

the satisfaction of the common council, by affidavit or otherwise, that error or injustice has been done in the levying or equalizing of taxes upon any property in said city, by means of which an unjust amount of taxes has been levied, the common council may, by a majority vote, remit such a sum as it decides to be in excess of the equitable amount.

When council may remit tax.

SECTION 20. 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, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy thus created.

Relating to city treasurer.

SECTION 21. All acts and parts of acts in conflict with or contravening the provisions of chapter 174, of the laws of 1887, as herein amended are hereby repealed.

Repealed.

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

Approved April 17, 1889.

[No. 528, A.]

[Published April 25, 1889.]

CHAPTER 491.

AN ACT to revise, consolidate and amend the city charter of the city of Prairie du Chien.

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

CHAPTER I.

CORPORATE NAME AND POWERS.

SECTION 1. All that district of country in the county of Crawford and state of Wisconsin hereinafter described, shall be and remain a city by the name of Prairie du Chien, and the people who now or may hereafter inhabit said district, shall be a municipal corporation by the name of the city of Prairie du Chien, and shall have the gen-

Amend and revise the charter of Prairie du Chien.

Corporate name.

eral powers possessed by municipal corporations at the common and statute laws, and also the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded with, answering and being answered unto, in all courts of law and equity, in all places, and in all matters whatsoever, and be subject to all the duties and obligations appertaining to municipal corporations, and shall have a common seal and may change and alter the same at pleasure.

Corporate authority.

SECTION 2. The corporate authority of said city shall be vested in one principal officer styled the mayor, and one board consisting of two aldermen, and one supervisor from each ward, 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.

CHAPTER II.

CITY AND WARD BOUNDARIES.

City boundaries.

SECTION 3. The city boundaries shall be as follows: Commencing at the northeast corner of farm lot number twenty-five (25) of the private land claims on Prairie du Chien, running thence westerly on the north line of said farm lot to its intersection with the north line of Frederick street, as laid down in the Union plat of Prairie du Chien; thence westerly on the north line of said street, and the course of said north line to the center of east channel of the Mississippi river; thence southerly along the center of the said east channel of the Mississippi river, to a point that would intersect the center of La Pointe street, if the same were continued to the center of said channel; thence easterly on the line of the center of said La Pointe street, to the center of sixteenth street; thence northerly on the center line of said sixteenth street, to the north line of Lessard street; thence easterly on said north line of Lessard street, to the east line of farm lot thirty-nine (39); thence northerly on the east line of the farm lots

to the place of beginning; also lots numbers one (1) and two (2), in section thirty-one (31), and lots one (1) and two (2), in section thirty-two (32), in township seven (7) north, of range six (6) west, in Crawford county, state of Wisconsin shall be included within, and constitute the territory comprising the city of Prairie du Chien.

WARD BOUNDARIES.

SECTION 4. The said city is hereby divided into four wards, called First, Second, Third and Fourth, limited and bounded as follows: All that portion of said city lying south of the south line of farm lot thirty-four (34) of the private land claims on Prairie du Chien, with said line extended to the center of the east channel of the Mississippi river and to the east line of the city boundary, shall constitute the First ward; and all that portion of said city north of said north boundary of ward number one and east of the center of Marias de St. Feriole and south of the center of Bluff street, shall constitute the Second ward; and all that portion of said city lying north of the north line of said ward number two and east of the center of said Marias de St. Feriole, shall constitute the Third ward; and all of that portion of said city lying west of the center of said Marias de St. Feriole, shall constitute the Fourth ward.

Ward bound-
aries.

SECTION 5. The number and boundaries of the wards of said city may be changed by ordinance when the same shall be adopted by a vote of at least three-fourths of all the members of the common council at the annual meeting in May, and when notice of such intended change shall have been given by publication once in each week for four successive weeks in the official city paper prior to final action on said ordinance; provided, that the number of wards in said city shall not be increased oftener than once in five years except by the extension of the city limits sufficient to create an entire new ward; and, provided further, that no ward shall be created having a population of less than five hundred inhabitants.

When bound-
aries may be
changed.

SECTION 6. Territory lying adjacent to said city may be annexed thereto in the following manner: Three-fourths of the electors and the owners of at least one-third of the taxable property according

Relating to ad-
jacent ter-
ritory.

to the last tax roll in said territory so desiring to be annexed, shall sign the petition praying for such annexation, and at any regular meeting of the common council after filing of such petition with the city clerk, an ordinance may be introduced providing for the annexation of such adjacent territory, but final action on said ordinance shall not be had except at a regular meeting of the council, and not earlier than thirty days after the same is introduced, and not until said ordinance with a notice of the time when the same will be finally acted upon by said common council has been published in the official city paper for four successive weeks. A vote of three-fourths of all the members of said council in favor of said ordinance, taken by ayes and noes and recorded, shall be necessary for its adoption. The adoption of such ordinance shall operate to annex such territory to said city, and to the ward or wards designated therein. The validity of the proceedings annexing such territory shall not be called in question collaterally, in any of the courts in this state; nor shall the validity of any such proceeding be called in question in any other manner in the courts of this state, unless the action or proceeding therefor be commenced within ninety days after such ordinance is adopted.

CHAPTER III.

OFFICERS AND ELECTIONS.

Annual election SECTION 7. The annual elections for ward and city officers shall be held on the first Tuesday in April of each year, at such place in each ward as the common council shall designate. Ten days' notice shall be given of the time and places of holding such elections, and of the officers to be elected, by publication in the official city paper. All elections under this charter, shall be conducted in the same manner and under the same penalties as the general elections for state and county officers, except there shall be no registration. Said elections shall be held in the several wards for the officers herein designated, and shall be presided over by three inspectors and two clerks in each ward, to be appointed by the mayor at the time

and in the manner prescribed by the general election laws of the state of Wisconsin, and any vacancies in their number shall be filled in the manner prescribed by said general election laws, and each of said inspectors and clerks shall be severally sworn in accordance with such laws; and such inspectors shall see the names of the voters registered and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election shall direct and return one of the said returns to the city clerk of the city of Prairie du Chien, the other to the clerk of the board of supervisors of the county of Crawford.

SECTION 8. The mayor of the city, and such aldermen as shall hold over, shall constitute a board of canvassers, who shall, within five days after such election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall within five days notify by certificate, the persons elected to the respective offices.

Board of canvassers.

SECTION 9. The elective officers of said city shall be a mayor, treasurer, assessor, police justice, city clerk and marshal, all of which said officers shall be residents within and qualified voters of said city, shall be elected annually and hold their respective offices for the term of one year.

Elective officers of the city.

SECTION 10. The elective officers of each ward shall be two aldermen, one supervisor, one justice of the peace, and one constable. The aldermen shall hold their office for the term of two years, and shall be elected alternately, one each year, to be known the first year of their term as junior aldermen, and the last year of their term as senior aldermen. The supervisors shall be elected annually, and hold their office for one year, and shall be members of the common council and represent their respective wards on the county board of supervisors of said Crawford county. The justices of the peace and the constables shall each be elected every even numbered year, and each hold their office for the term of two years, except that at the election on the first Tuesday in April, 1889,

there shall be elected one constable in each ward, who shall hold his office for one year only.

Elective of-
ficers of each
ward.

SECTION 11. All city officers must be residents and qualified electors of the city, and all ward officers, aldermen, supervisors, justices of the peace and constables, must be residents and qualified electors of the ward for which they are elected. The terms of office of each of the foregoing officers shall commence on the first Monday of May next after their election, and each of said officers shall continue in office for his respective term as herein provided, and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, in the general laws of this state, and in such laws as may be hereinafter enacted, and which do not conflict with this act, and perform such other duties as may be required of them by the common council of said city, and which may not be incompatible with the nature of their respective offices. Each city and ward officer who is now in office shall continue therein until the expiration of the term for which they were respectively elected, and until their successors are elected and qualified.

Who may be
city and ward
officers.

Appointed
officers.

SECTION 12. All other officers hereinafter provided, or which may be necessary for the management of the affairs of said city, except city superintendent of schools, shall be appointed by the common council, and their terms of office shall be as hereinafter provided, or as fixed by the common council.

In case of
vacancy.

SECTION 13. Any officer removing from the city or ward for which he was elected, or any officer elected at the annual election, who shall neglect or refuse to qualify on or before the first Monday in May next after his election, and any officer elected or appointed to fill any vacancy, who shall neglect or refuse for ten days after the notice of his election to qualify, or any officer dismissed from office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

ection to
fill vacancy.

SECTION 14. In the event of a vacancy in the office of mayor, aldermen, justice of the peace, supervisor or police justice, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice

thereof; any vacancy in any other office, except city superintendent of schools, shall be filled by the common council; the person appointed or elected to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SECTION 15. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the officers, written or printed thereon, and a plurality of votes shall constitute an election; all elections of the common council shall be by ballot; where two or more candidates for an elective office by the people 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 common council, at such time and in such manner as they may direct.

Elections shall be by ballot.

SECTION 16. All persons entitled to vote for state or county officers, and who shall have resided in the city thirty days preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this charter, and to hold any office hereby created.

Relating to electors.

SECTION 17. If either of the inspectors of election shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, the inspectors before receiving any such vote, shall, in addition to the oath required by law in reference to elections, require the voter offering, to make oath that he has resided in the ward where he offers to vote, ten days next preceding the election, and in the city thirty days next preceding the election; and if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, shall suffer the punishment provided by law for persons guilty of perjury.

Relating to illegal voting.

SECTION 18. Special elections to fill vacancies or for any other purpose, shall be held and conducted in each ward, by the same officers, in the same manner and the returns thereof shall be made in the same form and manner as general

Special elections.

and annual elections, and within such time as may be prescribed by resolution.

CHAPTER IV.

OFFICERS — THEIR POWERS AND DUTIES.

Officers
required to
give bonds.

SECTION 19. 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 in the constitutional form, and file the same duly certified by the officer taking the same, with the clerk of the city; and the treasurer, clerk, marshal, police justice and such other officers as the common council may direct, shall severally before they enter upon the duties of their respective offices, execute to said city a bond in such sum as the common council may direct, with such sureties as shall be approved by the common council, each such surety shall justify to his worth over and above all debts, liabilities and exemptions, and the amount in the aggregate of the worth of such sureties, as shown by such justification, shall be double the penalty specified in such bond; and the common council may from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of
mayor.

SECTION 20. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and ordinances of the city are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall appoint the city police, when ordered by the common council, but only such number as they shall so direct, and all such appointments must first be conferred by the council; any police officer or watchman so appointed, may be discharged by the mayor whenever in his opinion the welfare of the city may demand it. In case of riot or other disturbance, or when the public safety demands it, the mayor may appoint as many special constables as he may deem necessary. He shall have and possess the veto power. The mayor shall communicate in writing to the common council once a year, and at such other times as he may deem necessary

such information and suggestions as he may think proper, and at all times give such information as the council may require. He shall decide all matters upon which the common council is equally divided, and sign all orders drawn on the treasurer by order of the common council. He shall receive a compensation of twenty-five (\$25) dollars per year.

SECTION 21. At the first meeting of the common council in each year, they shall proceed to elect by ballot one of their number president, who shall, in the absence of the mayor, preside over their meetings for the ensuing year. In case of a vacancy in the office of mayor, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meetings 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 them 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 proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council. He shall receive only his compensation as an alderman as hereinafter provided.

President of
the council.

SECTION 22. The city clerk shall keep the corporate seal and all papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. 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 a like manner as if the original were produced. He shall draw and sign all orders on the treasurer in pursuance of an order or resolution of the common council. He shall keep a full and accurate account of all certificates of appropriations and orders drawn on the city treasurer, in a book provided for that purpose, and shall also keep an accurate account with

Duties of city
clerk.

the treasurer, and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury. He shall take care that all ordinances, orders, resolutions, regulations, notices and other matters requiring publication, are promptly and correctly published in the proper paper, and that proof thereof be made, filed and recorded; and he shall keep a record book in which he shall record all ordinances. 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 take acknowledgments of deeds and other instruments.

Duties of city treasurer.

SECTION 23. The treasurer of said city 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. All moneys raised, received, recovered or collected by means of any tax, license, penalty or fine, forfeiture or otherwise, under the authority of this act, or which may belong to said city, shall be paid into the treasury, and shall not be drawn therefrom except by order issued by order of the common council, and signed by the mayor and countersigned or attested by the clerk, except as herein otherwise provided. He shall collect all city, county and state taxes, and receive all moneys belonging to the city. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the persons from whom the amount of the several sums was received, keeping each fund separate, which books, shall, at all reasonable times, be open to the inspection of any person. He shall every three months, and as often as the common council may require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be collector of taxes, and he shall have the same power and be subject to the same liabilities and be governed by the same laws as treasurers of towns; provided, that he

shall receive no other fees, except the compensation hereinafter provided.

SECTION 24. The city assessor shall assess the real and personal property within said city, at the time and in the manner for assessing towns, and perform on behalf of said city, all the duties required of town assessors by law.

Duties of
assessor.

SECTION 25. The marshal shall attend all the meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers of constables of towns and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys in said city, and to abate all nuisances in said city; to apprehend any person in the act of committing any offense against any ordinances of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination and trial; and for such services he shall receive such fees as are allowed to constables for like services. 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 bonds for the faithful discharge of their duties. He shall have the care and superintendence of the streets, highways and bridges in said city, unless the common council shall otherwise order, subject to the orders and directions of said common council.

Duties of
marshal.

SECTION 26. The common council may, at its annual meeting, or at any other time it shall deem necessary, elect an attorney of a court of record of this state, as city attorney, who shall hold his office until the next annual meeting of said council, unless sooner removed by it. He shall, when notified, conduct all prosecutions for said city, and shall also conduct all other law business of the city, and any other law business in which the city shall be interested, when so ordered by the com-

Duties of
city attorney.

mon council. He shall when required furnish written opinions upon subjects submitted to him by the mayor, the common council or any of its committees, or any boards or departments of the municipal government. He shall keep a docket of all the cases, except criminal prosecutions or prosecutions for violation of city ordinances in which the city is a party, in all courts, in which he shall briefly enter all steps taken in each case and the date thereof, which docket shall, at all times, be open to the inspection of the mayor or any member of the common council. He shall draft all ordinances, bonds, contracts, leases, conveyances and such other written instruments as the common council may require. He shall be the attorney of record in all cases for and against the city.

Duties of
city surveyor.

SECTION 27. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

Duties of city
physician.

SECTION 28. The common council may elect a city physician, who shall have charge of all the sick under the care of the city, and render for them such medical and surgical aid as their condition may require, on the direction of the common council, the mayor or any one of the committee on poor. He shall use reasonable diligence to discover any nuisances in or about said city that may endanger the health of any of its inhabitants and report the same to the common council. He shall be a member of the board of health, and the health office of said city, and perform all the duties required of that officer by law.

Duties of
police justice.

SECTION 29. The police justice shall have sole and exclusive jurisdiction in all cases for violating ordinances of the city; to hear, try and determine the same, and shall have concurrent

jurisdiction with the justices of the peace of said county in all civil and criminal cases, and shall be entitled to the same fees as are allowed to justices of the peace for similar services. He shall have authority to solemnize marriages, acknowledge deeds and other instruments in writing, administer oaths generally, and to hold inquests of the dead, and shall be a conservator of the peace. Trials and examinations before the police justice shall be conducted by the same rules and regulations as trials before the justices of the peace, except that changes of venue shall not be allowed in cases arising under the city charter and the ordinances of the city, but nothing herein contained shall be so construed as to deprive the circuit court or the judges thereof of their authority or jurisdiction. Appeals may be taken from the police court to the circuit court in the same manner as from justices of the peace. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time, account and pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable to pay any costs for violation of any law of this state.

SECTION 30. The justices of the peace elected under this act shall have the same jurisdiction within said city and county, and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council. They shall receive the same fees as are allowed to justices of the peace under the laws of this state for similar services.

Jurisdiction of justices of the peace.

SECTION 31. All constables elected by virtue of this act, shall have and exercise the same powers and duties within said city and county, receive the same fees therefor, and be subject to the same liabilities as constables of towns under the laws of this state.

Duties of constables.

SECTION 32. The common council shall annually provide that all printing authorized and 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, but no bid therefor shall be

City printing.

considered unless made by the publisher of a newspaper printed and published in the city of Prairie du Chien, unless the bids of such publisher shall be higher than the rates of legal advertising as fixed by law, or unless such publisher should fail to bid. All ordinances and other proceedings required by this act, or by the by-laws or ordinances of the common council to be published, shall be 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 or proceeding has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by-law.

Additional duties.

SECTION 33. 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, except the mayor, aldermen and supervisors. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he was elected or appointed.

Relating to property, moneys, books, etc.

SECTION 34. 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 all 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 (\$100), besides all damages caused by his neglect or refusal to so deliver; and such successor may recover possession of such books, papers, and effects in the manner prescribed by the laws of this state.

Who shall be officers of the peace.

SECTION 35. The mayor, sheriff of Crawford county, and his deputies, each and every member of the council, justice of the peace, marshal, police justice, constables, policemen and watchmen shall be officers of 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 by-standers, and if need be, of all citizens. If any person, by-stander, or private citizen, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars (\$50); and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

CHAPTER V.

THE COMMON COUNCIL—ITS GENERAL DUTIES AND POWERS.

SECTION 36. The mayor, aldermen and supervisors shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Prairie du Chien do ordain, etc." The common council shall meet at such time and place as they by resolution shall direct. A majority of the members shall constitute a quorum, but a less number may adjourn. Each alderman and supervisor shall receive a compensation of one dollar (\$1.00) per month, but only for those months in which he has attended every meeting of the common council held therein. The common council.

SECTION 37. The common council shall hold their first annual meeting in each year, on the first Monday in May, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual place of abode. The common council shall determine the rules of its own proceedings, and be the judges of the election and qualification of its own members, and have the power to compel the attendance of absent members, and to enforce its rules, to punish by fine and imprisonment, by a vote of two-thirds of its members, any member or other person present, for disorderly or contemptuous conduct, and by a vote of two-thirds of its members may expel any member for cause. Annual meeting.

SECTION 38. The common council shall have the control and management of the finances, and of all Powers of common council.

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

License showmen, etc.

1st. To license and regulate or prohibit the exhibition of common showmen or shows of any kind, natural or artificial curiosities, concerts or other musical entertainments, or the exhibition of caravans, circuses and theatrical performances, skating rinks and all other exhibitions and amusements, billiard tables and bowling alleys, and to provide for the abatement and removal of the same under the ordinances of said city and the laws of the state; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, vitualing houses and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state; and, provided further, that no person thus licensed shall sell or give away any spirituous, fermented or vinous liquors on election day.

License auctioneers, etc.

2d. To license, regulate, restrain or suppress hawkers, peddlers, auctioneers, so-called "cheap Johns," transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by any or all such persons above mentioned, within the limits of said city; and when licensed, to fix the amount to be paid for such license; and no one or any of such persons above mentioned, except such ex-union sol-

diers, sailors and marines as are exempt from the payment of any license by the laws of this state, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery and greenhouse products without having first obtained a license therefor according to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this subdivision or of the ordinances or laws herein referred to, shall upon conviction thereof, be punished as provided in the laws of this state and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the licensee therein named, or the holder thereof, to make any of the sales herein inhibited.

3d. To license, regulate and restrain runners and solicitors for boats, vessels, cars, stages, public houses and other establishments, and other runners and solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample, order or otherwise, and keepers or proprietors of gift book stores, gift concerts and other gift enterprises; to license and regulate auctioneers, distillers, brewers, bill posters, pawn brokers, keepers or proprietors of junk shops and places for the sale and purchase of second hand goods, wares and merchandise.

License
solicitors.

4th. To license and regulate hackmen, draymen, cartmen, porters, omnibus drivers, cabmen and carmen, whether in the employment of any corporation or otherwise, and with or without vehicles, and to prescribe their compensation, and to establish and change from time to time, stands for hacks and other vehicles.

License
hackmen,
carmen, etc.

5th. To regulate the time, place and manner of holding public auctions and vendues and to license the same.

Time of
holding
auctions, etc.

6th. To provide for licensing the keeping of dogs, for a badge or token to be worn by each licensed dog, and for the secure muzzling of such licensed dogs; to prohibit 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.

Dogs.

Prohibit
gambling and
gaming.

7th. To restrain and prohibit all descriptions of gambling, games of chance and fraudulent devices and practices, and to authorize the destruction of all instruments used for such purposes.

Suppress
riots.

8th. To prevent and suppress any riots, noise, disturbance or disorderly assemblages, and to suppress and restrain disorderly houses and houses of ill-fame.

Cruel treat-
ment to
animals.

9th. To prohibit and punish the abuse and cruel and inhuman treatment of animals.

Drunkards.

10th. 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.

Vagrants.

11th. To restrain and punish vagrants, mendicants, street beggars and prostitutes; and to authorize the arrest, fine and imprisonment at hard labor of vagrants, or persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers and exhibitors of, or visitors at any gaming table, gambling house, house of fortune telling, house of ill-fame or bad repute, or place of cock, dog or other fighting, and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses; also any person or persons who shall disturb any place where religious worship or public or private schools are held either on week day or Sunday.

Concealed
weapons.

12th. To prohibit the carrying of concealed weapons and to provide for the confiscation and sale of such weapons.

Obscene
language.

13th. To restrain and prohibit the use of indecent, obscene, blasphemous and abusive language, and any obscene or indecent exposure or conduct, and to regulate and determine the times and places of bathing and swimming in the waters within and adjoining the city.

Bathing.

14th. To authorize the taking up and to pro-

vide for the safe-keeping and education of all children who are destitute of proper parental care and growing up in mendicancy, ignorance, idleness or vice.

Dependent children.

15th. To regulate or prohibit the ringing of bells, blowing of horns and bugles, crying of goods and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusement or otherwise, and to regulate the use of steam whistles.

Regulate crying of goods, etc.

16th. To direct or prohibit the location and management of houses for the storing of gunpowder and other dangerous and combustible materials, to license the venders thereof, and to regulate the storage, keeping and conveying of the same; and to regulate the use of lamps, candles, lanterns and other lights.

Storing of gunpowder.

17th. To prevent shooting of fire-arms or crackers, and the exhibition or use of any fire-works at any time, in any manner or in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Shooting of firearms.

18th. To prohibit horse-racing, immoderate driving or riding in the streets.

Horse-racing.

19th. To prohibit and regulate the rolling of hoops, flying of kites, the use of slings, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Flying of kites, etc.

20th. To prevent all persons riding or driving any horse, mule, cattle or any other animal, on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Driving on sidewalks.

21st. To prohibit the encumbering of streets, sidewalks, lanes, alleys, public grounds, wharves, docks and other public places, with cars, carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings or any substance or material, or in any manner whatsoever, and to provide certain squares, markets, streets or places for teams, wagons, sleighs and other vehicles loaded with wood, hay, grain or other products for sale, and to cause their removal to the places so provided; and to compel persons to fasten their horses, oxen or other ani-

Encumbering streets.

mals, whether attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds.

Restrain cattle from running at large.

22d. To regulate, restrain or prohibit the running at large of cattle, horses, mules, swine, sheep, poultry, geese, or other animals, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of proceedings; and also to impose penalties on the owners of any such animals for violation of any such ordinances.

Remove ice and rubbish from sidewalks.

23d. To compel the owners or occupants of buildings or grounds to remove and keep ice, snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupants to remove from the lots owned or occupied by them, all such substances the board of health or the common council may direct, and in default, to authorize the removal or destruction of the objectionable substance by some officer of the city, at the expense of such owner, or occupants or property.

Regulate keeping of lumber yard.

24th. To regulate the keeping of any lumber yard and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Inspection of steam engines.

25th. To provide for the inspection and regulation of stationary steam engines and boilers; to regulate and prohibit the use of locomotive engines within the city; to direct and control the location of railroad tracks in the streets, and to require railroad companies to construct and maintain at their own expense, such bridges, gates, viaducts, tunnels or other conveniences, at public railroad crossings, and along the streets of said city where their lines run, and to do all draining, grading and filling on the same as the common council may deem necessary; and to maintain flagmen at such street crossings as the common council may direct; also to license and regulate the running of street railway cars, the laying down of tracks for the same, the transportation of passengers thereon, the kind of rail to be used, and to limit their charges for transportation.

Construction of buildings.

26th. To control and regulate the construction of buildings, chimneys and smoke-stacks and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city,

and to declare them to be nuisances and to provide for their summary abatement.

27th. To regulate or prohibit the use of any hall, theater, opera-house, church, school-house, or building of any kind whatsoever to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of any alarm.

Relating to
places of
public
gathering.

28th. To provide for the appointment of watchmen and policemen, and to make rules and ordinances for their government and regulation and to prescribe their duties.

Watchmen
and policemen.

29th. To establish and regulate boards of health, and to provide and establish hospitals and cemetery grounds.

Boards of
health.

30th. To provide for the abatement or removal of all nuisances under the ordinances, the statute and the common law, and the punishment of the authors thereof or persons continuing the same, and to define and declare what shall be deemed nuisances, but nothing herein contained shall deprive any court of its jurisdiction under the general laws of this state over any nuisances in this city.

Nuisances.

31st. To prevent persons from bringing, depositing or having within said city or placing in the waters adjacent to said city, any putrid carcass or any other unwholesome substances, 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, fish, hides or skin of any kind, or in default to authorize the removal thereof by some competent officer at the expense of such person or persons.

Putrid
carcasses.

32d. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, barn, stable, privy, sewer, pig pen or other unwholesome or nauseous house or place, to remove or abate the same from time to time, as often as it is may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Unwholesome
places.

33d. To direct the location, management and construction of, and regulate, restrain, abate or prohibit within the city and within the distance of one mile from the city limits, of distilleries, slaughter houses, tanneries, glue factories, estab-

Distilleries.

lishments for cleaning or rendering lard, tallow offal, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Public
markets.

34th. To direct the location and management of public markets and packing houses, to regulate butchers and butcher shops and breweries, and to regulate and restrain the sale of tainted or unwholesome game, poultry, meat, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or inspectors of food, and to prescribe their duties, and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruits or other provisions.

Contagious
diseases.

35th. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of said city, and also to make regulations to prevent the introduction of contagious or infectious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations and enforce the same within the city, and to do all acts and make all regulations needful or expedient for the preservation of health and the suppression of disease.

Sewers and
drains.

36th. To prescribe and regulate the construction of all sewers and drains within the city.

Relating to
harbors.

37th. To provide for the preservation of any harbor, landing, wharf or dock within the city or bordering thereon; to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to public health, or calculated to render the water of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; to prohibit and punish the casting or depositing therein of any earth, dead animals, ashes, filth, logs, floating matter or other substance; to regulate and prescribe the mode and speed of all vessels, rafts, boats and other crafts and floats entering and leaving the same, and the disposition of the spars, anchors and appurtenances thereto while entering, leaving or abiding therein, and to make such rules and regulations for the use thereof and the location therein, of every such vessel, boats, rafts or

other crafts and floats as may be necessary to promote order therein, and the safety and equal convenience as near as may be of all such vessels, boats, rafts or other crafts and floats, and to impose penalties for any offense against such ordinance; and by such ordinance to charge such penalties, together with such expenses as may be incurred by the city, in enforcing this section upon the vessel, boat, raft or other craft or float.

38th. The common council shall have jurisdiction over the entire waters, bordering on the city so as to prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired.

Water bordering on the city.

39th. To regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping of bills of mortality, and such other statistics as the common council shall deem expedient, and to impose penalties for default therein on physicians, sextons and others whose duty it is, or shall be, to keep or return such information or statistics, and to exempt burial grounds set apart for public use from taxation.

Births and deaths.

40th. To make such regulations and provisions for the support of paupers which the city shall be required by law to support, as they may deem expedient and may charge the county of Crawford with the expenses of keeping, supporting, maintaining and relieving all poor persons, for the support and relief of which said county is now chargeable, and said county shall pay the city therefor, but this provision shall not in any manner prevent the authorities from abolishing the distinction between town and county paupers, and said city shall be considered a town in relation to town and county paupers.

Support of paupers.

41st. To aid, and to offer, hold out and make such inducements and grant such privileges as are not repugnant to the constitution of the state, and as in any manner the said city or common council could be lawfully authorized to do, to any person or persons, companies or corporations, for the erection and maintenance of charitable, educational and scientific institutions, manufacturing industries and all other institutions and industries as in the opinion of the common council, may be

Relating to inducements for charitable institutions, corporations, etc.

of great public benefit or tend to materially increase the wealth, growth and prosperity of the city; provided, however, that no appropriation shall be made, debt created, nor liability incurred against the city for any of such purposes, without the same having been first sanctioned by a vote of the electors of said city.

Public buildings.

42d. To locate, purchase sites and let contracts for the erection and construction of public buildings.

Highways, streets, etc.

43d. To lay out, make, open, and keep in repair, alter or discontinue any highway, streets, lanes, and alleys, to keep them free from incumbrances, and to protect them from injury, to name or change the name of any street, to establish and alter the grade of streets, to regulate the manner of using the streets and pavements in said city, and to protect them from injury by vehicles or other things used thereon.

Sprinkling streets.

44th. To provide for sprinkling the streets at the cost of the city or of the lots or parts of lots fronting thereon, and to provide for lighting the streets, public grounds and buildings, with gas or otherwise, and to make and let contracts for such purposes.

Public pounds.

45th. To make and establish public pounds, parks, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water-works for the supply of water to the inhabitants of said city, and for protection from fire and for other purposes, and to make contracts with any person or persons, company or corporation for a supply of water for such purposes, and may grant the full power and privilege to use the streets and alleys of the city for laying and maintaining pipe lines and hydrants for water, gas and other purposes, under such regulations and restrictions as may be deemed proper.

Ornamental trees.

46th. To direct and regulate the planting and preserving of ornamental trees in the streets, highways and public grounds.

Number buildings.

47th. To compel the owners and occupants of all houses, stores and other buildings to number the same in such manner as the common council may from time to time prescribe.

Standard of weights and measures.

48th. To provide by ordinance for a standard of weights and measures, which shall conform to those established by law in this state, and for the

punishment of persons using false weights and measures, and to provide for the appointment of inspectors, weighers and gaugers, and regulate and prescribe their duties and fees.

49th. To regulate the sale of bread in the city, Bread.
prescribe the size and weight of bread in the loaf, and the quality of the same, and to provide for the seizure and forfeiture of the same when baked contrary to such regulations.

50th. To require every merchant, retailer, Weights to be sealed.
trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer and to be subject to his inspection.

51st. To regulate the place and manner of Hay, fuel, etc.
weighing and selling hay and measuring and selling fuel, coal, lime and other gross commodities.

52d. To establish dock lines, regulate the construction of piers and wharves, to prescribe and control the prices to be charged for pierage or wharfage thereon; to regulate, prescribe and control the prices to be charged for dockage and storage within the city, and to lease the wharfing privileges of the river at the ends of streets. Dock lines, piers and wharves.

SECTION 39. No appropriation shall be made, Ordinances, rules and regulations.
nor shall any debt be created, or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules 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 all resolutions or measures for the appropriation of money, whereby a debt shall be created against or liability incurred by the city, shall be approved by the mayor before the same can be in force; provided, that in case the mayor shall refuse to sign any ordinance, or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, it shall be his duty to file his objections thereto with the clerk within ten days after its passage, who shall forthwith call a special meeting of the common council. Eight members of the council voting in the affirmative shall have power to repass such ordinance,

resolution, by-law or certificate, notwithstanding the objections of the mayor, and all ordinances shall be published in the official newspaper of said city before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the city clerk in a book to be provided for that purpose; but before any of said laws, ordinances, regulations and by-laws shall be recorded, the publication thereof respectively, within the same time, shall be proved by the affidavit of the foreman or publisher of 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.

Gambling
houses and
houses of
ill-fame.

SECTION 40. Gambling houses, houses of assignation, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored, or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Council shall
audit accounts.

SECTION 41. The common council shall examine, audit and adjust the accounts of the clerk, treasurer and all other officers and agents of the city, at such times as they may deem proper, and 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 or agent to exhibit his books, accounts, 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 their said duties, in pursuance of this section, and shall neglect or refuse to render his accounts or present his 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 shall order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

SECTION 42. The common council shall have

power and authority to investigate and examine into any and all official acts and official transactions of every person who holds or shall have held any office under the city government, and for that purpose the mayor, acting mayor, president of the council, any member of any committee of the common council, or any member of any board created by this act, or by said common council shall have power to issue subpoenas to compel the attendance of witnesses, to compel the production of such books, papers or documents as they may desire, and to administer all necessary oaths or affirmations. Every person served with such subpoena or process is hereby required to obey the same without payment of fees, and any person refusing or neglecting to obey the same without sufficient excuse shall be deemed guilty of contempt, and may be fined or imprisoned, or both by order of the common council, but the punishment therefor shall not exceed the punishment which justices of the peace are allowed to inflict under the general laws of the state for like offenses. For due cause, and after opportunity for a fair hearing, the common council may expel any of its own members, and remove from office any officer or agent of the city government, except justices of the peace; but such expulsion or removal of an elective officer shall only be made or done by a two-thirds vote of all the members of the common council, and of an appointive officer by a majority of the common council, and a written notice in every case shall be given to the officer complained of, at least five days before the hearing, to appear before the common council and answer to complaint made. Such notice shall be served in the same manner as a summons in circuit court.

Common council to investigate official acts.

CHAPTER VI.

STREETS, ALLEYS AND SIDEWALKS.

SECTION 43. The common council of the city of Prairie du Chien, shall have the general care and superintendence of highways, streets and alleys in said city, and shall appoint a street commissioner for the city, or by resolution provide that

Streets and alleys.

the marshal shall be such street commissioner, and shall prescribe the duties of such commissioner.

Public grounds.

SECTION 44. The common council shall proceed under like restrictions, and in the same manner to lay out and establish public grounds, parks and squares, and to lay out, open, widen, establish, alter, discontinue, and vacate any of the streets, highways and alleys of said city, and exercise the right of eminent domain, and be governed in all of their proceedings therein, as the town board of supervisors of the several towns are governed or controlled by the general laws of this state in regard to highways.

Relating to grades.

SECTION 45. Upon application in writing of the resident owners of two-thirds of the lots upon any street or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter such grade or establish a new one in such street or part of street set out in such application, as the public good may seem to require. Any person not being a signer of such application, who shall claim to have sustained damages by such change of grade, shall have his right of action against the city for the recovery of the same. The signing of such application shall be taken and construed as a release of all claims for damage of every such signer.

Duty of street commissioner.

SECTION 46. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water-courses within the city, are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in the city, unless the common council shall otherwise provide.

Sidewalks.

SECTION 47. Upon a petition to the common council of two-thirds of the owners of lots in front of which any sidewalk or gutter is proposed to be built, such sidewalk or gutter not less than a block in lineal frontage shall by the common council be ordered to be constructed upon the proper established grades of any street in said

city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground, in front of which such sidewalk or gutter shall be ordered. If the owner or owners of any such lot or piece of ground, shall not contract such sidewalk or gutter as aforesaid, the common council may cause the same to be constructed at the expense of such owner, owners or property. The contract for the construction of any sidewalk or gutter shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days prior to the time of the place and manner of opening such bids. The common council shall levy a special tax upon such lot or piece of ground in front of which any sidewalk or gutter shall be constructed by contracts, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk or gutter, by the publication of the same.

SECTION 48. The proceedings for ordering the repair of sidewalks and gutters, and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk or gutter. 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 ten dollars, in front of any one lot, to repair the same, he 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 repair, 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 Prairie du Chien, for payment, and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for

Repair of
sidewalks and
gutters.

ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon such lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land, does not reside in the city of Prairie du Chien, the said street 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.

CHAPTER VII.

FINANCE AND EXPENDITURES.

City funds. SECTION 49. All funds in the city treasury, except state, county and school 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.

Debt, how contracted.

SECTION 50. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

Moneys received from penalties.

SECTION 51. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund, to be used for all general city purposes, except as otherwise provided by this act.

Inspectors and clerks of election.

SECTION 52. The common council shall fix the compensation to be paid to inspectors and clerks of elections, and members of the board of health, and board of registry, and board of equalization;

but in no case shall any such compensation exceed the sum of three dollars per day for each member.

SECTION 53. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest for the supplying of funds to meet any deficiency in the treasury.

Prompt pay-
ment of debts.

SECTION 54. 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.

Council may
borrow money.

SECTION 55. No account, demand or claim against the city, shall be paid until it shall have been itemized and verified by affidavit annexed thereto, that the same is just and correct, and no part thereof has been paid or allowed, except as therein stated, and the same has not been before presented, and until it shall have been presented, audited and allowed, and an order drawn on the treasury therefor. The common council may adopt such rules or regulations as to the further disposition and record of such accounts, demands and claims as they may deem proper.

Council shall
audit accounts.

CHAPTER VIII.

ASSESSMENT AND TAXATION.

SECTION 56. 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 assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more

Taxation.

fully define the duty of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

Poll tax.

SECTION 57. Every male inhabitant of the city of Prairie du Chien, except such as are exempt from a poll tax by the laws of this state, shall each pay into the city treasury the sum of one dollar and fifty cents annually as a poll tax.

Board of review.

SECTION 58. The mayor, city clerk and the assessor shall constitute the board of review; and said board of review shall meet at the time and proceed in the manner and perform the duties prescribed by the laws of this state.

Fiscal year.

SECTION 59. The fiscal year of the city of Prairie du Chien shall commence on the first day of September, 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 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 one per centum of the assessed valuation of real and personal property of the city for that year; all resolutions for the purpose of levying a tax shall require for their passage an affirmative vote of eight of the members elect of said council, which shall appear in its proceedings.

Taxes and assessments a lien.

SECTION 60. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for collection thereof, until such taxes shall be paid, and no sale or transfer of such real and personal property shall affect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property, and for a poll tax, if one be levied.

Assessment roll forwarded to county clerk.

SECTION 61. Before the annual meeting of the board of supervisors of the county of Crawford, and by the time required by the laws of this state

for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said board at their annual meeting.

SECTION 62. The board of supervisors shall have the right to regard the city of Prairie du Chien as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law. City, how assessed.

SECTION 63. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation towns or town clerks; and in all transactions with the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. Tax, how levied.

SECTION 64. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the tax roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of the taxes levied for the state, county, city or other purposes, and all special taxes levied by the common council since the making out of 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 preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county and city taxes together, and carry the amount thereof into one column, but in such case he shall specify the per centum upon one dollar of valuation of state tax, county tax and city tax, separately in his warrant to the treasurer for the collection of such taxes. The assessor of said city shall annually on or before the time for the meeting of the board of review, make out and deliver to said board a complete list of all persons who are by the laws of the state and this act required to pay a poll tax, and said board during its session in the equalization of Statement of taxes.

taxes, shall constitute a board to determine the liability of persons to pay such tax, and for that purpose shall examine such list and may strike therefrom the names of all persons not liable to pay such tax, and may after twelve hours' oral notice to any person in their judgment liable to pay such tax, add his name to said list; and all persons claiming to be exempt from poll tax shall before the close of its sessions, apply to said board to be relieved therefrom, and a failure to so appear or apply shall be deemed conclusive evidence of the liability to pay such tax. The city clerk shall enter in the city tax roll the names of all persons remaining on said corrected list, the amount of such tax opposite each name, and shall empower the city treasurer by the warrant in said tax roll to collect the same.

Tax list to be prima facie evidence.]

SECTION 65. The tax list made out and preserved as aforesaid shall be prima facie evidence in every court of record of this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

Duplicate and tax warrant.

SECTION 66. 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 second Monday in December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

Treasurer to collect tax.

SECTION 67. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions, as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon

all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and one per centum upon all other moneys collected and paid into the treasury, and one per centum upon all moneys disbursed by him upon city and school orders, or which he is otherwise required by law to disburse, but not to include any money received by him from his predecessor, or paid over to his successor in office, or to the county treasurer, which shall be in full for all services performed by said treasurer under this act, or the ordinances of the city, except that in case of a distress and sale made by him of goods or chattels for the payment of any taxes, he shall receive and retain such fees as are allowed to constables for similar services, and such other fees as may be paid to him by individuals for work performed by him as such treasurer for their benefit, and which he is entitled to charge for by law.

SECTION 68. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Crawford county a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state in reference to the collection of taxes by town treasurers shall extend to and may be enforced to collect any delinquent personal property tax, of whatever year due to said city, and the poll tax shall be included therein as a personal property tax. Unpaid tax.

SECTION 69. The county treasurer shall sell all delinquent lands and lots returned from the city of Prairie du Chien at the same time and in the same manner as other delinquent lands are sold in said county. Sale of delinquent lands.

SECTION 70. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes as other real estate under this act. Real estate exempt.

SECTION 71. All lands lying within the city limits not divided and laid out into lots or lots and blocks, and all out lots not subdivided and numbered by such subdivision, which may be used, oc- Land not platted.

cupied, reserved or held for agricultural purposes, shall be assessed as farming lands, and shall not be subject to any special taxes, except for the purpose of fire engines, cemetery grounds, public squares and public buildings.

In case of error in assessing.

SECTION 72. No error or informality in the proceedings of any of the officers in assessing property, or in any proceedings to charge any property with a special tax, levying or collecting taxes, or making returns of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate or vitiate or anywise affect the validity of the assessment, proceeding or tax; provided, that this section shall not be so construed as to dispense with the requisite two thirds vote of all the members of the council in the levying of a tax.

Special taxes.

SECTION 73. 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 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 tax, they shall specify the amount to be raised and the object thereof, and cause notice thereof, and of the time and of the place of voting thereon, to be published in the same manner as in the case of the annual city election.

When tax may be cancelled.

SECTION 74. After the tax roll shall have been delivered to the treasurer, it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases: 1st. When a clerical error has been made in the description of the property or in the extension of the tax. 2d. When improvements on lots were considered in making the assessment roll, where the improvements did not exist at the time fixed by law for making the assessment. 3d. When the property is exempt by law from taxation. 4th. When a person has been assessed the same year for the same property in more than one ward or place.

CHAPTER IX.

FIRE DEPARTMENT.

SECTION 75. The common council shall have power to authorize the formation of hook and ladder, hose and fire companies; to provide for the due and proper support and regulation of the same; to order such companies to be disbanded, their meetings to be prohibited and their apparatus to be delivered up; to provide for the appointment of a chief engineer and such assistants as may be deemed necessary, and to provide for the purchase and maintenance of all necessary fire engines, apparatus for the extinction or prevention of fires, necessary engine-houses, fire stations, fire alarms, fire signals, telegraphs or telephones, and for the use of all known means of extinguishing or preventing fires, and to appropriate the necessary sums for carrying the foregoing provisions into effect.

Fire department.

CHAPTER X.

SCHOOLS.

SECTION 76. The city of Prairie du Chien shall constitute and be one school district, and shall have all the rights and privileges of a school district of this state, and the city clerk shall perform all the duties in relation to borrowing of money by said district, and the assessment of taxes upon said district for the repayment of the same, required by the laws of this state of the district and town clerks, and for the same purpose the common council of said city shall perform all necessary acts required of a district board of a school district of this state.

Schools.

SECTION 77. There shall be a board of education of the city of Prairie du Chien, to consist of one school commissioner from each ward, and one from the city at large, to be elected by the common council as follows: Those from the First and Third wards to be elected at the annual meeting in every even numbered year, and those from the Second and Fourth wards to be elected in every

Board of education.

odd numbered year, and the one at large to be elected at the annual meeting in May, 1890, and every three years thereafter. The school commissioners from each ward shall hold their offices for the term of two years, and the school commissioner from the city at large shall hold his office for the term of three years, each term to commence on the first Monday in July after their election, and each of the present commissioners to hold their office until the close of their respective terms. The common council shall fill all vacancies in said board. A majority of said board shall form a quorum for the transaction of business.

City superintendent.

SECTION 78. The board of education shall hold their annual meeting on the first Monday in July in each year, and at such annual meeting in each year they shall elect some suitable person having the necessary qualifications, as city superintendent of schools, whose term of office shall commence immediately upon his election, and he shall hold the same for one year, and until his successor shall be elected, unless removed by the common council for cause, as in this act provided, or by a two thirds vote of all the members elect of said board of education. He shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year by the mayor and council.

President of the board.

SECTION 79. The board of education shall, at its annual meeting in each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order subject to appeal to the board. He shall sign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education (not including the superintendent's salary), and in all suits brought by or against the school district, he shall appear in behalf of the school district unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriations of money, or the adoption of new text books, the vote shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall re-

quest it; provided, further, that in the absence of the president, the board shall elect a president pro tempore.

SECTION 80. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by them, and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of such meeting.

Meetings of
the board.

SECTION 81. The duties of the board of education shall be as follows:

1st. To elect, at the regular meeting in July, a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter.

Duties of the
board.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with teachers; and before any teachers shall enter upon their duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the secretary and the other copy delivered to the teacher.

To elect super-
intendent.

3d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text books, and to adopt and reject text books at will, but no change of any one text book shall be made oftener than once in three years.

To employ
teachers.

4th. To establish rules and regulations for schools not in conflict with the constitution or laws of this state; but the mayor and council may, in their discretion, do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the members of the common council.

To fix terms
and vacations.

5th. To make contracts for fuel, stationery and articles of furniture required for the use of the

Establish
school regula-
tions.

schools; to make all necessary repairs in school-houses, lighting fires, sweeping school rooms, etc. and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the secretary of said board.

To furnish
school ap-
paratus, etc.

6th. The said board shall annually, on or before the first day in October in each year, submit a statement to the mayor and council showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the board; and for that purpose they shall cause entries to be made in a book or books to be provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board, and they shall, at the same time, submit for the consideration of the council, a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items, specifically and separately. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state, from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

Expenditures.

SECTION 82. Whenever repairs to a larger amount than one hundred dollars (\$100) shall, in the opinion, of the board, be required for any one school house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost thereof, to be laid before the mayor and council; and whenever in their opinion, another shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of costs of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax

to defray the cost of such repairs or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a majority vote of the members of the common council against the same, in which case such proposed repairs shall not be made nor shall such site or sites be purchased, or building or buildings erected; provided, that whenever it shall appear that more than five thousand (\$5,000) dollars shall be required in any one year for school purposes, the amount may be increased by first submitting the same to the vote of the people, under the same provisions for levying special taxes as provided in section 73, of chapter 8, of this act, and it shall be the duty of said board to enter into contracts for making such repairs, or for the erection of such buildings, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor or council.

Relating to repairs.

SECTION 83. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act.

Payment of wages.

SECTION 84. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

No member of board to be a contractor.

SECTION 85. The duties of the city superintendent shall be as follows:

Duties of superintendent.

1st. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in the city.

To hold teachers' examinations.

2d. To annul a teacher's certificate whenever he may think proper; provided, that such teacher shall have the right to appeal to the board of education.

May annul teachers' certificate.

3d. To visit each school department in said city at least once in each month.

To visit school departments.

4th. To report for the consideration of the board of education such text-books as he may think advisable and proper for the use of the schools, and to report such alterations therein, from time to time, as he may think most beneficial for the schools in said city.

Relating to text books.

Attendance at each school.

5th. To report to the board of education at such regular meeting relative to the conditions of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations, as shall, in his judgment, conduce to their welfare, and perform such other duties as may be required of him by the board.

Shall report number of children of school age.

6th. He shall between the first and tenth days of July in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the city on the last day of June previous to the day of such report; and shall, on or before the 15th day of August in each year, make and transmit to the state superintendent a report containing the facts required and set forth in the general school laws of this state, a copy of which report he shall present to the board of education at their first meeting thereafter.

Act as secretary of the board.

7th. He shall attend all the meetings of the board of education, and act as secretary thereof, and then make any suggestions he may think advisable relative to the government of the schools in said city.

Other duties.

8th. He shall perform such other duties as are or may hereafter be required of him by the laws of this state.

Joint school district.

SECTION 86. Any territory outside of and adjoining said city may be attached to said city for school purposes at any time by the joint action of the mayor and common council of said city and the supervisors of the town in which said territory so attached is situated; and the real and personal property in such territory, when so attached, shall be subject to annual taxation for all school purposes, in the same manner and to the same extent as other property within said city is taxed for such purposes; the said alteration and change to be made, and the said tax for school purposes to be levied and collected in the same manner as is now provided by law in the case of joint school districts in towns, and the money derived therefrom shall be paid into the city treasury in the same manner as to school district treasurers of said joint school districts.

CHAPTER XI.

JUDICIAL.

SECTION 87. All actions brought to recover any property or forfeiture or to inflict any penalty or punishment, or to impose any fine under this act or the ordinances, by-laws, police or health regulations, made in pursuance thereof; shall be brought in the corporate name of the city. All prosecutions may be commenced by summons or by a warrant, as the exigencies of the case may seem to require; provided, that nothing herein contained shall be so construed as to prevent any peace officer from arresting without process any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, 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 time as such justice can reasonably hear and dispose of such offender.

Actions to be brought in the corporate name.

SECTION 88. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed according to the laws of the state. The execution, except in cases of ex contractu, shall require the defendant in any such action, in case no goods or chattels, lands or tenements whereof the judgment can be made, to be imprisoned in the jail in Crawford county or such other place as may have been provided therefor by said city for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council or otherwise according to law.

Execution on the rendition of judgment.

SECTION 89. 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.

Competency of witness.

SECTION 90. No action shall hereafter be maintained by any person against the city upon any claim, account or demand other than a city order, unless such person shall first have presented his claim, account or demand to the common council,

No action shall be brought against the city on claims not previously considered by the council.

in the manner and form in this act provided, and unless the same shall have been disallowed in whole or in part, or two regular meetings of the common council shall have passed after such presentation of said claim, account or demand without any action by said common council disallowing the same.

Service of
process, how
made.

SECTION 91. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof and to take such other proceedings as the ordinances and resolutions of said council may provide.

Penalty for
violation of
charter.

SECTION 92. Every member of the common council of the city of Prairie du Chien 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, member of the board of registry, and as a member of the board of equalization, except as herein otherwise provided; any member of the common council or other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council, or other city officer, who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness, for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by information 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 county jail, or such other place as may be provided therefor, not more than thirty days nor less than ten days, or both, at the discretion of the court; and any contract made in violation of the provisions of this section shall be void.

Use of county
jail granted to
city.

SECTION 93. The use of the jail of Crawford county, until otherwise provided, shall be granted to said city for the confinement of offenders, and

every such offender shall be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery, the said sheriff shall be responsible, as in other cases; but the said county shall not incur or pay any liability or expense on account of said person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

SECTION 94. No real or personal property of any inhabitant of said city or town, individual or incorporation shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

No private property to be levied upon to satisfy execution against city.

SECTION 95. When a judgment shall be recovered 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, no execution shall be issued or awarded upon such judgment, except as hereinafter provided; but the same, unless reversed, shall be levied and collected as other city charges, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if the payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward 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.

Relating to judgment against city officer.

SECTION 96. In all actions brought in the name of the city, the same fees, costs, and disbursements of all officers, witnesses and other persons, shall be taxed in the judgment rendered as are allowed to be taxed in like proceedings in the courts of justices of the peace by the laws of the state, and the city shall be liable for costs in such actions only where, in similar actions, the counties of this state are made liable by law.

Relating to costs, fees etc.

SECTION 97. The mayor shall have power to grant pardons or commutations, after conviction, 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.

Mayor may grant pardon.

CHAPTER XII.

MISCELLANEOUS.

Work to be let
by contract.

SECTION 98. All work for the city exceeding twenty-five dollars in value shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

Corporation
not to be
dissolved.

SECTION 99. 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, or if the common council shall fail to organize as herein provided, it shall not be considered reason for suspending, arresting or absolving said corporation, but such election or organization may be had 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 to be done by any officer, at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

Representative
on the board of
supervisors.

SECTION 100. The city of Prairie du Chien shall be represented in the board of supervisors of the county of Crawford in the following manner only, to wit: By one supervisor of each ward of said city, who shall be a member of the county board of said county, and as such is hereby authorized to sit in the said county board. Said supervisor shall be a resident of the ward from which he is elected, and shall be elected in the same manner as aldermen are elected in said city, on the first Tuesday of April in each year, and when so elected shall hold such office of supervisor for one year and until his successor shall be elected. In the event of the vacancy in the office of such supervisor in any ward in said city by death, removal or other disability, the common council shall order a new election to fill such vacancy, and shall give five days' notice thereof.

City may hold
property.

SECTION 101. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same and the same shall be free from taxation.

SECTION 102. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the mayor and city clerk and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk, until the person applying for the same shall have deposited with the city clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with bonds as required by the laws of this state, which bonds shall be approved by the mayor, and a sum of not less than the minimum sum, nor greater than the maximum sum fixed by the laws of this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council, at each regular meeting thereof the licenses theretofore issued by them and not before reported and the common council shall by vote approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license, that the same has been revoked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

Mayor and clerk shall sign license.

SECTION 103. 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.

Relating to members of council.

SECTION 104. The common council shall have power to appropriate a sum not exceeding two hundred dollars annually, for the purpose of repairing and maintaining highways leading into the city, which shall be expended under the direction of the common council.

May appropriate money for highways.

SECTION 105. No general law contravening the provisions of this act, shall be considered as repeal-

Relating to general laws when conflicting with this act.

ing, amending or modifying the same unless such purpose is expressly set forth in such law.

A public act.

SECTION 106. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Repealed.

SECTION 107. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue in or pursuance of the said acts, or any former act incorporating said city, or any of them, but the same shall exist and be enforced and carried out, and be completed as fully and effectually to all intents and purposes as if this act had not been passed.

SECTION 108. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 343, A.]

[Published April 23, 1889.]

CHAPTER 492.

AN ACT to amend chapter 162, of the laws of Wisconsin for the year 1887, entitled, "An act to revise, consolidate and amend the charter of the city of La Crosse," and the several acts amendatory thereof.

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

Amendment to
chapter 162,
laws of 1887.

SECTION 1. Section 8, of sub-chapter 3, of chapter 162, of the general laws of Wisconsin for the year 1887, is hereby amended by striking out the words, "not exceeding fifteen hundred dollars," in the last line thereof, so that said section shall read as follows: Section 8. The city attorney shall conduct all the law business of the corporation and of all the departments thereof, and all other law business in which the city shall