

[No. 214, A.]

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CHAPTER 148.

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

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

CHAPTER I.

City
boundaries.

SECTION 1. All that district of country situated in the county of Pierce, and embraced in the following boundaries, to-wit: Commencing on the Mississippi river, on the line running through the west half of the west half of section fourteen, township twenty-six north, of range twenty west, running thence north on said line through the center of the west half of the west half of sections fourteen and eleven to the section line on the north side of said section eleven; thence west on the section line of sections eleven and ten, to the quarter post standing on the north line of said section ten; thence north on the center line running north and south to section three, eighty rods; thence west parallel to the north line of said section ten, to the center of Lake St. Croix; thence down the center of Lake St. Croix and the Mississippi river to a point opposite the place of beginning; thence north to the place of beginning, shall be known and designated as the city of Prescott.

WARDS.

Ward
boundaries.

SECTION 2. Said city shall be and the same is hereby divided into three wards. All of the following described territory shall constitute the First ward: Commencing at a point in the center of the Mississippi river, opposite the line running through the west half of the west half of section fourteen, township twenty-six north, of range twenty west; thence north on said line to the center line of section eleven, running east and west; thence west upon said center line running through

sections eleven and ten to the center of said section ten; thence south about four rods upon the center line of section ten, running north and south to the center of Kinnickinnic street; thence southwesterly in the center of said Kinnickinnic street to the center of the Mississippi river; thence down the center of said river to the place of beginning. All of the following described territory shall constitute the Second ward: Commencing in the Mississippi river at the northwest corner of ward one; thence running northeasterly in the center of Kinnickinnic street to the center line of section ten, township twenty-six, range twenty, running north and south about four rods south of the center of said section ten; thence north to the center of said section; thence west upon the center line of said section running east and west to the center of Cherry street; thence running southwesterly in the center of said Cherry street to the center of Lake St. Croix; thence down the center of said Lake St. Croix to the place of beginning. And all the remaining portion of the territory included in the city limits and not heretofore described as being in the First or Second wards shall constitute the Third ward.

CHAPTER II.

RIGHTS AND AUTHORITIES OF THE CORPORATION.

SECTION 1. The electors who now or who shall hereafter reside within the district described in the preceding chapter shall be a corporation by the name of the city of Prescott, and shall have the general powers possessed by municipal corporations at common and statute laws, and in addition thereto shall possess the rights and privileges hereinafter specially granted. Corporate name.

SECTION 2. The powers thereof shall have perpetual succession, and in the name of said corporation may sue and be sued, complain and defend in any court, may contract and be contracted with, may make and use a common seal and alter it at pleasure, and may receive by bequest, gift, grant, by deed or lease, devise or purchase, and hold and convey, such real and personal estate as the purposes of the corporation may require, and the same shall be free from taxation. Powers.

CHAPTER III.

Officers of city. SECTION 1. The officers of the city shall consist of a mayor, city clerk, city treasurer, an assessor and police justice. The ward officers shall consist of two aldermen, one justice of the peace and one constable for each ward.

Common council. SECTION 2. The mayor and aldermen shall constitute the common council, and the common council shall be the municipal government.

Elective officers.* SECTION 3. The common council may elect a city attorney, city surveyor, city marshal, sealer of weights and measurers, street commissioner, policeman, night watchman, and such other officers as may be necessary in said city.

Annual election. SECTION 4. The mayor, clerk, treasurer, assessor, police justice, aldermen, justices of the peace and constables, shall be elected by the people at the annual municipal election for city and ward officers.

Annual municipal election. SECTION 5. The municipal election in the city of Prescott shall be held annually on the first Tuesday in April, and the polls shall be kept open at all municipal elections from nine o'clock in the forenoon until five o'clock in the afternoon; at other than municipal elections the polls shall be kept open during the time provided by the laws of the state, and all elections held in the city of Prescott shall be conducted in accordance with the general election laws of the state of Wisconsin, except as otherwise provided in this act, and all frauds or violations of the provisions of such general election laws shall be punished as is provided by the laws of this state. The returns of all elections shall be made, one copy to the city clerk and one copy to the clerk of the board of supervisors of Pierce county; provided, that of the first election under this charter, an election notice of three days should have the same force and effect as that of the longer time hereinbefore mentioned.

Terms of office. SECTION 6. The mayor, clerk, treasurer, assessor and constables shall hold their offices for one year, and until their successors are elected and qualified, and the police justice, justices of the peace and aldermen shall hold their offices for

two years, and until their successors are elected and qualified; provided, that one alderman shall be elected in each ward in each and every year; provided further, that the junior aldermen now in office shall be the senior aldermen in the year 1887, and the aldermen elected in 1887, shall be senior aldermen in 1888, and so on in perpetuity; so that the junior aldermen of each ward in one year shall be the senior aldermen of such ward for the next year; and provided further, that the police justice now in office shall hold his office until the first Monday in May, 1887, and that a police justice shall be elected every succeeding two years thereafter.

SECTION 7. Special elections shall be ordered by the common council, and shall in all respects be conducted in the same manner as is hereinbefore provided for other elections. Special elections.

SECTION 8. Any person who is a qualified elector of the state of Wisconsin, and who shall have resided in the ward where he offers his vote for ten days next preceding any election, shall be a qualified elector at such election. Qualified electors.

SECTION 9. Any officer removing from the city, and any ward officer removing from the ward for which he was elected or appointed, and any officer who shall refuse or neglect to qualify on or before the first Monday in May next after his election, or any appointive officer who shall neglect to qualify for ten days after his appointment, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment, and after having qualified as required by this act. Vacating offices.

SECTION 10. All officers appointed by the common council shall hold their office until the first Monday in May next succeeding such appointment, unless they shall be sooner removed by the council, and the council may at any time remove an appointive officer. Appointed officers.

SECTION 11. The mayor, and clerk, and senior aldermen of said city shall be the board of canvassers, and they, or a majority of them shall meet at the council rooms on the Monday following each municipal or special election, and can- Board of canvassers, of whom composed.

vass the returns, and the clerk shall immediately notify by a certificate, the persons elected to the various offices. In the event of a vacancy by the death, removal, or other disability of the mayor, police justice, clerk, treasurer, assessor, supervisor or any aldermen, the council shall order a special election and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the council, and the person elected or appointed to fill a vacancy shall hold his office for the unexpected term, except as hereinbefore provided as to the appointive officers. All elections by the people shall be by ballot and a plurality of votes shall constitute an election. All elections by the council shall be *viva voce*. Where two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct.

CHAPTER IV.

OFFICERS — THEIR POWERS AND DUTIES.

Oath of office,
to be taken by
all officers.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same duly certified by the officer administering the same with the city clerk; and the treasurer, police justice, justices of the peace, street commissioner, and such other officers as the council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Prescott a bond in such sum and with such security and such conditions as the council may direct; and the common council may, from time to time, require new and additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of
mayor defined.

SECTION 2. The mayor when present, shall, preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties.

He may, if in his opinion the public good require, also appoint one or more policemen in each ward, which appointments shall be approved by the common council before they enter upon the duties of their office. The policemen for the respective wards shall receive the fees allowed to constables for the same services, and in addition may be paid such compensation for extra services ordered by the mayor or common council, not exceeding two dollars per day as the common council may determine. The mayor may also appoint as many special or temporary police on election days or other public or unusual occasions as he may think proper, but no such special or temporary police shall be paid any compensation for his services out of the city treasury unless otherwise ordered by a vote of three-fourths of all the members of the common council. The common council may by ordinance, resolution, by-law or otherwise, prescribe the powers and duties of the marshal, police and other officers. The mayor shall communicate in writing to the common council, such information as he may deem necessary, and at all times give such information as the common council may require, and when the common council shall be engaged in the election of an officer, the mayor shall have a vote the same as an alderman.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled, "acting mayor," and acts performed by him shall have the same force and validity as if performed by the mayor; but the president of the council as acting mayor shall sign no order, warrant or other pro-

Election of
president of
council.

ceeding whatever, which the mayor shall have refused to sign, and which refusal shall have been communicated to the council.

Duties of clerk defined.

SECTION 4. The city clerk shall before he enters upon the duties of his office, execute to the city and file with the treasurer thereof, a bond with the same conditions as bonds of town clerks under the laws of the state, in such sum and with such sureties as the council may direct; he shall keep the corporate seal and all papers and records of the city, and shall attend all meetings of the council and keep a complete record of its proceedings. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records, certified by him under the corporate seal, shall be evidence in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriation and orders drawn on the city treasurer, which shall be numbered to correspond with the stub as to date, amount of what, and to whom, in a book provided for that purpose, and shall also keep an accurate account with the treasurer and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury, whenever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations and to certify the same, and shall keep his office in some convenient place in said city, which said office shall be kept open during all business hours.

Duties of city attorney defined.

SECTION 5. The common council may elect a city attorney. He shall perform all professional services incident to the office, as prescribed by this charter and the ordinances, resolutions or by-laws of said city, and when notified, shall appear and conduct all prosecutions when the city is a party, and in all civil actions when the city is plaintiff, and all defenses where the city is a party, and when required shall furnish written opinions to the council or its committees.

Duties of city treasurer defined.

SECTION 6. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as

the common council shall direct. He shall render 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 after the date of the last annual report, and also the state of the treasury, which statement shall be filed with the clerk.

SECTION 7. The city marshal shall be chief of police and shall perform such duties as shall be prescribed by the charter, resolutions, ordinances, or by-laws for the preservation of the public peace, and the collection of fines and license moneys. He shall possess the powers of a constable at common law, or by the laws of the state, and receive like fees; and serve any civil or criminal process issued by the police justice or any justice of the peace in said city of Prescott, at any place within the limits of Pierce county, and shall be entitled to receive the same fees as constables for like services. The said marshal shall be under the control and direction of the mayor and common council, and shall have all powers and perform all duties of a constable under the laws of the state of Wisconsin, and may pursue and arrest persons with a warrant charged with crime, in any part of the said state, and within the limits of the city may arrest offenders without a warrant.

Duties of city marshal defined.

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 them, such compensation to be fixed by resolution at the time the office is created, or before the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Other duties may be required of officers.

SECTION 9. The common council shall annually provide that all printing authorized or required by them to be done for their use or for the city shall be let by contract to the lowest bidder for the term of one year, in a newspaper printed and published in the city of Prescott. All ordinances and other proceedings required by this act, or the by-laws, resolutions or ordinances of the common council to be published, shall be

Printing to be done by lowest bidder.

published in the newspaper selected under the provisions of this section. And the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavit of the length of time said ordinance, by-law, resolution or proceeding shall have been published; and such affidavit or a duly certified copy of the same, shall be conclusive evidence of the publication of such notice, ordinance, resolution, by-law, or proceeding, and such ordinance, resolution, by-law, notice or other publication, with the affidavit thereto annexed as above provided, shall be received and acted on by any court in this state, and full faith, force and credit, shall be given the same as if they were certified copies, under the hand and seal of the city clerk.

Penalty for failure to deliver to successor.

SECTION 10. 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, moneys, books, papers and effects of every description, in his possession, belonging to said city, or pertaining to the office he shall have so held, he shall forfeit and pay to the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Peace officers.

SECTION 11. The mayor, city marshal, police justice, sheriff or any deputy sheriff of Pierce county, each and every constable, alderman, justice of the peace, policeman and watchman, shall be officers of the peace, and shall suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all bystanders, and if need be, of all citizens. If any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall, on conviction thereof, forfeit and pay a fine of fifty dollars; and in case the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order above mentioned in this section shall direct the proceedings.

Jurisdiction of police justice.

SECTION 12. The police justice shall have and possess within said city the jurisdiction, authority and powers of a justice of the peace in civil and

criminal proceedings, and shall have exclusive jurisdiction of all actions in which the city shall be a party, and of all prosecutions for violations of ordinances, resolutions and by-laws of the city, and of the provisions of the city charter, and shall have the same power and authority in cases of contempt as a court of record; provided, that nothing herein contained shall be deemed to divest the judges of the circuit or county court of their authority as conservators of the public peace, nor to effect in any manner the powers or jurisdiction of the circuit or county courts of Pierce county. The police justice shall be entitled to receive for his services the same compensation in fees as are allowed by law to justices of the peace for similar services, and no other; said fees to be collected in the same manner as the fees of justices of the peace are collected, except that on prosecutions for violations of the city charter or the ordinances, resolutions or by-laws of said city, in which there shall be no conviction, the city of Prescott shall be liable for all costs therein. In case of the absence or inability of the police justice, the mayor and in his absence or inability, the president of the council, shall by warrant designate any justice of the peace within said city to perform the duties of police justice, and such justice of the peace, when so designated, shall possess all the powers and jurisdiction of the police justice, until such time as the police justice shall be able to attend to the duties of his office, or until otherwise ordered by the council by a two-thirds vote of all the aldermen; but no action or proceeding which shall have been commenced before any such justice of the peace while so acting shall, by reason of any action of the council, abate, but shall proceed to final judgment. The mayor shall immediately notify the city marshal of such designation and shall immediately report the same to the common council at the next meeting thereafter. Appeals, changes of venue and writs of certiorari may be taken in actions and proceedings before the justice of the peace.

SECTION 13. The police justice shall report monthly to the common council all proceedings instituted or completed before him in which the city shall be liable for costs, and in which fines, penalties, forfeitures or judgments belonging to

Police justice
to report
monthly.

said city shall have been paid, and shall present with said report the receipts of the city treasurer for all such fines, penalties, forfeitures and judgments so paid, and said reports and receipts shall be filed with the city clerk.

City surveyor
to be a practical
man.

SECTION 14. The city surveyor shall be a practical surveyor and engineer; and shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the compensation he shall receive for his services. All profiles, surveys, plans and estimates made by him for the city, and all field notes thereon shall be the property of the city and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same together with all books and papers appertaining to said office shall be delivered by the surveyor, at the expiration of his term of office to the city clerk.

Duties of as-
sessor defined.

SECTION 15. The assessor shall assess all taxable property of the city of Prescott, as required by the laws of the state of Wisconsin, or the provisions of this charter, and so far as practicable be governed by the laws in relation to town assessors, and shall receive for the services such compensation as the common council may determine.

Board of
review.

SECTION 16. On the last Monday in June, the assessor, mayor and senior aldermen shall meet at the council room in the said city, and shall constitute the board of review, and a majority thereof shall constitute a quorum. The city clerk shall act as the clerk of said board, and shall keep a complete record of its doings. The mayor and senior aldermen shall each receive for their services on such board of review the sum of two dollars and fifty cents per day.

Duties of street
commissioner.

SECTION 17. The street commissioner to the direction and control of the council shall have charge of and personally superintend all work upon the streets, sidewalks, alleys, levees and public parks of the city; shall see that all ordinances, resolutions and by-laws of the city relating to obstruction of streets, sidewalks, alleys, levees, public parks, sewers and the waters of the lake and the river in said city are duly observed and kept, and shall be subject to removal at the will of the council, such removal to be made only

by a vote of at least four aldermen. The street commissioner shall receive for his services such compensation as the council may determine, and which shall be at a certain sum per day while actually engaged in work for the city, and in all street work ten hours work shall constitute a day. The street commissioner shall make and present to the council, at its regular meeting in each month, verified statement of all the men employed by him in any work for the city during the month last preceding, giving the time each man has worked in the days and tenths of a day, the daily wages to which each man is entitled, and the time he has worked as street commissioner. Such statement shall also include a concise description of the work accomplished during said month, and of the condition of the work not completed, and such statement shall be prima facie evidence of the facts therein set forth. It shall be the duty of the street commissioner to collect all poll tax due said city in work or money, as hereinafter provided; he shall keep a detailed account of all money collected by him from poll taxes in each month, and shall make such account a part of his monthly statement.

CHAPTER V.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Prescott do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum. The mayor shall only vote in case of a tie, except as herein specially provided.

Common council—how constituted.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their usual place of 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 and imprisonment by a vote of two-

Stated meetings to be held.

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.

Control and management of finances, and other powers.

SECTION 3. The common council shall have the control and management of the finances, and of all the property of the city; and shall likewise have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime and for the benefit of trade, commerce and health as they shall deem expedient, declaring and imposing penalties and fines, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, resolutions, rules or by-laws; and such ordinances, resolutions, rules and by-laws are hereby declared to be and have the force of law; and for these purposes shall have authority, by ordinances, rules, resolutions or by-laws:

Licenses.

1. To license and regulate the exhibition of common showmen, or showmen of any kind, or the exhibitions of caravans, circuses or theatrical performances, billiards, pool or other gaming tables and other devices, and to grant licenses for the sale of intoxicating liquors within the city, in conformity to the laws of the state of Wisconsin relating to excise and the sale of intoxicating liquors.

Gaming, shut up saloons.

2. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, within said city and all playing at cards, dice or other games of chance, within any saloon or public place in said city, and upon conviction of the keeper thereof, to summarily shut up any saloon or other place where intoxicating liquors are sold without a license.

Noise and disturbances.

3. To prevent any noise, riot, disturbance or disorderly assemblages suppress and restrain disorderly houses, gambling houses and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gambling.

Cleanse nauseous places.

4. 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 deemed necessary for the health, comfort and convenience of the inhabitants of said city.

5. To direct the location and management of slaughter-houses, cattle and hog pens and markets, and to prevent the erection, use or occupation of the same where the offal or filth thereof shall discharge into the waters of the lake or river, or where they will be offensive to the inhabitants of the city, and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible materials.

6. To provide for the making, grading, improving and repairing of the streets of Prescott, and to provide for the making, constructing and repairing of gutters and sidewalks in said city, and to prevent the incumbering of the streets, sidewalks, levees and alleys, with carriages, sleighs, boxes, lumber, fire-wood or other materials or substances whatever.

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

8. To restrain the running at large of horses, mules, cattle, swine and sheep, and to authorize the distraining and impounding and sale of the same, and to provide for the punishment of persons who shall violate any ordinance, by-law or resolution relating thereto, by fine, forfeiture and imprisonment.

9. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances of the city, and to tax dogs, and fix the amount of such tax.

10. To prevent persons from bringing, depositing or having within said city, or placing in the lake or river adjacent to the said city, any putrid carcass or other unwholesome or nauseous substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, hides or skins of any kind; or on default, to authorize the removal of the same by some compe-

tent officer, at the expense of such person or persons.

Pounds, hackmen, street lamps, etc.

11. To make and establish public pounds, pumps, wells, cisterns, reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants of the city; to regulate and license hacks, cabs, drays, carts and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps and to provide for the lighting of the streets and public grounds with gas or otherwise.

Boards of health.

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

Bread.

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

Driving on sidewalks.

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

Shooting fire-arms, etc.

15. To prevent the shooting off of fire-arms, fire-crackers and torpedoes, and to prevent the exhibition of fire-works in any locality which may be considered by the council dangerous to persons or property.

Drunkenness.

16. To restrain and prevent drunkenness 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.

Runners and solicitors.

17. To regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

Regulate police.

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

Public markets.

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

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

21. To compel the owners of buildings or grounds, or the occupants, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys adjacent thereto, and to compel such owner or occupant to remove from any lot owned or occupied by him, all such nauseous or filthy substances as the board of health or the common council may direct, and in default to authorize the removal or destruction of such substances by some officer of the city, at the expense of such owner or occupant; provided, that nothing herein contained shall be so construed as to prevent the removal of any such snow, dirt or rubbish from any sidewalk, street, alley, levee or public park at the expense of the city when so ordered by the common council. Removal of snow, rubbish, etc.

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

23. To appoint watchmen and prescribe their duties. Watchmen.

24. To provide by ordinance for the punishment of any person for using or keeping for use any false weights and measures contrary to law. False weights and measures.

25. The common council shall have jurisdiction over the lake and river bordering on the city, and shall prevent any nuisances being cast therein by which the health of the inhabitants of the city, or the purity of the water, shall be impaired; and shall also have power to regulate cutting holes in the ice on lake St. Croix, and to make rules as compel persons to so guard holes cut as to prevent accidents therefrom, and to regulate the landing of steam and all other boats and rafts of logs or lumber. Jurisdiction over lake and river.

26. To provide for the setting of shade trees in the streets and public parks of said city, either at the expense of the owners of the adjacent lots or at the expense of the city. Shade trees.

Penalty for
doing business
without a
license.

27. To provide by ordinance for the punishment of persons who shall transact any business for which a license is required without first obtaining such license, or who shall keep any gambling device whatever, or who shall permit gambling of any kind, on or about their premises, or allow or permit any minor to play at billiards or any other game for pay or otherwise, and to provide for the infliction of fines or imprisonment or both such fine and imprisonment for the violation of any ordinance, resolution or by-law, passed by the common council, or any provision of any such ordinance, resolution or by-law.

City debts, how
paid.

SECTION 4. No appropriation shall be made nor shall any debt be created against or liability incurred by the city, except by a resolution authorizing the same, passed by an affirmative vote of a majority of all the members of the council; and no ordinance, resolution, or by-law shall be passed except by an affirmative vote of a majority of all members of the council present and voting upon such ordinance, resolution, rule or by-law.

Shall not bar
or hinder suits.

SECTION 5. The power conferred upon the council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly houses, or places where intoxicating liquors are sold without a license are hereby declared and shall be deemed public nuisances, and the common council may cause the same to be summarily shut up and abated.

Annual audit of
accounts.

SECTION 6. The common council or a committee thereof shall at the end of each year, and before the terms for which the officers of said city are elected or appointed shall have expired and at such other times as the council may deem proper, examine, audit and adjust the accounts of the treasurer, clerk, police justice, street commissioner and all other officers and agents of the city, and shall require each such officer or agent to exhibit his books, accounts and vouchers, for its examination, and if any such officer or agent shall refuse or neglect to comply with any order of the council made pursuant to this section he may be compelled by mandamus to obey such order and the council shall declare the office of such person vacant; and in case it shall be ascertained upon

such examination that any such officer or agent is a defaulter to said city, and such officer or agent shall not immediately on notice thereof pay or secure to the city the amount of any such defalcation, the council shall cause suit to be brought against such officer or agent and his bondsmen for the collection thereof; provided, that the council shall have power to compromise any such defalcation by a vote of at least four aldermen. And upon one day's notice to remove from office for cause, any officer of the city, elected or whose appointment shall have been confirmed by the council.

SECTION 7. The common council shall, within one month immediately preceding the municipal elections, fix the salary or compensation for the ensuing year of each and every city or ward officer entitled to a salary or compensation, and such salary or compensation shall not be increased or diminished during the next succeeding year, but if the council shall neglect so to fix the salary or compensation of any officer, said officer shall receive the amount last so fixed.

Salaries for
ensuing year.

CHAPTER VI.

OPENING OF STREETS, HIGHWAYS AND ALLEYS, AND OF ALTERING THE SAME.

SECTION 1. The common council of the city of Prescott shall, by virtue of their office, be the commissioners of highways, streets and alleys therein, and shall have the care and superintendence of the same; and there is hereby conferred upon the said council the same power, in the same manner, and under the restrictions, as is now conferred upon the town board of supervisors of the several towns in this state, as provided by chapter 52, of the revised statutes of Wisconsin, and laws amendatory thereof, to open, lay out, and establish upon actual survey, such new streets, highways and alleys as the said common council may deem necessary and proper, and to alter, discontinue and vacate such streets or alleys as said common council may deem proper.

Commissioners
of highways.

CHAPTER VII.

IMPROVEMENT OF STREETS AND SIDEWALKS.

Repairing of
sidewalks.

SECTION 1. Every ordinance, resolution (or) by-law providing for the construction or reconstruction of any sidewalk or gutter, or for the grading or improving of any street, at the expense in whole or part, of the owners of lots or parcels of land abutting or fronting such sidewalk, gutter or street shall, on being introduced at a meeting of the common council, be referred to some appropriate committee; and no such ordinance, resolution or by-law shall be passed or adopted sooner than fourteen days after the introduction thereof, nor until seven days after the proceedings of the council had relative thereto shall have been published in the official newspaper of the said city.

May establish
grades of
streets.

SECTION 2. The common council of the city of Prescott shall have power to establish the grade of streets or alleys of the city of Prescott, and to change and re-establish such grade as they shall deem expedient; provided, that whenever they shall change or alter the grade of any street or alley, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same, and in no case shall any such action be brought against the city for any such damage unless the same shall be commenced within one year after such change or alteration so ordered shall have been made.

Sidewalks shall
be constructed
on proper es-
tablished
grades.

SECTION 3. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council by ordinance or resolution shall direct by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered, or by and at the expense of the city as the council may by such ordi-

nance or resolution determine. If the owner or owners of any such lot or piece of ground, shall not construct such sidewalk when directed as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, for at least one week, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract sufficient to pay the cost of constructing the same; except when the same shall have been constructed by and at the expense of the city; provided, that no such contract shall be let until fifteen days after notice shall have been given to such owner or owners, of the ordinance, resolution, or order, requiring the construction of such sidewalk, by the publication of the same at least one week in the official paper of the city.

SECTION 4. The common council shall have power by a vote of two-thirds of all its members to order the building, construction, reconstruction or repair of streets or sidewalks in the city of Prescott, in such manner as they may deem proper, and in cases of immediate necessity, the council may by resolution, order the reconstruction or repair of any street, sidewalk or gutter immediately, either by the owner of the property fronting the same, or by the street commissioner, or by contract without any previous notice or advertisement, at the expense, in whole or in part, of the owner of the property fronting the street, sidewalk or gutter, or at the expense of the city.

Two-thirds vote required.

SECTION 5. The city clerk shall receive all proposals for constructing and repairing streets or sidewalks, and shall open them in the presence of the council, who shall award the contract to the lowest responsible bidder; provided, such bid is a reasonable one, subject to such provisions in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceeding for ordering the repair of streets or sidewalks and levying and collecting special taxes on the respective lots to pay for the

City clerk to receive proposals—awarding to lowest bidder.

same, shall be the same as herein provided in the case of constructing a new sidewalk, except as otherwise provided in this section. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four hours, and to repair which will not cost to exceed the sum of five dollars in front of any one lot, the street commissioner is 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 cost of such repair, specifying the lot and block, or piece or parcel of land in front of which said work was done, and the necessity for such repairs and the justice of such bill shall be certified by the street commissioner, who shall present the same to the council at its next meeting thereafter.

Payment of
poll tax.

SECTION 6. Every male inhabitant of the city over twenty-one years of age, and under fifty years of age, except active members of the fire department, idiots, lunatics and paupers shall pay to the street commissioner of the city, the sum of one dollar and fifty cents as a poll tax. Said tax may be commuted for in labor on the streets, alleys, levees or public parks of the city as directed by the street commissioner, at the rate of one dollar and fifty cents for one day's labor, and in default of paying said poll tax either in money or labor when demanded by the street commissioner, he shall forfeit and pay a penalty of two dollars. The collection of said tax and penalty may be enforced by a suit in the name of the city of Prescott against such person, and judgment shall be entered for the tax, penalty and costs and execution may issue for the tax, penalty and costs against his goods and chattles.

List of all persons liable to pay poll tax to be made out.

SECTION 7. It shall be the duty of the city clerk on or before the tenth day of May in each year, to make a list of all persons liable to pay a poll tax in the city, he shall lay the same before the common council at its next meeting, and the common council shall correct such list, and add thereto the names of such persons as may be left off from said lists, and the clerk shall file the same as corrected and deliver a copy thereof to the street commissioner. The street commissioner shall proceed to collect the poll tax from all the persons named in said list, and shall make personal

demand therefor of every such person, or by leaving a printed or written notice at the usual and last place of abode of such person, with a member of the family, of suitable age and discretion whom he shall inform of its contents, and if any person shall fail or neglect for three days after such demand or notice, to pay such poll tax in money or labor, the said street commissioner shall proceed to collect the poll tax, penalty and costs, in the manner hereinbefore provided.

SECTION 8. All moneys collected from poll taxes shall be paid to the city treasurer by the street commissioner. When any person liable to a poll tax shall pay the same in money, the street commissioner shall give him a receipt therefor, and shall before the next regular meeting of the council, pay the same to the city treasurer and take his receipt therefor, and said money shall become a part of the general fund of the city. When any such person liable to a poll tax shall pay the same in labor, the street commissioner shall give him a certificate setting forth that fact, and such certificate shall be conclusive evidence of the payment of such tax.

Poll tax to be paid to city treasurer.

SECTION 9. The common council of the city of Prescott shall have power, by an affirmative vote of two-thirds of its members, to order and contract for the making, grading, paving and repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner hereinafter mentioned, and direct and control the persons employed thereon.

Common council to order repair on two-thirds vote.

SECTION 10. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, and of the opening and grading of streets and alleys, shall be chargeable to and payable by the city. The costs and expenses of planking, paving or repairing of streets and alleys may be chargeable to and payable wholly or in part by the owners of the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley, or such proportion thereof as the common council shall determine, whose action in relation thereto shall be conclusive evi-

Cost of surveying paid by c. ty.

dence of the justice and equality of the tax, to the lot or parcels of land respectively, but unless otherwise ordered, such costs and expenses shall be chargeable to and payable by the city; sewers and gutters may be ordered by the common council and built at the expense of the city or of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed; provided, however, that where the sewers or gutters are constructed through alleys no lots shall be assessed therefor, except those situated in the block through which such sewers or gutters may be constructed and, provided further, that in all cases where improvements or work of any kind are chargeable by virtue of this section, upon lots benefited, all such improvements across streets and alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street alley or public ground.

Estimate of
public improve-
ment to be
made.

SECTION 11. Whenever the common council shall determine to make any public improvements, as authorized by this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and unless the expense thereof is to be borne by the city, and the proportion thereof across each street, alley or public ground aforesaid; and such estimate shall be filed in the office of the city clerk for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid, all bids for doing the same to be approved by the council; and the council shall have power to reject any and all bids, and may require contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work, as they shall direct; such contracts when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for one week in the official paper of the city. The common council,

instead of letting such work by contract to the lowest bidder, may by an affirmative vote of two-thirds of the members of the council, order the improving of any street, or the making of any public improvements, to be done directly by and under the supervision of the street commissioner, at the uniform expense, in whole or in part, of the lots or parcels of land abutting or fronting on such street or public improvement, or at the expense of the city.

SECTION 12. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing that the expense of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the marshal or any constable to summon five freeholders, not residents of the ward, and not interested in said lots or lands as commissioners, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably charged upon said premises, it shall be their duty to determine what proportion of such work shall be chargeable to such lots or parcels of land respectively, and what lots or parcels of land on the street so to be improved will be benefited by such deep cutting or filling, and how much or what proportion shall be chargeable to each such lot or parcel of land, and to make a report thereof in writing as soon as practicable to the common council, and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned shall be assessed upon and collected from the same, in the same manner as herein provided, and the remainder shall be assessed upon the lots benefited by such improvements in proportion to their respective benefit as determined by said commissioners. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for improvements are collected; pro

Deep cutting—
how work to be
performed.

vided, that if said commissioners find that said petitioners were not entitled to any division of the expenses so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same on the filing of the petition; provided, also, that the petition of no owner feeling himself aggrieved shall be received unless the same shall be presented within twenty days after the publication of the resolution by which such cutting or filling shall have been ordered to be done; and provided further, that when it shall appear to the council that any such lands belong to an infant or person laboring under legal disability, who shall not be represented by a guardian, it shall be the duty of said council to cause commissioners to be summoned as herein provided, unless the expense of such cutting or filling is to be borne by the city.

Work to be done under supervision of mayor.

SECTION 13. All work provided for in this chapter shall be done under the supervision of the mayor, street commissioner and city surveyor, and shall be approved by at least two of them before it shall be accepted by the council.

Contractor to be entitled to certificate.

SECTION 14. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street commissioner and city surveyor or any two of them, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount is not paid before the time of making out the annual tax roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax and to be collected therefrom for the benefit of the holders of said certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the resolution by which the work so done shall have been ordered shall have been published as herein pre-

scribed, no informality or error in the proceedings shall invalidate or vitiate such tax.

CHAPTER VIII.

FINANCES 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 out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

Funds in treasury to be under control of common council.

SECTION 2. All forfeitures and penalties accruing to the city for the violation of the act, or of any of the ordinances, resolutions by-laws, rules or regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become part of the general fund, except as otherwise provided by this act.

Forfeitures and penalties to be paid into treasury.

SECTION 3. All property, real and personal, within the city, except such as may be exempt by the law 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 hereinbefore provided. The assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon town assessors, except so far as they may be altered by this act; provided, however, that the council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rules as they may from time to time deem advisable.

Property subject to taxation.

SECTION 4. The fiscal year of the city of Prescott shall commence on the first Monday of August, on which day or within twenty days thereafter, the common council shall, by resolution, determine what amount of money, including the estimated resources of the city not derived from

When fiscal year shall begin.

direct taxation, for the year then next ensuing, will be required for general city purposes during that year, and the council shall thereupon be empowered to levy, and shall, by resolution, levy a tax for general city purposes, not exceeding in amount two per centum of the assessed valuation of real and personal property of the city for that year. The common council shall, at the same time, in addition to the amount of taxes now required by law to be levied by them for other than city purposes, also levy the amount of such taxes as shall have been returned to the county treasurer as delinquent, during the year preceding, except such taxes as are by law made chargeable upon particular lots in said city. All resolutions for the purpose of levying a tax shall require for their passage an affirmative vote of a majority of all the members of the common council.

Taxes to remain a lien on property.

SECTION 5. All taxes or assessments, general or special, levied under this act shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or corporation, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of any real estate shall affect such lien; and payment of any such taxes may be enforced in the same manner as provided by the laws of the state.

City to be considered as a town for purposes of taxation.

SECTION 6. For purposes of taxation, except as in this act otherwise specially provided, the city of Prescott shall be considered the same as a town, and all laws of the state of Wisconsin relating to the assessment and collection of taxes and the duties of town clerks, town assessors and town treasurers relative thereto shall apply to said city, and the clerk, assessor and treasurer thereof.

Lawful money to be received only.

SECTION 7. No scrip, certificate, treasury order or other evidence of debt shall hereafter be issued by the city unless authorized, by the common council of the city of Prescott, and whenever the common council shall fully appropriate money to any party, to be paid out of the city treasury, the mayor and city clerk shall issue an order in the order in which such appropriations are made, specifying in said order the purpose for which such appropriation was

made and said treasurer shall pay the amount so appropriated and certified in the order in which they are so certified out of any funds in his hands belonging to the city, taking up such orders and filing them in his office.

SECTION 8. The common council shall have power by a majority vote of all the members thereof, to levy a tax or taxes to pay any or all judgments against the city.

Tax may be levied to pay judgment.

SECTION 9. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office and appoint a suitable person to fill the vacancy.

Treasurer may be removed for refusal to act.

SECTION 10. All accounts or demands against the city, before the same shall be allowed shall be verified by affidavit, except salaries, and amounts previously fixed or determined by law; and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury.

Accounts to be verified by affidavit.

SECTION 11. No money shall be appropriated or drawn out of the city treasury, except in payment of accounts or demands allowed by the common council; and no interest shall be allowed or paid on any city order or certificate whatever; provided, however, that when the city being duly authorized thereto, shall borrow money, certificates of appropriations therefor may be issued, payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not to exceed ten per centum per annum, and when so drawn and signed by the mayor and clerk, interest shall be paid thereon as therein expressed.

No money to be drawn out of treasury, except in payment of accounts.

SECTION 12. All lands lying within the city limits used or kept for farming purposes and not divided and laid out into lots and blocks and outlots, not subdivided and numbered by such subdivisions shall be assessed by the acre and shall not be subject to any special tax.

Farming land—how assessed.

SECTION 13. No action shall be maintained by any person against the city of Prescott upon any claim or demand until such person shall have first presented his claim or demand to the common council for allowance.

Claims to be first presented.

Action of council shall be final and conclusive.

SECTION 14. Any action of the common council disallowing in whole or in part any claim of any person shall be final and conclusive and a perpetual bar to any action in any court founded on such claim, except that such person may appeal to the circuit court as provided in section 25, of this chapter, and the council shall not again entertain said claim or part thereof so disallowed.

May be taken to circuit court

SECTION 15. When any claim of any person against the city shall be disallowed in whole or in part, by the common council, such person may appeal from the decision of the council disallowing such claim to the circuit court of the county of Pierce, by causing a written notice of such appeal to be served on the clerk of said city, within twenty days after such disallowance. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, and all the papers in the case, to the clerk of the circuit court of Pierce county and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in the circuit court and costs shall be awarded thereupon in like manner.

Notice of appeal to be given to mayor.

SECTION 16. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first meeting thereafter.

CHAPTER IX.

FIRE DEPARTMENT.

Fire limits.

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

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire places, 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 condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to provide fire-buckets, and to regulate the use of them in time of fire, and 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 roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereby, and generally to establish such regulations for the prevention and extinguishment of fires, as the common council may deem expedient.

To regulate
construction
of buildings.

SECTION 3. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. No such company shall exceed seventy able-bodied men between the ages of fifteen and fifty, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed, shall be exempt from poll tax, from serving on juries and from military duty during the continuance of such membership.

Power to purchase fire-engines.

SECTION 4. The fire department composed of such companies as may be organized in the city, shall on the third Monday of March in each year, at 7 o'clock in the afternoon, meet at the city hall in the city of Prescott, at which time and place, they may appoint one chief engineer, and two assistant engineers of the fire department, which

Fire companies,
annual meeting.

appointment shall be confirmed by the common council before the same shall be in force; and if for any reason such appointment shall not be made at the time and in the manner provided, in this section, and confirmed by the common council, then the common council may at such time as they may deem proper, elect one chief engineer and two assistant engineers of the fire department.

Fire-wardens.

SECTION 5. At the same time the members of the fire department shall appoint one fire warden for each ward, who shall perform such duties as the common council shall prescribe, and who may at any time enter into or open any house, store-house or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire; provided, that if there shall be no fire department in this city, or the members of the fire department neglect to elect such fire-wardens, then the common council shall appoint the same.

Penalty for refusal to obey a lawful order of fire officers.

SECTION 6. When any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, policeman or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner, such officers or any of them may arrest or direct the arrest and confinement of every person at such fire who shall be disorderly or intoxicated; and any person who shall refuse to obey any such lawful order, or refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

City successor to all real and personal property.

SECTION 1. The city of Prescott shall be and is hereby invested as the lawful owner and successor of all real and personal property, and all the rights and privileges belonging to the corporation of the late city of Prescott, together with all the

funds, revenues debts and demands, due and owing to the said city of Prescott, as a corporate body, which, by or under former acts, ordinances, grants, donations, gifts or purchases, have been acquired, vested or in any manner belonging to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands in favor of or against the said city of Prescott may be continued, prosecuted, defended and completed in the same manner as if this act had not been passed.

SECTION 2. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, resolutions, 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 for such penalty or forfeiture, stating the clause of this act, or the title or date of the passage of the by-law or resolution or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigency of the case may require. In all cases where an action might be brought by the city of Prescott against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any elector of said city; provided, that before any person, other than the proper officers of said city, shall prosecute any such civil action, the person or persons so commencing shall enter into bonds, with sufficient security to the opposite party to be approved by the judge of the court or justice before whom such action shall be brought, conditioned that he or they will pay all costs that might be recovered against the city in such action. After filing such bonds with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of any such action, but such costs when the action shall fail may be recovered against the party commencing the same, upon the bond filed as aforesaid; provided, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person in a state of intoxication, or guilty of breaches of the

Actions to be brought in corporate name of city.

peace, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such times as said justice can reasonably hear and dispose of such offenders; and provided further, that the city marshal or any other officer of said city shall not be required to give security for costs in criminal actions when the complaint is made by them or either of them, and no costs shall be taxed against any officer.

In regard to entering judgments.

SECTION 3. In all cases of convictions in actions brought or presented to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance, resolution, by-law or regulation, the court shall enter judgment against the defendant of imprisonment or fine, or both, and costs of prosecution, and in all cases where imprisonment shall be imposed the court shall enter a judgment that the defendant be imprisoned in the city prison or county jail of Pierce county, and shall forthwith commit the defendant until such fine and costs are paid, and in all cases where the judgment shall be that the defendant shall be imprisoned in the city prison or county jail the court may, in its discretion, enter a further judgment that the defendant pay the costs of prosecution, and that he be held in imprisonment in the said city prison or county jail until such costs are paid, or he be otherwise discharged by due course of law; provided, that all persons committed to the city prison or county jail for the non-payment of any fine or costs, shall be deemed to pay such fine and costs at the rate of one dollar per day while so in prison; and provided further, that the common council may provide by ordinance or resolution for compelling all persons so imprisoned to labor on the streets, alleys, levees or public places of said city; provided, that when laboring on the streets or highways such fine and costs shall be discharged at the rate of one dollar and fifty cents per day.

Not incompetent.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SECTION 5. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or abolishing said corporation; but such election may be held on any subsequent day by order of the mayor; and if any of the duties enjoined by this act or the ordinances or by-laws of the city be done by any officer at any time specified be not then performed, the common council may appoint another time at which said acts may be performed.

Failure to hold election shall not invalidate.

SECTION 6. Whenever any suit or action shall be commenced against said city, the service therein may be made by leaving a copy of the process therein with the mayor or the city clerk, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances and resolutions of said council may provide.

How service against city may be made.

SECTION 7. The duties now and hereafter imposed upon supervisors and other town officers, not inconsistent with the provisions of this act, so far as they relate to the city of Prescott, shall be performed by the mayor, aldermen and other officers of said city.

Duties of supervisors to be performed by mayor and aldermen.

SECTION 8. Every member of the common council of the city of Prescott, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as an inspector of elections and as a member of the board of review, and any member of the common council or other city officer who shall be directly or indirectly interested in any city contract made with or on behalf of the city, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the city prison or county jail not more than thirty days nor less than ten days, or both, at the discretion of the court.

Penalty for voting money to self.

SECTION 9. All paupers within said city shall

Care of
paupers.

be cared for in the same manner as paupers in towns are cared for under the laws of the state of Wisconsin.

Use of jail in
Pierce county.

SECTION 10. The use of the jail of Pierce county, until otherwise provided, shall be granted to said city for the confinement of offenders that may be sentenced to be imprisoned in such jail, or the council order to be sent there, and every such offender shall be delivered to the keeper of said jail for safe keeping. The said keeper shall be responsible as in other cases, but said county shall not incur any liability or expense on account of any person committed to said jail for a violation of any ordinance, by law, rule or regulation of said city, but such expense shall be paid by the city; provided, that the sheriff shall not charge a greater amount for keeping such offenders than is allowed him by the county for keeping similar persons.

Real or personal property
not to be sold
for execution.

SECTION 11. No real or personal property of any inhabitant of said city, individual or corporation shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Regarding
judgments
against the
city.

SECTION 12. When a judgment shall be recovered against said city, or against any officer of said city, in any action prosecuted by or against him, in his name of office, where the same should be paid by the city, for any act performed by such officer by order of the city council, no execution shall be issued or awarded upon such judgment, or except as hereinafter provided; but the same, unless reversed, shall be levied and collected as other city charges are collected, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment therefor be not made within sixty days after the city treasurer is required to make his returns of the city taxes, next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution on special application therefor.

Member of
council ineligible
to lucrative
offices.

SECTION 13. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale

of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof.

SECTION 14. The mayor shall have power to grant pardons or commutations after convictions for all offenses against the ordinances of the city upon such conditions as he may deem proper, he shall communicate any such action to the council at its next meeting, with his reasons therefor.

Pardon power
in mayor.

SECTION 15. Any person who shall be guilty of drunkenness, breach of the peace, obscenity, noisy, boisterous and disorderly conduct in the streets or public places in the city of Prescott shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of no less than one nor more than one hundred dollars, or by imprisonment in the city prison or county jail of Pierce county for a term of not less than two days or more than three months, or by both such fine and imprisonment and costs of prosecution.

Penalty for
drunkenness.

SECTION 16. Whenever any complaint is made to the police justice of said city by the marshal, sheriff, policeman or other person, that any offense has been committed within the said city against the provisions of the charter of said city, or of the by laws, resolutions or ordinances passed in pursuance thereof, whether such offense is made punishable under such charter or ordinances, by laws or resolutions by fine, penalty or imprisonment, the said justice shall examine the complainant on oath, and reduce the complaint to writing and cause the same to be subscribed by the complainant; and if it shall appear that any such offense has been committed, the said police justice shall issue his warrant, reciting the substance of the complaint, requiring the officer forthwith to arrest the accused (if not already arrested) and bring him before such police justice to be dealt with according to law. All the laws of this state relating to the manner of conducting criminal actions before justice's courts shall be applicable to all trials before the police justice under this act, so far as the same do not conflict with the provisions of this act; provided, when the complaint is made by any person other than a police officer of said city, or sheriff of Pierce county, the said justice before

Procedure
when offense
has been committed.

issuing his warrant may require security for costs as provided by law.

Where elections shall be held.

SECTION 17. All elections held within the city of Prescott, except elections for the election of city and ward officers, shall be held at the council rooms of said city, unless otherwise ordered by the council, and the city shall constitute one election district, and the mayor shall appoint clerks and inspectors thereof in the manner provided by law.

Justices may hold office any where in city.

SECTION 18. It shall be lawful for the justices of the peace elected in the different wards of the city of Prescott, to hold their offices in any place within the city.

No compensation.

SECTION 19. No compensation or salary shall be paid the mayor or any aldermen of said city, except as herein provided.

Regarding assignee of license.

SECTION 20. No assignee of any license shall be permitted to pursue the occupation or business licensed, except upon the same premises where the business was conducted by the original holder of said, license, except by order of the common council.

Repealing section.

SECTION 21. Chapter 337, of private and local laws of the year 1871, and all other acts relating to the corporation of the city of Prescott, not retained in this act, are hereby repealed; provided, that all ordinances, resolutions, by-laws, rules and regulations now in force in said city, and not inconsistent with the provisions of this act, shall remain in force until specially repealed by the common council of said city; and provided further, that the mayor and all other officers not hereinbefore provided for, shall hold their several offices until the first Monday of May, 1887, and until their successors are elected or appointed and qualified, and the first election held under this act shall be held in the several wards at the places where the last general election was held, except that the polls may be removed to another place in the ward, in the manner provided by the laws of the state.

Public act.

SECTION 22. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

SECTION 23. This act shall take effect and be in force from and after its passage.

Approved March 25, 1887.