land in said city for the purposes of constructing and repairing sewers and drains as follows: Whenever ten or more freeholders residing in the city shall, by petition, represent to the common council that it is necessary to take certain lands within the city for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, or to use certain lands within the city for the purpose of constructing and repairing sewers and drains, giving the course and distances, metes and bounds of the lands proposed to be taken or used as aforesaid together with the names and residences of the owners of such premises, if the same shall be known to the petitioner, the common council shall, if it deem it necessary to take and use such lands for the purpose specified in such petition, cause notice of such application to be given to the owner or owners of such land in case such owner or owners shall reside in the county of Eau Claire, and to the occupant or occupants of such land, if any there be, which notice may be served personally, or by leaving the same at the place of business, or at the residence of such owner or owners, occupant or occupants; or if a portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in the city of

Opening
streets, etc.

Augusta, for four successive weeks, at least once in each week.

What said notice shall state.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of the county of Eau Claire, or a court commissioner in and for said county, and if the latter, stating his name and residence, for the appointment of six jurors to view said premises and to determine whether it will be necessary to take or use the same for the purposes specified in said petition, and if so, to assess damages; but the officer to whom such application is made must not be an owner or otherwise interested in any of the lands proposed to be taken or used.

Duties of judge upon presentation of notice.

SECTION 3. Upon presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner, as the case may be, shall thereupon appoint as jurors six reputable freeholders, residents of the city, and not interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept directed to said jurors, requiring them within thirty days from the date thereof to view such premises, to be specified in said precept, and to make return under their hands to the common council whether, in their judgment, it is necessary to take or use said premises for the purpose specified in such application.

In case some jurors are disqualified.

SECTION 4. If any juror so appointed shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award, the judge or court commissioner shall appoint others in their place, and a memorandum of such substitution shall be indorsed on the precept.

Jurors to proceed in a body.

SECTION 5. The said jurors having first taken the oath hereinafter provided for, shall, at such times as they may agree, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which [shall] state whether, in their judgment, it is necessary to take or use the premises in question for the public use; which said report, testimony and precept, shall be returned to the common council within the time limited therein.

Opinion of jurors—how stated.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall, if it approves such report, enter an order among its proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and to assess and return within the time limited such damages to the common council; and after the jurors shall have made their report, as to the taking or use of any lands or premises under this act, and the same has been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above.

In case the jurors report favorably.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors before proceeding to make assessments shall first estimate and determine the whole value of each 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 remove.

In case there should be a building on land.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by the publication in a newspaper published in said city for three successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and

Ten days' notice of determination to be given.

allow such building to be taken, with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for that purpose as the common council may allow.

In case the owner refuse to take the building.

SECTION 10. If the owner refuses to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer for the use of the owner and shall thereafter be paid over to the owner on his application therefor; provided, it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

Said jurors to examine the premises.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and after hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used, and the injury arising to them respectively in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom, for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owners of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Damages to be assessed by jurors.

SECTION 12. The jurors shall assess the damages to every person separately so that their return shall show how much is to be paid for each, and the amount shall be placed opposite their respective names.

In case land or buildings be-

SECTION 13. If the lands or buildings belonging to different persons, or be subject to lease,

judgment or mortgage or other incumbrance, or if there be any estate in it less than an estate in fee, to such person, or interest respectively, the injury done shall be awarded to the person entitled thereto, by the jurors, less the benefits resulting to such interests respectively, from the proposed improvements.

long to different parties.

SECTION 14. The award of the jurors shall be signed by them and returned, together with the testimony taken, to the common council within the time limited, in their order of appointment, and shall be final, unless appealed from in the manner hereinafter provided, and the damages allowed by such award shall be a legal charge against the city.

Award to be signed by jurors.

SECTION 15. The land required to be taken or used for the purposes mentioned in this act, shall not be appropriated until the damages awarded to the owner thereof, shall be paid or tendered to the owner or his agent, or in case said owner or agent cannot be found or is unknown, deposited to his, or their credit, in some safe place of deposit, to be determined by the common council; and then, and not before, such lands may be taken or used, and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then, in that case, the said city shall have the power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains.

Damages to be first paid before land is appropriated.

SECTION 16. When the whole of any lot or tract of land or other premises under lease or other contract, or incumbrance, shall be taken or used by virtue of this act, all the covenants, contracts, engagements or liabilities relating to the same or any part thereof shall after the expiration of the time for appealing, as hereinafter provided, respectively cease and be absolutely discharged.

Covenants and abstract discharged on land taken.

SECTION 17. When only part of the lot or tract of land, or other premises so under lease, or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance shall be absolutely discharged as to the part thereof so taken or used;

In case a part is taken only.

but shall remain valid as to the residue thereof, and the rents, considerations, liens and payments reserved payable and to be paid for in respect to the same, shall be so proportioned that the part thereof, justly and equitably payable for such residue thereof and no more, shall be paid or recoverable for, or in respect to the same.

Damages assessed to be tendered.

SECTION 18. The damages assessed on each separate lot or tract shall be paid, tendered or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid shall be void.

In case owner be an infant in law.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under disability, the judge of the circuit court of Eau Claire county, or the county judge, may, upon the application of the common council, or such party by his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian in the same manner as if he were the party interested.

Jurors to take oath.

SECTION 20. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after return of the precept above mentioned, the county judge or court commissioner shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Appeal may be taken to circuit court.

SECTION 21. The city council or any party interested may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of Eau Claire county from the decision of said jurors so far as it affects the interest of said appellants. Notice of said appeal shall be filed by the appellant with the clerk of said court within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party other than the common council shall

file such notice of appeal, they shall, before the trial thereof, give a bond in such sum, and with such sureties as shall be approved by said court conditional to pay all costs of said appeal if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

SECTION 22. In case the amount of damages awarded by the jurors shall be increased or diminished upon the final determination of the appeal, the city clerk shall attach to said award a copy of the final judgment therein, and such award shall be considered (as to such difference) amended thereby.

In case the amount of damages changed by court.

SECTION 23. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed under the provisions above, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Survey of streets to be made.

SECTION 24. No street or alley or part thereof, shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley in the block in or along which such street or alley runs, but the boundaries of streets may be changed upon petition to the council by the parties interested.

Vacating streets, etc.

SECTION 25. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Shall not apply to unplatted lands.

SECTION 26. All the foregoing directions given in this chapter shall be deemed only directory, and no errors, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

Only directory.

CHAPTER VI.

POLL TAX.

SECTION 1. The common council of said city shall have, and it is hereby granted power to tax annually, each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed

Poll tax.

one dollar and fifty cents to be denominated a poll tax, and to be appropriated to the improvement of streets, roads, alleys and crosswalks in said city.

Duty of city clerk in making out poll tax list.

SECTION 2. On or before the twentieth day of May in each year, the city clerk shall make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, liable to pay such poll-tax, with the amount thereof set opposite to each person's name, and submit the same to the common council for correction. When such list is correctly made out, and on or before the first day of June in each year the board shall by order (to be signed by the mayor and clerk and annexed thereto) direct the same to be delivered forthwith to the treasurer for collection. The treasurer shall forthwith proceed to the collection of such tax, and shall demand the same once of each person named in the list, and if any person neglects to pay the same for two 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 a justice of the peace of the city, or police justice, and in default of payment of such judgment, execution shall issue against the defendant as in the cases of tort, and the first process in such action shall be by civil warrant; provided, the council may, by resolution, cause the said poll list to be placed in the hands of the street commissioner to be collected, and the said street commissioner shall have the same authority to collect and receipt for such tax as the treasurer, and shall account for such taxes by him collected, in the same manner as for other moneys coming into his hands by virtue of his office. And the treasurer or street commissioner, while said list is in his hands for collection, may put upon the same the names of all such 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.

Street commissioner to be chosen.

SECTION 3. The common council shall, at their first meeting for organization in each year, choose by ballot a street commissioner who shall in addition to the collection of the poll tax, as above provided, under the direction of the common council, expend the same on the streets, bridges, cross-

walks, and highways in said city. And the common council may, by resolution, direct the expenditure of, not to exceed one-third, of the poll tax, upon the highways leading into said city outside of the corporate limits.

SECTION 4. Every street commissioner hereafter appointed by the common council, shall, before entering on the duties of his office, give a bond to the city of Augusta, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than five hundred dollars, conditioned to render an account to the common council, whenever required by law, or the ordinances of said city, or by vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse or pay over as required by law, or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Street commissioner to give bond.

SECTION 5. Every street commissioner shall hold his office for the term of one year from the second Tuesday in April of the year in which he is appointed, and shall, on or before the first Monday in November, render an account under oath to the common council, showing the amount of money collected by him as such commissioner, and from whom it was collected, and showing the amount that has been expended, specifying the work for which it has been expended. Such an account shall be rendered as often as the common council shall require.

Term of office of street commissioner.

SECTION 6. The street commissioner shall receive such compensation as the common council shall fix upon for his services, which may be by a per diem, or percentage upon the tax collected and expended, as the common council shall determine, and his compensation shall be decided upon at the time of his appointment, and shall not thereafter be changed except in the manner heretofore prescribed for changing compensation of other officers.

Compensation of street commissioner.

SECTION 7. The street commissioner shall hold his office for the term as stated in section 5, unless sooner removed by the common council for causes which may, by a majority vote of the council, declare his office vacant, after giving him due notice

May be removed for cause.

and an opportunity to be heard, and appoint his successor, who shall thereafter be entitled to all the emoluments, writs, records, books, papers, property and effects of every description in the hands of the person so removed.

Return of unpaid taxes.

SECTION 8. The street commissioner shall return all unpaid taxes in the manner and form prescribed for such return by the overseer of highways in towns.

Accurate surveys shall be made.

SECTION 9. The common council may, at any time, cause a new and accurate survey to be made of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, and may cause to be established such permanent landmarks as it may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of the county of Eau Claire.

Surveys and landmarks to be prima facie evidence.

SECTION 10. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, in all cases in which they shall be drawn into controversy, in all courts in this state. The common council of said city is also hereby authorized and empowered to cause to be made by some competent person a plat of all pieces or parcels of land within said city which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated thereon, and each tract or lot of land embraced in said plat shall be named as an out-lot, and shall be designated as such with a number placed thereon. The said plat when completed shall be certified to by the person making the same, and shall be acknowledged before some officer authorized to take acknowledgments of deeds, by the mayor and clerk of said city, and when so certified and acknowledged shall be recorded in the office of the register of deeds of Eau Claire county.

Plat to be known as assessor's subdivision of land in the city of Augusta.

SECTION 10a. The said plat shall be called and known as "assessor's" subdivision of lands in the city of Augusta, and for the purpose of assessment and taxation, it shall be deemed a sufficient description of any piece of land described and des-

ignated in said plat, to designate the same as "out-lot," with its number, as it appears on said plat, and any deed of any such tract or piece of land which may be executed pursuant to the laws of this state, by reason of the non-payment of any tax hereafter assessed, shall be as valid and effective to pass the title to the lands therein described as it would be if the same premises had been described by metes and bounds, and the said plat, or record thereof, shall be received in evidence in all courts and places as correctly describing the several pieces or parcels of land therein designated, named and numbered. In the making of said plat there shall be an accompanying descriptive list, which shall be recorded in the office of the register of deeds, and also in the city clerk's office. Each out-lot given a number on said plat shall be described in said descriptive list with sufficient certainty to enable a surveyor to locate the same. Each tract of land which has a separate ownership known to the mayor and clerk, may be divided into two or more out-lots, if deemed advisable in the making of said plat. Amendments may be made to the plat at any time by the mayor and clerk, by filing with the register of deeds a plat of the amendments and an accompanying descriptive list, which said descriptive list amending the plat shall also be filed with the city clerk, and be recorded both by the register of deeds and the city clerk. The map and descriptive list thus amending the plat, shall show in what manner any out-lot or out-lots is affected by the amendment. The major portion of any out-lot which is altered by the amendment shall retain the original number given to the out-lot, and a new number shall be given to the tract that may be detached. In describing any piece or parcel of land by the assessor in making the assessment roll, or in any deed, it shall not be necessary to refer to any amendments of the plat, but all such assessments or deeds wherein any parcel or tract of land is described as being according to the "assessor's plat" or "assessor's subdivision of land," shall be construed and held to mean the "assessors subdivision of lands" with its amendments, as it stood at the date of making such roll, deed or other instrument.

SECTION 11. The common council may, at such

May establish
grade of
streets.

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

Grading, paving,
etc.

SECTION 12. The common council may cause any street, or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half the frontage of such street to be improved; or order any sidewalk or gutter on one side of a street to be built, on the petition of a majority of such owners, and of the owners of at least one-half of the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair, or built when necessary without petition.

Improvement
of streets and
sidewalks.

SECTION 13. For the purpose of so improving any street or building, or repairing any sidewalk or gutter, 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 on the side thereof where only such sidewalk or gutter is to be built, and upon the owners thereof, a tax sufficient to pay the expense of constructing such improvement as ordered, opposite such property, to the center of the street or such proportion thereof, not less than half, as they shall deem justly assessable to such property, if they shall think the whole ought not to be so assessed, in which case the remainder of such expenses shall be paid from the city treasury; every such tax for repair shall be for the

entire cost of repairs in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency.

SECTION 14. Whenever the common council shall levy any such tax, as specified in the preceding section, it shall make out and deliver to the street commissioner of such city, a list of the persons, and a description of the property taxed, together with a warrant, signed by the mayor and clerk, for the collection and expenditure of such tax, and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said city, and shall specify in such notice a time or times, not less than twenty days, nor more than forty days from the date thereof, when the person charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax, may at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials; provided, the labor or materials offered in payment of such taxes are such as may be required by the said street commissioner, and done and furnished to his satisfaction.

Levy of taxes
how made out.

SECTION 15. The street commissioner shall be provided with a book by the city clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office, the amount received and disbursed by him, the name of every person from whom labor or money is due, the amount received and disbursed by him, the amount paid in money or labor, and a correct account of all expenditures by him made as street commissioner; the book containing the account so kept, shall at all times when required be furnished for the inspection of the mayor or common council, and ten days before the expiration of his term of office, shall be handed to the city clerk, to be filed in his office for the inspection of the tax payers of said city.

Accounts to be
kept in a book.

SECTION 16. At the expiration of forty days from the date of said notice given by said street commissioner, he shall make out and deliver to the city clerk, a certified list of the lots, pieces or

Certified list to
be made out.

parcels of land in said city upon which any tax remains unpaid, with the amount of such delinquent tax upon each of such lots or parcels of land, and the said clerk shall add the said delinquent taxes to the next tax roll opposite to the description of the proper lots, pieces or parcels of land therein; and such delinquent taxes shall be collected with, and in the same manner as other taxes in said city.

Returns of delinquent lands.

SECTION 17. Whenever any lot, parcel or tract of land shall be returned delinquent for any such tax as hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax when collected.

Repair of sidewalks how effected.

SECTION 18. Whenever a sidewalk or gutter shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, will not cost to exceed the amount of five dollars in front of any one lot to repair the same, it shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the costs of such repairs, specifying the lot and block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Augusta, for payment, and if the owner of such lot, piece or parcel of land shall neglect or refuse to pay the same for ten days, then the clerk shall report the same to the common council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, in the same manner as special taxes levied for the construction of sidewalks and gutters. In case the owner of such lot, piece or parcel of land does not reside in the city of Augusta, the said commissioner shall return said account to the common council with his certificate stating that fact; and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Setting out trees, etc

SECTION 19. The common council shall have power to require the owner of any lot or parcel of ground in the city, to set out ornamental trees,

on the street or streets fronting on the same, and on default thereof to cause the same to be done, and to levy a special tax upon such lot or parcel of ground to pay the expenses of the same.

CHAPTER VII.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden building, or buildings of other material that shall not be considered fire-proof, shall be erected, repaired or moved, and to direct that all and any buildings within the limits prescribed shall be made and constructed of such fire-proof material, and in such a manner as they may ordain, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Guarding against the calamities of fire.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure position, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and times as they shall prescribe; and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same. To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of the fire, all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to damage thereat, and generally to establish such regulation

Power to regulate the construction of chimneys, etc.

for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter, and the ordinances under it by suitable penalties.

Shall have power to purchase fire-engines.

SECTION 3. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and to prohibit their meeting as such when disbanded. Each company shall be officered and governed by their own by-laws, provided such by-laws be not inconsistent with the laws of this state, or with the ordinance and regulations of the city. Each active member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein for five years, he shall be entitled to a discharge, signed by the mayor, and shall thereafter be exempt as aforesaid.

Fire tax to be raised each year.

SECTION 4. The common council shall have power to raise a tax each year not exceeding two mills on the dollar of the taxable property within said city, for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city, and the moneys arising therefrom shall be expended under the direction of the common council of said city for fire purposes.

CHAPTER VIII.

SCHOOLS.

School district number three shall not be affected by this act.

SECTION 1. The joint school district number three of the town of Bridge Creek, now embracing the village of Augusta and a part of the town of Bridge Creek, shall not be affected by this act, and the management thereof shall remain the same as heretofore, except that the corporate name of said school district shall hereafter be school district number one, of the city of Augusta; provided, that the common council of said city and the town board of said town may alter said school district by setting off from it the territory in said town

onto other school districts in said town, in the same manner that the common council of cities, the trustees of villages and the town boards of towns may now alter school districts, which lie partly in a city or village incorporated by special act, and partly in an adjoining town or towns, under the provisions of the revised statutes of 1878, and the amendments thereto.

CHAPTER IX.

MISCELLANEOUS PROVISIONS.

SECTION 1. It is hereby made the duty of the common council of said city, and the board of supervision [supervisors] of said town of Bridge Creek, to meet together at some convenient place on or before the first Monday of May, 1885, upon notice given by either body, and if possible agree upon some just, fair and equitable settlement or adjustment and division of the property, money, credits, duties, liabilities, obligations and every other matter or thing, made necessary by the organization of said city, out of the territorial limits of the town of Bridge Creek.

Adjustment of accounts.

SECTION 2. If the common council of said city and board of supervisors of said town, shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the judge of the circuit court in and for the county Eau Claire, upon application made to him by either of said bodies, five days' notice having been given to the other body previously thereto, to appoint three commissioners, one to be a resident of said city, one of said town, and one to reside outside of both city and town, who shall have power, and it is made their duty, as soon as may be after their appointment, and filing with the clerk of the circuit court in and for said county of their oaths to faithfully and fairly adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned; to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city or any part thereof, in common with said town; make a full and complete settlement or adjustment of all matters between

In case they cannot agree.

said city and town, arising or growing out of the formation of said city, out of the territorial limits of said town.

Amounts found due shall be paid to the proper officers.

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

Connection between town and city dissolved.

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

Use of jail of county for city.

SECTION 5. The use of the jail of Eau Claire county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders; and every such offender may be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

Electors privileged to meet in city of.

SECTION 6. The electors of the town of Bridge Creek shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Augusta as they may determine, and the officers of said town of Bridge Creek may transact all the town business, and keep all town records in said city, and with like effect as if held or done or kept in the town of Bridge Creek.

SECTION 7. The common council shall have power to appropriate a sum not exceeding five hundred dollars to any public purpose that may be deemed proper, but no such appropriation shall be made unless ordered by a majority vote of all the members elect of said council.

Amount that may be appropriated.

SECTION 8. The plats of the village of Augusta and the additions thereto are hereby adopted as the plats of the city of Augusta and additions thereto, and the real estate included in said plats may be hereafter described by lots and blocks as they appear on said plats as, "The original plat of the village, now city of Augusta," or "The plat of Stone's addition to the village, now city of Augusta," and in like manner with plats of other additions, or in any other manner so as to describe the land with reasonable certainty.

Plats of the village of Augusta adopted by city.

SECTION 9. If any election by the people or common council shall, for any cause, not be held at the time or in the manner prescribed, or if the council shall fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act, or the ordinances, by-laws or regulations of said city, to be done by any officer, at any specified time, and the same are not then done and performed, the common council may appoint another time at which said act may be done and performed.

Failure to hold election does not abolish corporation.

SECTION 10. The police justice shall have sole and exclusive jurisdiction of all offenses against the provisions of this charter, and ordinances, by-laws and police regulations of the common council of the city and in cases of contempt, the police justice shall have the same powers and authority as justices of the peace. He may administer oaths and take acknowledgments, the same as the justices of the peace. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe. In case of the absence, inability or sickness of the police justice, the mayor, by warrant may authorize any justice of the peace within the city to perform the duties of the police justice.

Police justice to have sole jurisdiction.

Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace.

Police justice not disqualified for holding the office of justice of the peace.

SECTION 11. The police justice by reason of his office is not thereby disqualified for holding the office of justice of the peace. The jurisdiction of the justices of the peace of the city of Augusta shall be co-extensive with the county of Eau Claire.

Work of prisoners on public grounds.

SECTION 12. If the mayor of the city shall at any time, deem it for the interest of the city, he may employ and work the prisoners so committed outside the jail or yard, at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such a manner as in his judgment, will prevent their escape, and the keeper or custodian of the common jail of said county, shall upon the order of the mayor of said city deliver the prisoner or prisoners in such order named and described to the keeping and custody of such person or persons, in said order directed, and receive and securely confine such prisoner or prisoners, when returned by such person or persons as aforesaid, and said order shall remain good, and be in force until revoked by the mayor or common council of said city.

CHAPTER X.

AUDITING ACCOUNTS.

No account shall be paid until audited.

SECTION 1. No account or demand against the city shall be paid until it has been audited and allowed, and an order drawn on the treasury therefor. Every such account shall be made out by items, and verified by affidavit indorsed or annexed, that the same is just, true and correct and no part thereof paid (or if paid in part except as therein stated) and that said account has not been presented before. When an account shall have been audited, the clerk shall indorse on each account the word, "allowed," or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed if disallowed in part only. The minutes of the proceedings of the council shall show to whom and for what purpose every such account was allowed, and the amount. Every such account

allowed in whole or in part, shall, with the affidavits thereto, be filed with the clerk, and those of each year consecutively numbered, and have indorsed the number of the order issued in payment thereof; and the clerk shall take receipts for such order.

SECTION 2. Neither the common council nor any officer of the city, shall issue, at any time, any negotiable order, or borrow any money except in the manner and for the purpose expressly declared by statute or this act; but the common council may, in temporary necessity, by a unanimous vote of the council, and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one per centum of the assessed valuation of the property in said city, according to the last assessment, and may give orders on the treasury payable at a future date therefor, with or without interest; but no such order shall be made payable at a later date than the first day of March following the date of issue of such order, and for the payment of any such order, the city tax for the same year or a sufficient amount thereof, shall stand irrevocably pledged.

Respecting borrowing money.

SECTION 3. No real or personal property of the city, or any of its inhabitants, or of any individual or corporation therein, shall be levied on or sold by virtue of any execution, issued to satisfy any judgment against said city.

Citizen's property shall not be taxed to satisfy judgment against city.

SECTION 4. Neither the said city, nor any officer within said city, shall be liable for any damage that may happen by reason of any defect or insufficiency in any sidewalk, street, highway or bridge in said city unless the street commissioner or common council shall have first had actual notice of such defect or insufficiency, and reasonable time thereafter to repair the same or place the same in good order.

Defective sidewalks, liability for.

SECTION 5. No action in tort shall lie or be maintained against the city of Augusta, unless a statement in writing, signed by the person injured, of the wrong and time, place, and circumstances thereof, and amount of damages claimed, shall be presented to the common council within thirty days after the occurring or happening of the tort alleged.

Limiting time of commencing action in tort.

Proper notice
to be given be-
fore commencing
action.

SECTION 6. Action in tort for injury to the person shall not lie or be maintained against said city, unless through notice and permission by the person claiming injury, the mayor or common council has been enabled by a physician of his or their appointment, to make personal examination of the alleged injury within thirty days, after the time of its infliction, and until the amount of damages is adjusted, such examination may be repeated as often as required by the mayor or common council.

Claim must
precede action.

SECTION 7. No action shall hereafter be maintained by any person against the city of Augusta, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim or demand to the common council of said city.

How appeal
may be taken.

SECTION 8. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council, to the circuit court of Eau Claire county, by causing a written notice of such appeal to be served on the clerk of said city, within thirty days after the making of such decision, and executing a bond to such city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Due notice to
be given to
mayor and
council.

SECTION 9. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by the ordinance or resolutions of said council, he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with its decisions thereon, and shall file the same together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Eau Claire, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by

said council exclusive of interest, upon such allowance, the appellant shall pay the costs, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

SECTION 10. The determination of the common council disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless an appeal be taken as hereinbefore provided, or the common council shall consent to the institution and maintenance of the action; provided, however, that when the council shall refuse or neglect to act upon a claim to it, this duly presented chapter shall not be construed as to prevent the institution and maintenance of action by said claimant against said city.

Determination to be final and conclusive.

CHAPTER XI.

FINANCE AND TAXATION.

SECTION 1. All funds in the city treasury except school, state and county funds shall be under the control of the common council and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and 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. All orders shall be payable to the person in whose favor they may be drawn or to the bearer thereof.

Funds under control of common council.

SECTION 2. No debt shall be contracted against the city, or any order be drawn on the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the council, whenever the same shall be asked for by any one member, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act, and for the payment of indebtedness now existing. The common council shall have power to, and shall levy annually, to defray the current ex-

No debt can be contracted without authority.

penses of said city, a sum sufficient for that purpose; provided, that the amount to be raised in any one year, for general city purposes, other than state, county and school taxes, and interest on bonded indebtedness of said city, as authorized by law, shall not exceed three per centum of the taxable property in said city, as shown by the last assessment.

Forfeiture and penalties to be paid into treasury.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses of any nature or kind, issued by authority of this act, shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of three of the aldermen elect.

All property subject to taxation.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon the township assessors, except as far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls and more fully define the duties of assessors.

Law governing the assessor.

SECTION 5. The assessor elected by virtue of this act shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns.

Board of review.

SECTION 6. The mayor, clerk and assessor shall constitute the board of review, and shall meet at the chambers of the common council on the first Monday in June, in each year, and shall proceed in all respects as town boards are by law required to proceed.

City regarded as a town for equalizing purposes.

SECTION 7. The county board of supervisors shall have the right and shall regard the city of Augusta as a town, in equalizing the assessment rolls of the several cities and towns in Eau Claire county, as provided by law; but in such equaliza-

tion shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

SECTION 8. The said board of supervisors may levy a tax or taxes as now is, or may thereafter 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 or 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, and said city shall be regarded as a town, except as herein otherwise provided.

Duty of board of supervisors in relation to taxes.

SECTION 9. 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 making out the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract, or lot of land, or person named therein, which statement shall be called, "the tax list of Augusta," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the record of the common council.

Statement of the amount of taxes to be made.

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

Tax list to be prima facie evidence.

SECTION 11. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as

Duplicate copies of tax lists to be made.

soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

City treasurer shall collect taxes.

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

Delinquent tax list to be returned.

SECTION 13. On or before the tenth day of February of each year, unless the time be extended as provided by law in section 1108, chapter 49, of the revised statutes of 1878, provided said extension shall not exceed forty-five days after said tenth day of February, the city treasurer shall make out and return to the treasurer of Eau Claire county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay 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 chapter 49, of the revised statutes of 1878, and acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax.

County treasurer to sell delinquent lands.

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

Directions only directory.

SECTION 15. All the directions hereby given, except in section 9, of this chapter, for the assessing of lands and the levying, collecting and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

SECTION 16. In addition to the amount herein limited for taxes, for general city purposes, special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, it shall specify the amount to be raised, and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner, as in case of the annual city election.

Special taxes may be levied for fire-engines.

SECTION 17. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council; thereupon the council shall direct its finance committee to examine the accounts of the treasurer and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

Treasurer to report deficiency of money.

SECTION 18. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then county taxes; then judgments; then all special taxes in the order in which they were levied. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner provided by law.

Order in which taxes should be paid.

SECTION 19. The common council shall meet on Monday evening two weeks previous to the holding of the charter election, for the purpose of disposing of the unfinished business, and shall not thereafter during its term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of its term.

Last meeting of council to finish business.

SECTION 20. The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, may be invested as the council may direct, or borrowed for the temporary use of the other funds of the city, and all interest and profits arising from such investment, shall belong to the city, and shall be accounted for in the same manner as other funds are accounted for, provided, however, that the pro-

Use of surplus funds.

visions of this section, shall in no manner apply to the school fund, which shall be held by the treasurer as a separate fund, and paid out only to the school district treasurer.

Bridge tax may be levied.

SECTION 21. The common council may also, when occasion shall require, levy a special tax, not to exceed five mills on the dollar of the taxable property of said city, for the purpose of building or repairing bridges; such tax to be levied in the same manner, and collected in the same way, and at the same time as the general city tax for that year.

CHAPTER XII.

ACTIONS TO RECOVER PENALTIES, ETC.

Actions to recover penalties.

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

First process should be by summons.

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

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

Form of summons.

County of Eau Claire, }
City of Augusta. } ss:

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Augusta.

You are hereby commanded to summon —
— if he shall be found within your county, to appear before the undersigned, a justice of the peace within and for said city, at my office in said city on the — day of —, A. D. 18—, at —

o'clock in the — noon, to answer to the city of Augusta, to the damage of said city, two hundred dollars or under.

Given under my hand this — day of — 18—. C. D., title of office.

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

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

The city of Augusta against — in justice court, before C. D., justice of the peace.

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

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

City of Augusta, Pltff. against A. B., Deft.	}	Before C. D., police justice of the city of Augusta.
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Eau Claire County — ss.

E. F., being duly sworn on oath complains to C. D., police justice, in and for the city of Augusta in said county, that A. B., on the — day of —, 18—, at said city, did violate section —, of chapter —, of this act (or section — of an ordinance, or by-law or regulation of said city, describing it by its title and stating offense) which

said — is now in force and prays that the said A. B. may be arrested and held to answer to the said city of Augusta therefor. E. F.

Subscribed and sworn to before me this — day of — 18—.

C. D. and title.

Said complaint shall be sworn to before the police justice who shall issue the warrant thereon; upon filing such complaint with the police justice before whom the same shall be sworn to, he shall issue a warrant substantially in the following form:

State of Wisconsin, }
 City of Augusta. } ss.

The state of Wisconsin, to the sheriff or any constable of said county, and [or] to the marshal or any policeman of the city of Augusta, greeting:

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

C. D., Police Justice.

Prima facie evidence.

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

Witness and jurors shall attend trial without payment of fees in advance.

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

Trial by jury.

SECTION 9. In city prosecutions both plaintiff and defendant shall enjoy the right of trial by jury as in civil actions in justices' courts, and the findings of the court shall be "guilty" or "not guilty." If "guilty" the court shall render judg

ment thereon against the defendant for the fine, penalty or forfeiture described in this act or any ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged "guilty" and for costs of suit; but if "not guilty" the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and non-payment thereof, the justice shall forthwith issue execution, as in cases of tort; in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket of the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

County of Eau Claire,)
 City of Augusta.) ss.

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

Whereas, the said city of Augusta, on the — day of —, 18—, recovered a judgment before the undersigned, justice of the peace in and for said city, against —, for the sum of — dollars, together with — dollars and — cents, cost of suit, for the violation of section — of chapter — of this act (or section — of any ordinance, or by-law or regulation of said city, describing it by its title.) You are hereby commanded to levy distress of the goods and chattels of said — (excepting such as the law exempts) and make sale according to law, to the amount of said sum, together with your fees, twenty-five cents for this writ, and the same return to me within thirty days; and for want of such goods and chattels whereon to levy, to take the body of said —, and him convey and deliver to the keeper of the common jail of Eau Claire county, and said keeper is thereby commanded to receive and keep in custody in said jail, the said — for the term of — unless the said judgment together with all the

costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand this — day of —, 18—.
D. C—,
Title of officer.

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

Appeal from judgment may be taken.

SECTION 10. Any defendant feeling aggrieved by the judgment of a justice of the peace in an action commenced under the provisions of this act, may appeal from such judgment in the manner provided by the general laws of this state. Such defendant shall, within twenty-four hours, enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Appeal to stand for trial.

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

In case judgment be affirmed.

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

Shall not work incompetency.

SECTION 13. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any pro-

ceeding or action in which the city shall be a party in interest.

SECTION 14. All ordinances and regulations now in force in the village of Augusta, 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.

Village ordinances to remain in force until repealed.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suit or otherwise which have arisen or accumulated under the several ordinances or acts incorporating the village of Augusta shall be vested in and prosecuted by the corporation hereby created.

City to be vested with village rights.

SECTION 16. When any suit or action shall be commenced against the city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk of said city, so served, forthwith to inform the common council thereof, or to take such demand or proceeding as by the ordinance or resolution of said council may be in such cases provided.

How process against city shall be served.

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

Penalties to be paid into city treasury.

SECTION 18. 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 in said city, and shall apply to any willful or malicious damage which may be done to 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.

General laws shall apply to willful damage to bridge.

SECTION 19. All moneys, properties, effects and credits belonging to the present village of Augusta, shall belong to the city of Augusta, and shall be transferred to the proper officers of said city by the person in charge of the same, as soon as such officers shall be elected and qualified.

Village property shall belong to city.

SECTION 20. Any lawful debt, claim, demand or right of action against the present village of Augusta shall be and become a lawful debt, claim, de-

City to assume lawful debts of village.

mand or right of action against the city of Augusta.

Present village officers to perform duty.

SECTION 21. All duties herein required of the mayor, aldermen, common council or clerk, in regard to election shall be performed so far as may be necessary, by the present president, trustees, board of trustees and clerk of the village of Augusta, in regard to the first election and the organization of the city government under this act.

Not repealing.

SECTION 22. 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.

Public act.

SECTION 23. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state, and shall take effect and be in force from and after its passage and publication.

Approved March 14, 1885.

[No. 418, A.]

[Published March 17, 1885.]

CHAPTER 76.

AN ACT to incorporate the city of Alma.

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

CHAPTER I.

Corporate name.

SECTION 1. From and after the first Tuesday of April, 1885, the district of country in the county of Buffalo, contained within the limits and boundaries hereinafter described, shall be a city by the name of the "city of Alma," and the people now inhabiting, and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of the "city of Alma," and shall have the general powers possessed by municipal corporations at common law, and under the constitution and statutes of the state of Wisconsin, and in addition thereto, such as are herein specially granted, and the authorities thereof shall have perpetual succession, shall