

No. 86, S.]

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## CHAPTER 24.

AN ACT to amend chapter 163, of the general laws of this state for the year 1885, entitled "An act to amend chapter 4, of the laws of Wisconsin for the year 1883, entitled 'An act to incorporate the city of Black River Falls.'"

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

Amends chapter 163, laws of 1885.

Black River Falls to be a municipal corporation.

SECTION 1. Chapter 163, of the laws of Wisconsin for the year 1885, entitled, "An act to amend chapter 4, of the laws of Wisconsin for the year 1883, entitled 'An act to incorporate the city of Black River Falls,' " is hereby amended so as to read as follows: Section 1. That all that district of country in the county of Jackson and state of Wisconsin, hereinafter described, shall be and remain a city by the name of Black River Falls, and they who now or may hereafter inhabit said district, shall be a municipal corporation by the name of the city of Black River Falls, and shall have the general powers possessed by municipal corporations at common law, and under the revised statutes of this state, and the laws amendatory thereof, and in addition thereto, shall have and possess the powers hereinafter granted, and the authorities thereof shall be capable of contracting with, suing or being sued, pleading or being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

## BOUNDARIES AND WARDS.

Boundaries of city.

SECTION 2. All of section fifteen, the east half of the east half of section sixteen, the east half of the southeast quarter of section twenty-one, all that portion of section twenty-two lying and being north and west of the east and south bank of Black river, the west half, and the west half of the northeast quarter of section fourteen and all in township number twenty-one north, of range number four west, in Jackson county, Wisconsin,

shall be included within and constitute the territory comprising the city of Black River Falls.

**SECTION 3.** The said city shall be divided into five wards, viz: The east half of the northeast quarter, and the northeast quarter of the south-

Wards and their boundaries.

east quarter of section sixteen, and all that portion of section fifteen lying north of what is now known as Polk and Main streets in Black River Falls and west of a straight line passing through the center of what is now known as Second street in Black River Falls, north and south, and from thence to the north line of section fifteen shall constitute and be the First ward. The southeast

First ward.

quarter of the southeast quarter of section sixteen, the northeast quarter of the northeast quarter of section twenty one, and all that portion of section fifteen south of Polk street aforesaid and west of the center of what is known as Fourth street in Black River Falls, and continued south to the section line shall constitute the Second ward. The southeast quarter of the north-

Second ward.

east quarter of section twenty-one, and all that portion of section twenty-two lying north and west of the south and east banks of Black river, and all that portion of section fifteen lying west of Black river and south of Main street aforesaid, and east of the center of Fourth street continued south to the section line, shall constitute the Third ward. All that part of said city located on

Third ward.

sections fourteen and fifteen north of Main street and east of Second street and northwest of Black river shall constitute the Fourth ward. All of that portion of the territory of the city of Black River Falls, lying south and east of Black river shall constitute the Fifth ward.

Fourth ward.

Fifth ward.

**SECTION 4.** The corporate authority of the city shall be vested in one municipal officer, styled the mayor, and in one board of aldermen, consisting of one alderman from each ward of the city, which board shall be denominated the common council, together with such other officers as are provided for by this act.

Corporate authority where vested.

**SECTION 5.** The present officers of the city of Black River Falls shall hold their several offices until the election and qualification of their successors under the provisions of this act.

Present officers to hold until election and qualification of successors.

## ELECTIONS.

Annual election when and where to be held.

**SECTION 6.** The annual election for city and ward officers shall be held on the first Tuesday of April in each year, at such place as the common council shall designate and provide, and the poll shall be kept open from 9 o'clock A. M. until 12 o'clock noon; and from 1 o'clock P. M. until sun-down. The city clerk shall give at least ten days' notice of such election, pursuant to law, stating time and place of holding the same, the officers elected thereat, and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more newspapers published in said city of Black River Falls, and by posting the same in one or more public places in each ward of said city, and the city clerk shall file copies of the newspapers containing such notice, together with his affidavit of the publishing and posting of the same, but a failure to give notice as above specified shall not invalidate the election.

Notice.

Elective officers.

**SECTION 7.** The elective officers of the city shall be mayor, clerk, treasurer and assessor, two constables, two justices of the peace, elected by and for the city at large, an alderman from each ward, two supervisors at large. All other officers of said city shall be appointed by the mayor, by and with the consent of the common council.

Qualifications of and term of office of officers.

**SECTION 8.** The mayor, treasurer, assessor, clerk and aldermen shall be freeholders in said city, and all city and ward officers shall be qualified voters and residents of the city and in the ward for which they were elected or appointed; all elective officers shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified, except justices of the peace, who shall hold their respective offices for two years, and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent, under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any appointed officer, when complained of, for cause, until the council shall take up his case and dispose of it. He shall also

have power to fill any vacancy thus created, for the time being.

**SECTION 9.** Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered by the common council within twenty days after such vacancy shall occur; any vacancy happening in any elective office shall be filled by the common council; the person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, except in case of justices of the peace, whose appointment shall continue only until the next charter election, when the vacancy shall be filled by an election.

Vacancies, how filled.

**SECTION 10.** All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in presence of the common council, at such time and in such manner as it shall direct.

Elections to be by ballot; casting of lots in case of a tie vote.

**SECTION 11.** All persons entitled to vote for county and state officers and who shall be actual residents and inhabitants of the city for thirty days next preceding the election, and actual residents and inhabitants for ten days in the ward for which he offers his vote, next preceding said election, shall be entitled to vote for any city officer to be elected, or other question that may be submitted to the people for their vote.

Who are qualified electors.

**SECTION 12.** The inspectors for city elections shall be as follows: The five aldermen and five clerks, one of which shall be the city clerk, and he shall be the clerk for the ward in which he lives, the other four clerks shall be one from each ward, and the legal number of ballot clerks to be appointed by the mayor at the first annual meeting, or as soon thereafter as may be, and which shall be confirmed by the common council, each of said clerks so appointed and confirmed to be the clerk of city elections for the ward in which he resides, and each of said aldermen shall be the inspector of city elections for the ward in which he lives.

Inspectors of elections.

**SECTION 13.** All city elections for city officers shall be held at one place as shall be designated

City elections to be held at one place, and one ballot box to be used for each ward.

by the common council, and there shall be five ballot boxes, one for each ward, and on each box shall be printed in red the number of the ward for which said ballot box is to be used, each of said ballot boxes shall be divided into two separate apartments, in one of which apartments shall be deposited the votes of the electors for that ward, and in the other apartment shall be deposited the votes of such electors for other than city officers, whenever by law a separate ballot shall be required.

General elections to be held at place to be designated by common council.

SECTION 14. All general elections shall be held at such place as the common council may direct, and each ward shall constitute one election precinct; and the inspectors, clerks and ballot clerks, of said election, shall be appointed in accordance with the general law of this state.

Challenges, how made and determined, penalty for illegal voting.

SECTION 15. If any vote be challenged, or if the inspectors or any of them, at any election shall have reason to believe when any person presents himself to give his vote, that he does not possess the qualifications of an elector, the same oath as is required by law at general elections shall be administered to the person offering to vote, and the further statement in city elections that the deponent has for thirty days next preceding the election at which he offers his vote, resided in the city, and has for ten days next preceding said election resided in the ward for which he offers his vote. All persons illegally voting, and all fraud, deceit or corruption at any election held under this act, shall be punished according to the laws of this state, made and provided for the punishment of illegal voting, fraud, deceit, or corruption at any election.

Candidate must be resident elector of city.

SECTION 16. No person shall be eligible to any office under this act unless he is at the time a resident elector of the city.

Count of votes and canvass of returns.

SECTION 17. When the election shall be closed the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return of the votes cast in their election precinct for each and every officer, and the number of votes cast for each and every person, for each and every office, which shall be subscribed by the inspectors, and shall be forthwith delivered to the city clerk, and within one week after such election the council shall meet and canvass said

returns and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election; as soon as the votes are counted and canvassed by the inspectors they shall be destroyed, except as otherwise provided for in section 45 of the revised statutes.

SECTION 18. Special elections to fill vacancies shall be held and conducted in the same manner, and the same returns thereof shall be made in the same form and manner as general or annual elections, and within such times as shall be prescribed by the common council.

Special elections to fill vacancies.

SECTION 19. Any officer removing from the city, or any alderman removing from the ward for which he was elected, or any officer who shall neglect or refuse one month after notice of his election or appointment to qualify, and shall neglect or refuse to enter upon the duties of his office at the commencement of his term of office, shall be deemed to have vacated his office; and when any officer from sickness or any other cause shall be unable to attend to the duties of his office, except such as shall by the constitution be required to be elected, said office may be filled by appointment during the time of such disability, but no longer; and the common council shall proceed to fill any such vacancy as herein provided.

If officer neglects or refuses to act, office deemed vacant; how filled

SECTION 20. The votes for mayor, and all elective officers and all questions submitted to the people at the city election, shall be on one ballot and deposited in one ballot box.

Votes to be on one ballot.

SECTION 21. The term of every officer elected under this act, except to fill a vacancy, shall commence on the first Monday of May, of the year for which and in which he was elected, and shall, except justices of the peace, continue for one year and until their successors are elected or appointed and qualified.

Time of commencement and duration of term of office.

DUTIES OF OFFICERS.

SECTION 22. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe the constitutional oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the

Manner of qualifying as officers.

city, and the clerk, marshal, constable and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Black River Falls, a bond with at least two sureties, who shall each justify in the amount mentioned in said bond, and the conditions in said bond shall be that the party who is elected or appointed to such office, will faithfully discharge his duties as such officer, and will obey all rules, regulations and ordinances of said city, and will pay over to the city all moneys that shall come into his hands by virtue of said office, belonging to said city, and that at the expiration of his term of office he will turn over to the city all property in his hands belonging to said city. The treasurer shall, before entering upon the duties of his office, execute to the city of Black River Falls, a bond with at least two and not more than ten sureties, in the penal sum of not less than the amount of the last annual city and school tax, and each surety shall swear that he is worth a certain sum over and above his debts, liabilities and and exemptions in property in this state, and the aggregate of such amounts shall exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officers of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except their bonds shall be approved by the common council of the city. All other bonds shall be approved by the common council, and when approved, filed with the city clerk.

Treasurer to give bond; council may require additional bond.

The mayor; his powers and duties.

SECTION 23. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the council in writing such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance he may appoint as many special or temporary constables as he may deem necessary. He shall

also perform such other duties as may be required of him by the laws of this state and the ordinances of this city.

**SECTION 24.** At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number as president, who shall preside over the meetings of the common council, and during the absence or inability of the mayor, for any cause whatever, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the office of mayor, and in case the president shall be absent from any meeting of the common council, it shall elect a temporary presiding officer, who shall possess all of the powers and perform all the duties of the president of the council.

President of the council; his powers and duties.

**SECTION 25.** The mayor shall nominate to the common council at their first annual meeting or as soon thereafter as may be, the following officers: City marshal, city attorney, street commissioner, and such other officers or agents of the city as are provided for by the charter and by-laws. All of said officers to hold their offices for the term for which the council were elected unless they sooner be removed for cause by the council. The said council shall, by ordinance, fix the compensation or salary and prescribe the duties of said officers, which may be increased or modified from time to time by the council.

Appointive officers; their compensation to be fixed by council.

**SECTION 26.** The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in the books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiv-

City clerk; his powers and duties.



ing therefor the same compensation as clerks of towns; and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

Justices of the peace; their jurisdiction.

SECTION 27. The justices of the peace elected under this act shall have the same jurisdiction in civil and criminal cases, and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto shall have exclusive jurisdiction of all criminal cases arising within the city limits, and in all cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise provided, and said justices may hold their offices anywhere in said city, not otherwise prohibited by the laws of this state, and in case of change of venue for any cause whatever, the case shall be removed to the next nearest justice qualified by law to try the cause, and but one change of venue shall be granted in the same case for any cause whatever; provided, that in all cases where the justice has final jurisdiction, the parties in civil actions, and defendants in criminal actions, shall have the right to a trial by jury.

Constables; their powers and duties.

SECTION 28. The constables elected under this act shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns, except the official bond of such constable shall be approved by the common council and filed, with his oath of office, in the office of the city clerk.

City treasurer; his powers and duties; ineligible to a third term; salary.

SECTION 29. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation, by virtue of this act, or by virtue of any by-law or ordinance of the corporation, and give the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrant, signed by the mayor, by order of the common council, and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out of the funds of the corporation in no other way whatever. He shall keep a just

and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received and the source whence the said sums arose respectively, and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be open to the inspection of the voters of said city; and the said treasurer shall annually, and as often as they shall require, render to the common council a minute account of all his receipts and disbursements; said annual report shall be made and filed with the city clerk at least ten days before the annual election. The said treasurer shall be collector of taxes within the corporation, and in addition to the powers and duties already specified, shall have the same powers and duties and be subject to the same liabilities as treasurers in towns. He shall in the same manner, before receiving the tax roll of the city, execute his bond to the treasurer of the county of Jackson, which bond shall be approved by the county treasurer, and upon filing the same the treasurer of said county shall give him a receipt therefor, and upon filing the receipt with the clerk of said city the said clerk shall deliver the tax roll of the city to him; and he shall proceed to collect the taxes as hereinafter provided. No person having been city treasurer for two years in succession shall be eligible to a re election, until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed four hundred dollars *per annum*, and shall be payable quarterly.

SECTION 20. The assessor shall assess all the taxable property of the city of Black River Falls as required by law, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding two hundred dollars for

Assessor; his powers and duties; salary.

the term for which he was elected, and which shall be payable when the assessment roll is completed.

**Marshal; his powers and duties; deputies.**

**SECTION 31.** The marshal shall possess all the powers of constables in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city, or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have the power to appoint one or more deputies, to be approved by the council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

**City attorney; must be attorney of court of record.**

**SECTION 32.** The city attorney shall be a person duly admitted to practice in the courts of record, conformably to the laws of this state.

**Street commissioner; his powers and duties.**

**SECTION 33.** It shall be the duty of the street commissioner, within five days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report in writing to the common council, recommending what, in his opinion, is necessary and ought to be done thereto. On the receipt thereof the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report, and according to the orders and directions

of said common council. Any party or parties may petition the common council for any work or improvement that they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may, at other times, make such other reports in writing as the necessities of the case may require.

SECTION 34. It shall be the further duty of the street commissioner to employ men and procure utensils, implements, teams, materials and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured, and of all teams and utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be done, any and all other duties pertaining to his office that may be prescribed from time to time by the common council.

Further duties of street commissioner.

SECTION 35. All accounts against the city for either work, hire or materials for street purposes, including street commissioner's service, shall be paid out of the general fund by orders drawn and issued by the common council. All such accounts for street purposes, except for work and hire, shall be duly verified, and, when they arose or were created under the directions of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may at its option let all or any of such street work, by contract, to the lowest bidder. The street commissioner shall be paid for his services, and for every day's service actually rendered shall receive such compensation as the common council and said commissioner shall agree upon at the beginning of the official year, or he shall be paid such sum *per annum* in lieu thereof, for the services required to be performed by him, as he and the common council can agree upon at the beginning of his official year.

Accounts for street work and street commissioner's salary, how paid.

SECTION 36. The common council shall have the power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to ap-

Council may require additional duties of officers.

point such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; 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 is elected or appointed.

Official news-paper.

SECTION 37. The common council at its first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Proof of publication of ordinance, order or resolution.

SECTION 38. The city printer or printers, two weeks after the publication of any notice or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of the time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Retiring officer to deliver books, papers, etc., to successor.

SECTION 39. If any person having been an officer in said city shall not, within ten days after notification and request by the city clerk or mayor, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Aldermen not to be party to or interested in job or contract with city.

SECTION 40. No alderman shall be a party to or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may

sue for and recover the amount so paid from the parties to such contract, and the aldermen interested in the same.

**SECTION 41.** The mayor or acting mayor, sheriff of Jackson county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Jackson county, and policeman, watchmen and constables of said city, shall be officers of the peace, and may command the peace and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens; and if any person, bystander or citizen, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not more than fifty dollars; and in case, when the civil power may be required to suppress riots or disorderly behavior, the superior officer present in the order mentioned in this section shall direct the proceedings.

Officers of the peace, who are; rank.

**SECTION 42.** There may be appointed by the mayor, as provided by section 25, 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 and fix the fees and compensation for any services performed by him. 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 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.

City surveyor; his powers and duties.

**SECTION 43.** The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by them and belonging to said city; and said justices shall be entitled to receive from the county of Jackson such fees in similar cases as are allowed to other justices in the county for similar services.

Reports of justices of the peace.

THE COMMON COUNCIL; ITS GENERAL POWERS AND DUTIES.

Common council how constituted; style of ordinances.

**SECTION 44.** The aldermen shall constitute the common council, and shall not receive any compensation for their service as such; and the style of all ordinances shall be: "The common council of the city of Black River Falls do ordain," etc. The common council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

First annual and stated meetings; special meetings.

**SECTION 45.** The common council shall hold its first annual meeting in each year on the first Monday in May, and thereafter stated meetings at such times as it shall appoint; and the mayor may call special meetings by notice to each of the members, to be served personally or left at their places of abode. The common council shall determine the rules of its own proceedings, and be judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

Management and control of finances.

**SECTION 46.** The common council shall have the management and control of the finances, except school moneys, and all the other public property in the city; and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof; and so enforce as it shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by laws, which are hereby declared to be and have the force of law; provided that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinance resolution or by law:

Licenses.

1. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, pool

tables, bowling saloons, nine or ten pin alleys; to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law, and shall grant or refuse to grant licenses to persons to sell, vend, deal or traffic in spirituous, vinous, malt or intoxicating liquors or drinks, within said city, as shall be decided and determined by the electors of said city at the annual election thereof. The question of granting or refusing to grant such licenses shall be submitted to and determined by the electors of said city at each annual election, without preliminary petition or order therefor; and shall be submitted to said electors upon the official or general ballot of said election in the following form: "For license" and "No license." If a majority of the votes upon said question shall be "For license," then the common council of said city shall grant licenses for the sale of strong, ardent, malt and intoxicating liquors and drinks in accordance with the laws of the state upon that subject; provided, however, that no such license shall be granted for a less sum than three hundred dollars; and if a majority of the votes upon said question shall be "No license," then the common council shall have no power or authority to grant licenses for the sale of intoxicating liquors and drinks in said city, except to druggists to sell for medicinal and mechanical purposes only, under such terms and conditions as the common council may prescribe.

2 To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away for the purpose of evading the law, or dealing in spirituous fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers. Suppress gambling.

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

4. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap fac Abate nuisances.



tory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses and combustible material.

5. To direct the location and management of slaughter houses and markets, and regulate the storage, keeping and conveying of gunpowder or other combustible materials

Encumbering of streets.

6. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood, or any other material or substances whatever.

Fast riding or driving.

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

Running at large of cattle.

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

Running at large of dogs.

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

Muzzling of dogs.

10. To provide for the secure muzzling of dogs, and for the killing and destruction in a summary manner of all dogs not muzzled, found within the said city running at large.

Removal of putrid carcasses.

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

Public pounds, etc.

12. To make and establish public pounds, pumps, wells, cisterns and reservoirs, to erect lamps, and to regulate and license omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all

others who may pursue like occupation in this city, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

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

Board of health, pest houses, etc.

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

Size and weight of bread.

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

Driving of cattle on sidewalks.

16. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Shooting of firearms and crackers.

17. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Restrain drunkenness or obscenity.

18. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to establish and regulate the police of the city.

Restrain runners for stages, public houses, etc.

19. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

Removal of snow, etc., from sidewalks.

20. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

Weighing and selling hay, fuel and lime.

21. To regulate, control and prevent the landing of persons from railroad cars or stages where-in are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Contagious or infectious diseases.

22. To regulate the time, place and manner of the holding of public auctions or vendues.

Auctions.

- Watchmen.** 23. To appoint watchmen and prescribe their duties.
- Standard of weights and measures.** 24. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.
- Trees and monuments.** 25. To protect trees and monuments in said city.
- Highways, streets and alleys.** 26. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.
- Names of streets.** 27. To alter or change any name of any street in the city.
- Enact, amend, etc., ordinances, etc.** 28. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city by any ordinance thereof.
- Breweries, tanneries and packing houses.** 29. To direct the location, and regulate and license breweries, tanneries and packing houses.
- Preservation of fish in streams within city limits.** 30. The common council shall have jurisdiction over the streams within the limits of said city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time; and may also by ordinance or resolution prevent any deterioration of the said waters or by nuisance being cast therein by which the health of the inhabitants of the city or the purity of the waters shall be impaired, as it shall deem expedient.
- Ordinances, etc., how passed and published.** SECTION 47. All ordinances and by-laws shall be passed by a majority of the common council and approved by the mayor if satisfactory to him; if not, he shall return the same to the common council, at its next session, with his written objections to the same, and if the said common council shall, upon reconsideration, pass the same by a two-thirds vote, the same shall be deemed passed without the approval of the mayor. All ordinances and by-laws shall be published in the official paper or papers of the city, together with the proof of the publication of the same, and recorded by the

city clerk in books to be provided for such purpose, before the same shall have any force or effect, and such record shall at all times be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of the majority of the members of the common council in its favor.

SECTION 48. The powers conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill fame, disorderly taverns and houses or places where spirituous, vinous, or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances. Nuisances.

SECTION 49. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books, funds, moneys 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 found de- Council to examine and audit accounts of city officers.

linquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

#### FINANCE AND TAXATION.

Funds, except school, state, county and sinking funds, to be under control of council.

**SECTION 50.** All funds in the treasury, except school, state and county funds, and sinking fund, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders upon the treasury shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes, for bridges and school purposes, and except taxes levied for the payment of the principal and interest of any outstanding indebtedness of said city, which shall be collected in money or in orders drawn upon such fund respectively; and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn.

Levy of tax to defray expense.

**SECTION 51.** The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city and its schools, its streets and sidewalks and fair grounds within the city, a tax sufficient for said purposes.

Issuing of bonds for purposes authorized by law; vote of electors thereon.

**SECTION 52.** The common council of said city shall have power to issue bonds or other evidence of debt, payable at a day subsequent to the date of the issue thereof, for any purpose authorized by law in any case when the electors of said city shall by a majority vote thereof, authorize the issuing of the same; provided, that said city shall not in any event or for any purpose, ever be bonded to exceed five *per cent.* of the taxable property of said city, as equalized by the equalizing board of said city.

Tax to build or repair bridges.

**SECTION 53.** The common council may, whenever it shall be necessary to build or repair any bridge in said city, or in case of floods or other causes, it shall become necessary to build or repair any public street or highway in said city they may levy a tax for such purpose or purposes, not exceeding two thousand dollars in any one year

and said taxes when so levied, shall be collected at the same time as other city taxes are collected.

**SECTION 54.** Taxes may be levied by the common council at any regular meeting, for the purpose of paying any outstanding indebtedness of the city of Black River Falls, and also for the payment of any bonds or any other evidence of debt hereafter issued or created in accordance with the provisions of this act, or by any authority of law. Said taxes when so levied shall be collected at the same time that other city taxes are collected.

Tax to pay  
outstanding  
indebtedness.

**SECTION 55.** No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

Allowance of  
accounts  
against city.

**SECTION 56.** When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Jackson, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision.

Appeals from  
order of  
council dis-  
allowing claim.

**SECTION 57.** The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with the decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Jackson, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be ren-

Duty of city  
clerk on  
appeals being  
taken.

dered against appellant for the amount of such excess.

Claims to be first presented to council before suit brought.

**SECTION 58.** No action shall hereafter be maintained by any person or persons against the city of Black River Falls, upon any claim or demand, other than a city bond, coupon or order, unless such person or persons shall have first presented his claim to the common council of said city, nor until ten days after the next annual city election thereafter.

Disallowance of claim by council conclusive unless appeal taken.

**SECTION 59.** The determination of the common council, disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be construed so as to prevent the institution and maintenance of any action, by said claimant against said city.

Private property may be taken for public use; manner of taking.

**SECTION 60.** The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots and any lands for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire engine house or any building in the construction of water works, or for flowing the same, for supplying the city with water or any other lawful municipal purpose, or for erecting hospitals or pest houses, for the prevention of contagious or infectious diseases within the city, for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter, or any act amendatory thereof or by any act of the legislature; and may take the same, whether within or without the city, by conveyance from the owner upon a bargain, or upon a donation thereof, or in manner as follows: Whenever it shall, in the opinion of the common council, be necessary, said council shall declare, by such resolution, that it is necessary to take any such lots or lands for any of the purposes above set forth, giving description of the premises, defining separately

each parcel thereof separately owned and the purpose for which they are to be taken. The common council shall thereupon cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners of the same, if the place of residence of such owner or owners is known, or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of the state, or their place of residence, after due diligence by the attorney of said city, cannot be ascertained which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners or the owner or owners, the residence of whom cannot be ascertained, by causing the same to be published for six weeks in the official paper of the city at least once each week, and by causing such notice to be mailed, post-paid to the address of such owners within five days from the time of the first publication of such notice, when the postoffice address of such owner is known.

SECTION 61. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further that at a time and place therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of the said county of Jackson, for a jury to inquire and determine whether it is necessary to take the land or any part thereof, described in such resolution for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet to discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereinafter mentioned, and no other notice thereof shall be necessary.

SECTION 62. At the time fixed in said notice for the appointment of such jurors, the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be in the same manner as is now required to make proof of the service of a summons in civil actions in courts of record in this state, shall appoint six

Notice of application for jury to determine necessity for taking land; contents of and how served on owner or occupant.

Selection of jury.



competent persons, having the qualification of jurors in and for the county of Jackson, and not residents of the ward in which such premises are situated, not interested in such application; but residents of the city, shall not be disqualified. The same rights of challenge peremptorily, or for favor or cause, may be exercised by the city attorney, and by such land owner whose land is sought to be taken, or by his agent or attorney, as a party to a civil action in the circuit court is entitled to have; and the judge shall decide the same in like manner, and replace the name of any juror successfully challenged, by the name of some other competent person, until a jury of six be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county or by any public officer of said city. The jurors so chosen shall, before entering upon the performance of their duty, take an oath before such judge, faithfully and impartially to discharge their duty as such jurors, and a true verdict give, whether it is necessary to take such land, or any part thereof, mentioned in such resolution for the purpose therein specified,

Vacancies in jury list, how filled.

SECTION 63. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jury to view premises.

SECTION 64. The said jurors shall forthwith, under direction of said judge, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, whose testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Finding of jury.

SECTION 65. After having made such view and heard such testimony as shall have been produced, the said jury shall, under the direction of said judge, deliberate apart and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such

resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for Jackson county, together with a certificate by said judge, that the same are the originals and the whole thereof. The clerk shall, on application, furnish a certified copy of the same, or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had as hereinbefore provided for the first jury, except that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no other notice thereof shall be necessary to any party, and the like steps shall be taken in the case of any further disagreement, until a verdict shall be found.

**SECTION 66.** Should the necessity for the taking of the premises or any part thereof mentioned in the resolution of the council, be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and appraised the damages to the owner or owners of the premises so found necessary to be taken, by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court or judge of the county court for Jackson county, briefly setting forth the fact that the necessity for taking such premises has been so established by the verdict of a jury, and praying the appointment of three commissioners to appraise the damages of each and all of the several owners of such lands and showing the amount of land, giving the metes and bounds thereof, the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served

Action of council on finding of jury.

Appointment of commissioners to appraise damages,

upon each owner in the cases when required, and in the manner provided in section 61 of this act. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of or persons interested in the land so found necessary to be taken, and fix the time and place for the first meeting of said commissioners.

Buildings on land to be valued by commissioners.

SECTION 67. If there should be any building standing, in whole or in part, upon the lands to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

Notice of appraisal of value of buildings to be given owner.

SECTION 68. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in the official paper for three successive weeks; and notice shall specify the building and the award of the commissioners. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the commissioners and allow such building to be taken, with the lands appropriated, or their intention to remove such building, at the rate set thereon by the commissioners to remove. If the owner shall agree to remove such building he shall have such time for this purpose as the common council shall allow.

Sale of building when owner refuses to accept award of commissioners.

SECTION 69. If the owner refuses to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited for him in the city treasury.

SECTION 70. The commissioners shall take and

subscribe the oath prescribed by the twenty-eighth section of the fourth article of the constitution before entering on the discharge of their duties. A majority of them may adjourn the proceedings before them from time to time in their discretion. They shall cause notice to be given to each party interested of the time when, and the place where, they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party, or his authorized agent or attorney, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting. If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state, such notice shall be published in a newspaper as aforesaid for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file a proof of such notices, or of the appearance of such parties before them, either personally or by attorney, with their report. But it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment.

Commissioners to qualify; notice of time of meeting to be given to parties interested.

**SECTION 71.** The commissioners shall view the premises described in the petition, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained, by the owner by reason of the taking thereof, and fix the amount of compensation to be made to each of such owners therefor; and in fixing the amount of such compensation said commissioners shall not make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits which the parties in interest may derive from the construction of the proposed improvement, for which such real estate may be taken; but special benefits to the real estate adjoining the lands so taken, shall be allowed in deduction of any damages sustained by the owner to such adjoining real estate. In case of any building on the land, and proceedings shall have been taken as provided in sections 68, 69, and

Duties of commissioners in appraising and determining value of property to be taken. Report to be filed with clerk of circuit court within twenty days.

70, the said commissioners shall include the value of such building as estimated by them, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the city.

Lessees, judgment creditors or mortgagees to receive compensation in proportion to interest.

SECTION 72. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively may be awarded to them by the commissioners, less the benefits resulting to them respectively from the proposed improvement.

Action of council on award of commissioners.

SECTION 73. Whenever the commissioners shall have completed their duties and filed the report of their proceedings and determination as before provided, the common council may, if they shall deem it expedient, by resolution or ordinance, order such improvement to be made, and the land which has been so found necessary to be taken therefor, to be taken and used; and in case the city shall be absolutely liable to the owner or owners, or parties entitled thereto for all compensation that may be established against said city therefor, and the council may also in that case make an assessment of the compensation to be paid therefor, with the costs of proceedings, or such part thereof as they shall determine to be just, upon the lands found by them to be directly benefited by such improvement, in such proportion to the benefits enjoyed as they shall determine. If the council shall not deem it expedient to make such improvement, they may, by resolution, order all further proceedings to be discontinued.

**SECTION 74.** Any person being dissatisfied with the amount of compensation for property taken, or the amount assessed as benefits, shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits, by serving on the mayor or city clerk a notice of appeal therefrom, and giving a bond to the city in not less than one hundred dollars, or be approved by the mayor, acting mayor or city clerk, to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of compensation or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city by giving notice to the opposite party without giving bond. Upon filing such notice with the clerk of the circuit court, the appeal shall be considered an action pending in court for trial there, as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by jury unless a trial by jury be waived by both parties; costs shall be allowed to the successful party, in accordance with the conditions of said bond.

Appeals from award may be taken by owner within twenty days.

**SECTION 75.** The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed, in the judgment book of such court, and at any time after the making of such award the city may set apart in its treasury, to the order of the owner or owners of the land so taken, or pay the same to such owner or owners, or to the clerk of said court for the use of such owner or owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the lands for the purposes for which it was condemned, and may obtain from either of said judges, upon twenty-four hours' notice, a writ of assistance, to put its officers or agents into possession of the same. If such city be in possession or put in possession of such lands, pending an appeal, the owners or parties entitled thereto shall be entitled to receive the money paid into court or set apart in the city treasury on account of the award appealed from, without prejudice to the appeal taken; but if the city shall have appealed, such

Commissioners report to be recorded by clerk of circuit court; city to set apart amount awarded by commissioners, to use of person entitled to same.

money shall only be so withdrawn by leave of court upon filing a bond in such sum and with such surety as shall be approved by the court or judge to repay the amount by which such award shall be abated on such appeal, with costs. If any defect of title to, or encumbrance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding, or any person not a party, shall petition to the said court, setting up a claim adverse to the title set out in said petition to said premises, and to the money or any part of it to be paid as compensation for the property so taken, the court shall hear and determine the right of the parties to said money, and for that purpose may order a reference or an issue to be tried by a jury. Either party may except to the decision of the court and appeal to the supreme court in like manner as in actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party.

Taking of land to work a discharge of covenants, contracts relating to same.

**SECTION 76.** When the whole of any lot or tract of land or other premises under lease or under contract shall be taken by virtue of this act, all the covenants, contracts, or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

If only part taken, covenants etc., only discharged as to such part.

**SECTION 77.** When only a part of a lot or tract of land, or other premises so under lease or contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements, respectively, the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents considerations and payments reserved, payable and to be paid for, and in respect to the same shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for in respect to the same.

If owner infant or labor under legal disability judge to appoint guardian ad litem.

**SECTION 78.** When any known owner of lands or tenants effected by any proceedings under this charter shall be an infant or labor under any disability, the judge before whom the proceedings are pending may, upon the application of the

council, or such party or his next friend, appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by this charter shall be served on such guardian.

**SECTION 79.** The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as he deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving. Amendments.

**SECTION 80.** Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk. Survey and profile of new streets alleys, etc.

**SECTION 81.** The council shall have the power to change the name of any street and to vacate any plat or portion thereof, that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in the official city paper or papers for at least two weeks prior to the meeting of the council. Vacating and changing name of street or alley.

**SECTION 82.** Streets and alleys may be laid out through any lots or lands within the city by the common council in the same manner, subject to the same conditions, as highways are laid out by supervisors of towns under the general laws of the state. Streets and alleys, how laid out.

**SECTION 83.** All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act, not effecting substantial justice, shall in any way effect the validity of the proceedings. Provisions of this chapter directory.

#### CITY IMPROVEMENTS.

**SECTION 84.** The council shall have power to order and contract for the making, grading, paving, Grading, paving, etc., of streets, alleys etc.



macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and sidewalks in the manner hereinafter mentioned, and direct and control the persons employed therein.

Cost of grading paving etc., to be paid by city.

SECTION 85. The cost and expenses of surveying or repairing streets, alleys, sidewalks, drains and sewers, and of estimating work therein, in the execution of any public improvement, shall be charged to and payable by the city, and shall be constructed only by order of the common council, upon a previous petition therefor, signed by at least ten freeholders of said city. The cost and expense of opening, grading, graveling, paving, macadamizing or planking streets and alleys and constructing or repairing sidewalks, shall be payable out of the general funds of the city. Sewers, crosswalks and drains may be ordered by the council, and all costs and expenses, as well as the damages which shall be sustained by owners of land through which the same shall pass, shall be charged to and payable by the city.

Paving and macadamizing; how ordered done.

SECTION 86. Whenever the council shall require any street to be repaved or macadamized, it shall determine the manner in which the work shall be done, and of what material; and the street commissioner or such other person or officer as the council may designate to have charge of the work shall let a contract for doing the whole of such work. Public notice of the letting of such contract shall be given by advertisement in the official paper of the city for at least twenty days, and the contract shall be awarded to some responsible bidder, whose bid it shall deem most reasonable and proper; the cost of such paving or macadamizing shall be paid by the city out of the general funds of the city.

If no bids received, street commissioner may do work.

SECTION 87. In case no bids shall be received for the performance of any work required to be done by this act, the council may cause such work to be done under the supervision of the street commissioner, or a committee of the council, and the expense of doing the same shall be paid for by the city out of the general funds of the city.

SECTION 88. The county bridge across Black river, in the city of Black River Falls, shall be and

remain a county bridge and shall be kept up and maintained at the county expense, and in no event shall said county bridge be kept in repair or maintained at the city expense, and said city shall not in any event be liable for injuries caused by any defect in said bridge.

Bridge across Black River, to be maintained at county expense.

#### ASSESSING, LEVYING AND COLLECTING OF TAXES.

**SECTION 89.** All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers, and be subject to the same duties and liabilities, as 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 fully define the duties of assessors and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

All property except certain, exempt by law, liable to taxation; powers, duties and liabilities of assessor.

**SECTION 90.** The assessor shall return the said assessment roll to the board of equalization of the city on or before the first Monday in July in each and every year. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from, and otherwise revise and correct the same.

Assessment roll to be returned by first Monday in July.

**SECTION 91.** If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years that it shall have been omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract

Lands omitted from assessment roll in previous years to be assessed for such years in addition; when tax declared void, to be relieved.

as the same would have been chargeable with had not the same been so omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands the same may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relieved in such manner as they shall by ordinance direct; provided, that, if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Board of  
equalization  
how composed.

SECTION 92. The city clerk, the assessor and one alderman from each ward shall constitute the board of equalization. Such board of equalization shall meet on the first Monday of July each and every year at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The president of the common council shall be president of the board of equalization and the city clerk the clerk thereof, and all changes made in said roll by said board shall be recorded by the clerk, and when finally completed the said assessment roll shall be filed with the city clerk.

Levy of tax by  
common coun-  
cil.

SECTION 93. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes authorized by law and by this act to be levied for general city purposes, for school purposes and for paying the city's indebtedness, due or to become due for the ensuing year; and shall, by resolution, levy the same; but no such resolution shall be adopted, except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

SECTION 94. All taxes and assessments, general

or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid; and no sales or transfers of such real property shall effect such lien. Any personal property belonging to the person taxed may be sold for the payment of taxes upon personal property or real property.

Tax to be a lien on property on which levied.

SECTION 95. Before the annual meeting of the board of supervisors of the county of Jackson, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

Abstract of assessment roll to be filed with county clerk.

SECTION 96. The board of supervisors shall regard the city of Black River Falls, as a town, in equalizing the assessment of the several towns in said county, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll.

City to be regarded as a town in equalizing assessment.

SECTION 97. The said board of supervisors may levy a tax or taxes upon such city, as is now or may be provided by law hereinafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county said city shall be regarded as a town, except as herein otherwise provided.

Board of supervisors of county may levy tax on city.

SECTION 98. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years and all special taxes levied by the common council since the making out of the annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land or persons named therein, which statement shall be called the tax list of the city of Black River

Tax list how made.

Falls, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

**Tax list prima facie evidence of regularity of proceedings.**

**SECTION 99.** The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in the state, that every act or thing required by law to be done, relating to assessing or levying of taxes, from the election of officers to the completion of the tax list, inclusive, has been done regularly and correctly as required by law.

**Duplicate copy of tax list to be delivered to treasurer, with warrant.**

**SECTION 100.** Immediately after making out the tax list as 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 specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall on or before the 10th day of December of the same year, deliver the same to the city treasurer, for collection, and make a record of such delivery on the tax list preserved in his office.

**Notice of receipt of list and warrant to be given by treasurer.**

**SECTION 101.** Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice of four days in a newspaper published in the city, and by posting the same in three or more public places in said city, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office therein, on and after the day in such notice to be specified.

**Collection of tax.**

**SECTION 102.** 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 five *per cent.* fees upon all taxes paid to him after the tenth day of January, which fees, when collected, shall be paid into the treasury of the city, for the benefit of the general fund.

**State tax to be paid to county treasurer.**

**SECTION 103.** The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax apportioned to

said city of Black River Falls by the board of supervisors of said Jackson county.

SECTION 104. On or before the last Monday in January in each year, unless the time be extended as provided by law, the said treasurer shall make out a return to the treasurer of the county in which said laads may be, a list of all lands and lots upon which the 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 or may hereafter be required of town treasurers. The said treasurer shall also at the said time, make out and deliver to the said clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalty or fees to such delinquent returns as are allowed, or are required by law upon delinquent returns from the several towns.

List of delinquent lands to be filed with county treasurer.

SECTION 105. The county treasurer shall sell all delinquent lands and lots returned from the city of Black River Falls, at the same time and in the same manner as other delinquent lands are sold in said county.

Sale of delinquent lands.

SECTION 106. All the directions hereby given, for the assessing of lands and assessing and levying collections and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise effect the validity of the tax or assessment.

Provisions of chapter directory.

SECTION 107. The common council shall have power to levy a tax or taxes to pay any and all judgments against the city.

Judgments against city, how paid.

SECTION 108. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Treasurer may be removed for failure to perform duties.

SECTION 109. At the expiration of the time now or hereafter designated by the general laws of this state for the collection of personal taxes, the treasurer shall proceed to enforce the collec-

Collection of personal taxes.

tion thereof, in the same manner as now is or may hereafter be prescribed by such law.

**Poll tax.**

**SECTION 110.** Every male inhabitant of the city of Black River Falls over twenty-one years of age and under fifty, except active members of the fire department, shall pay into the city treasury annually, the sum of one dollar and fifty cents each as a poll tax. It shall be the duty of the assessor of the city of Black River Falls to make out duplicate lists of all persons liable to said tax in the city, and said assessor shall, on or before the first Monday of July in each year, deliver one of said lists to the city clerk and one to the treasurer of the city of Black River Falls. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax who shall not have paid the same within twenty days after demand, either personal or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Black River Falls. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The moneys collected as above shall go to the general fund of the city. The mayor, city clerk and treasurer shall constitute a board to determine the liabilities of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days after the demand or notice mentioned in this section.

#### FIRE DEPARTMENT.

**Fire limits may be fixed by common council.**

**SECTION 111.** The common council for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other material that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the re-

pairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty *per cent.* of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

SECTION 112. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

To regulate construction of chimneys, fire places, etc.

SECTION 113. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years, and may elect its own officers except chief engineer and assistant engineer, who shall be appointed by the council, and form its

To purchase fire-engines and apparatus.



**Formation of fire companies.** own by-laws, not inconsistent with the laws of the state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax and from serving on juries, and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

**Fire wardens to be appointed.** SECTION 114. The mayor shall appoint two fire wardens for each ward subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or enclosure for the purpose of inspecting the same.

**Officer at fire may arrest person refusing to obey lawful order.** SECTION 115. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order, to arrest, or direct orally the marshal, constable or watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; any person who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

**Sack companies.** SECTION 116. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers; the members of the said company either collectively or individually are hereby authorized and empowered to act as special police in and for the city of Black River Falls, and are hereby vested with all

the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction; such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state, or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall in case of riot or other disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

SECTION 117. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary and treasurer, who shall, on or before the first Monday in May in each year, return to the city clerk a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Officers of fire companies.

SECTION 118. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said fire department, in such penal sum as may be required, and with sureties to be approved by the foreman of the fire department; such moneys shall only be paid out on orders signed by such foreman, and countersigned by the clerk of said department.

Treasurer of fire department: duties.

SECTION 119. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless his name is entered on such list. In case any person shall for any cause, cease to be a

Record of members of fire department.

member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Jackson, a list of all members who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed, for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

**Tax for fire purposes.**

**SECTION 120.** The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes; the same to be assessed and collected in the same manner as the general tax of said city, and the moneys arising therefrom shall be expended under the direction of the council of said city for fire purposes

**Fire insurance companies to pay two per cent of premiums, to city treasurer for benefit of fire department**

**SECTION 121.** All corporations, companies and associations not incorporated under the laws of this state, engaged in said city in effecting fire insurance, shall pay to the treasurer of the fire department at the rate of two *per cent*, upon the amount of all premiums which shall have been received, or shall have been agreed to be paid, for any insurance, effected or agreed to be effected, on any property in said city, by or with such corporations or associations respectively, in the manner and at the times as prescribed by the general laws of the state in relation thereto. The moneys so received shall be used and paid out for the purposes of said fire department.

**Council may purchase stone crusher; prisoners may be employed in breaking stone.**

**SECTION 122.** The common council shall have power to purchase a stone crusher and to purchase stone and cause the same to be broken and prepared for use in improving the streets of the city. The council may, with the consent of the sheriff or the board of supervisors of Jackson county, deposit the stone when brought upon the grounds connected with the jail of said Jackson county, and may use in breaking said stone such labor of prisoners under sentence in said jail as the sheriff will furnish, or may use said labor in breaking stone or in doing any other work in any part of the city, on such terms as may be agreed upon between the city and the county of Jackson.

**SECTION 123.** The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in front of the same, and to protect and preserve them, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. It shall also have power to determine the lines on which the trees shall be set, the places where they are to be set, and the kind and size of the trees to be set, and the manner of protecting them, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal when they have hitherto been set out. It shall also have power to provide for and direct the trimming or shade trees to such proper proportions, and to do all other needful acts as to them shall seem just and proper to give this section proper effect.

Ornamental and shade trees.

**SECTION 124.** The common council may expend for the improvement of any highway or highways leading into said city not to exceed two thousand dollars in any one year to be expended under and by the direction of the common council.

Improvement of highways; limit of yearly expenditure for.

**SECTION 125.** The common council may expend for the improvement of the Jackson County Agricultural Society fair grounds in said city of Black River Falls, not to exceed one thousand dollars in any one year, to be expended under and by direction of the common council of said city.

Limit of yearly expenditure for improvement of Jackson county agricultural society fair grounds.

**ACTION TO RECOVER PENALTIES, ETC.**

**SECTION 126.** All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and shall be on complaint substantially in the following form:

Form of complaint in action to recover penalties, etc.

State of Wisconsin, }  
 Jackson County, } ss.  
 City of Black River Falls. }

..... being duly sworn, complains on oath to the justice of the peace of the city of Black River

Falls, that ..... did, on the ..... day of ....., 18.., violate the ..... section of an ordinance, by law or resolution (describing it by its title), which said ..... is now in force, as this complainant verily believes, and prays that ..... may be arrested and held to answer to the city of Black River Falls therefor.

Subscribed and sworn before me this .... day of ....., 18...

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing form of complaint; and said complaint may be sworn to before some judicial officer.

Form of war-  
rant.

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

State of Wisconsin,  
County of Jackson, } ss.  
City of Black River Falls.

To the sheriff or any constable of said county, or the marshal of the city of Black River Falls, greeting:

Whereas, ..... has this day complained to me in writing, on oath, that .... did, on the ..... day of ..... 18.., violate the sections of an ordinance, by-law, regulation or law (describing it by its title), which said ..... is now in force and effect, as said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ..... and bring him before the justice of the peace of said city, to answer to the said city of Black River Falls on the complaint aforesaid.

Given under my hand, this ..... day of ....., 18..

....., Justice of the Peace.

Proceedings on  
return of war-  
rant.

**SECTION 127.** Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent, or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his or her appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Jack-

son county. The complaint made aforesaid shall stand in lieu of a declaration, and the plea of "not guilty" shall put at issue all subject matter which pertains to the defense of the action.

SECTION 128. A printed copy of an ordinance, by law or resolution passed by the common council and published in a newspaper, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and may be received in evidence after issue joined and upon trial in any court in this state.

Proof of passage and publication of ordinance, etc.

SECTION 129. Witnesses and jurors shall attend before the justice court in all city and criminal prosecutions, without the payment of fees in advance or the tender thereof, upon the process of the court duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged without the payment of fees, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Witnesses and jurors.

SECTION 130. In city prosecutions the finding of the court shall be "guilty" or "not guilty." If guilty the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act or in the ordinance, by law or regulation for which the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the cost of suit shall be taxed against the city; and in all cases of conviction in actions brought or prosecuted to recover a penalty, fine or forfeiture under any of the provisions of this act, or for the violation of any ordinance of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall neglect or refuse to pay such fine and costs the court shall enter a judgment that the defendant be imprisoned in the county jail of Jackson county for such term as may be prescribed by this act or the ordinance violated, not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment, or the court may, in its discretion, in case of the non-payment of such fine and costs as aforesaid, enter judgment that said defendant be imprisoned as aforesaid and

Judgment on finding of jury.

kept at hard labor for the benefit of the city of Black River Falls, in the said jail or upon the public streets or elsewhere, within said city, under the supervision of the city marshal, or such member of the police force as may be detailed by the mayor for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment are sooner paid, and all persons so committed and kept at labor shall be allowed one dollar per day for each day's labor rendered, exclusive of board, and the amount so earned shall be applied in liquidation of the judgment, until the same shall be fully paid by such labor, at which time the judgment shall be satisfied, and the defendant discharged from custody.

Such execution may be in the following form:

Form of execution.

County of Jackson, }  
City of Black River Falls. } ss.

The State of Wisconsin to the Sheriff or any Constable of said county, and to the keeper of the common jail of said county, greeting:

Whereas, The said city of Black River Falls, on the....day of...., 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against ..... for the sum of .... dollars and .... cents, costs of suit, for the violation of section .... of chapter .... of this act, or section .... of an ordinance or by-law or regulation of said city (describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said....., excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said ..... and him convey and deliver to the keeper of the common jail in Jackson county, and the said keeper is hereby commanded to receive, keep in custody in said jail, the said ..... for the term of .... unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this .... day of.... 18..  
....., Justice of the Peace.

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

Form of commitment.

SECTION 131. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Jackson, in the same manner as is now provided by law, from judgment of justices of the peace in criminal cases. And when judgment is rendered against the city, the said city may appeal therefrom to the circuit court of Jackson county within the same time and manner as provided for appeals from justices' courts by the general laws.

Appeals to circuit court.

SECTION 132. Said appeals shall stand for trial by jury unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof, after the day the judgment of the justice of the peace shall be rendered, and no notice of trial shall be required to be given to or by either party.

Trials in circuit court on appeal.

SECTION 133. If the judgment of the justice of the peace shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them, and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Judgment in circuit court.

SECTION 134. No person shall be an incompetent judge, justice, juror or witness 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.

Inhabitancy in city not to disqualify judge or jury.

SECTION 135. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceedings

Service on city, how made.



as by ordinance or resolution of said council may be in such case provided.

Disposition of  
fines and pen-  
alties collected.

SECTION 136. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

Fire apparatus,  
etc., exempt  
from levy  
under execu-  
tion against  
city.

SECTION 137. All fire engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Property of in-  
habitants not  
liable for debts  
of city.

SECTION 138. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city or any judgment against said city.

Mayor shall  
have pardoning  
power.

SECTION 139. The mayor shall have the power to grant pardons or commutations, after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting with the reason therefor.

Collection of  
judgments  
against city.

SECTION 140. When a judgment shall be recovered against the city of Black River Falls, or against any city or ward officer in an action prosecuted by or against such officer in his name of office where the same should be paid by the city, no execution shall be awarded or issued upon such judgment, except as herein provided; but the same, unless reversed, shall be levied and collected as other city taxes, 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 any payment thereof be not made within sixty days after the city treasurer is required to make his return of 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.

## MISCELLANEOUS PROVISIONS.

**SECTION 141.** All work for the city exceeding one hundred dollars in amount 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.

Work to be let by contract to lowest bidder.

**SECTION 142.** No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into; nor shall any compensation be paid to the mayor or aldermen for their services.

Compensation of officers, agents, etc.

**SECTION 143.** The council shall settle all just claims and demands against the city, and settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city for the information of the citizens.

Settlement of claims; publication of statement of receipts and expenditures.

**SECTION 144.** This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Act to be liberally construed.

**SECTION 145.** Whenever the city clerk may be absent or incapacitated from performing the duties of his office, the common council may appoint some suitable person to perform for the time being the duties of the office, and the acts of the persons so appointed shall be of full effect and legality.

In absence or disability of clerk, council may appoint person to discharge duties.

**SECTION 146.** The common council shall have the right and power, at any time after said city shall have been organized under this act, by ordinance, to change the boundaries of the said several wards of the city, and to make and establish new wards therein, whenever the common council may deem best; provided, that whenever the common council proceed to alter or change the boundaries of the said wards, or to establish new wards in said city, due regard shall be had to the population and the valuation of property in each ward, so that all the wards in said city, when so changed or established, shall be as near equal in their respective population and assessment as practicable.

Council may change boundaries of and establish new wards.

**SECTION 147.** Every member of the council of the city of Black River Falls who shall directly or indirectly, vote for himself, or knowingly to any other person, any sum of money for any pur-

Penalty for corruption in office.

pose whatever, in violation of the city charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as inspector of elections, member of the board of registry, and as a member of the board of equalization, or for extra work on committee; any member of the common council or any other city officer who shall be directly or indirectly, interested in any contract made with or in behalf of said 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 indictment or complaint before any justice of the peace having jurisdiction, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars; or by imprisonment in the county jail for not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his office; and any contract made in violation of the provisions of this section shall be void.

Licenses, how issued.

**SECTION 148.** Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk, and sealed with the corporate seal of the city; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the 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 or malt liquors, until the same shall have been authorized by the people and directed by the common council, and the applicant shall have filed a receipt as aforesaid, together with the bonds as required by the laws of this state, which bond shall be approved either by the mayor or common council; every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days.

Assignment of license.

**SECTION 149.** No assignee of any license shall be permitted to pursue the occupation or business

licensed, except by a vote of two thirds of the common council.

SECTION 150. Any person who shall be guilty of drunkenness or immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places of the city of Black River Falls, shall be deemed guilty of a misdemeanor, and on conviction thereof before a justice of the peace of said city, shall be punished by a fine of not less than one nor more than one hundred dollars, or by imprisonment in the county jail of Jackson county not less than two days nor more than three months.

Drunkenness or disorderly conduct in streets or public places; penalty.

SECTION 151. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Appropriations.

SECTION 152. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

Judgment not to be remitted or discharged except by two-thirds vote.

SECTION 153. The common council may at any time cause a new and accurate survey to be made of all the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of Jackson county.

Survey of streets, alleys, etc.

SECTION 154. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Same to be prima facie evidence of lines and boundaries.

SECTION 155. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration

Grade of streets, alleys and sidewalks.

of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street committee of the several wards of said city from ordering or causing to be done, the grading of any street within their ward to a temporary grade to be established by such committee.

City may purchase property.

SECTION 156. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city shall be exempt from taxation.

Sidewalks to be maintained out of general funds.

SECTION 157. No real or personal property shall be subject to special taxation for street or sidewalk purposes; but all streets and sidewalks are to be maintained out of the general funds of the city.

Leases how executed.

SECTION 158. When the city of Black River Falls deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Black River Falls, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Execution of deeds.

SECTION 159. The mayor of the city is hereby authorized, when the common council shall by ordinance or resolution for that purpose describe the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Copy of ordinance to be attached.

SECTION 160. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, which said deed or lease and such copy so attached and record thereof, shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

SECTION 161. If any election for city officers

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

Elections not held at prescribed time may be held on subsequent day.

SECTION 162. All moneys collected by or paid to the city for or on account of any and all licenses whatsoever, shall, when received into the city treasury, become a part of the general fund of the city.

License money to be placed in general fund.

SECTION 163. The use of the jail of Jackson county, until otherwise provided, shall be granted to said city, on such terms as may be agreed upon between the mayor and chairman of the county board of supervisors, for the confinement of offenders; provided, that in all cases of final commitments on sentence for the violation of any law or ordinance of said city, the expense of maintaining said prisoners shall be borne in the same way as now provided by section 917, revised statutes of 1878, for the prisoners committed from villages for violation of village ordinances, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the sheriff shall be responsible as in other cases.

Use of Jackson county jail.

SECTION 164. The city of Black River Falls shall be represented in the board of supervisors of Jackson county by three supervisors, two of whom shall be elected by the city at large and the third shall be the president of the common council of said city.

City how represented in county board of supervisors.

SECTION 165. The common council may, by unanimous vote thereof, remit any tax or special assessment, or any part thereof, whenever the same shall be manifestly illegal or unjust.

Council may remit tax when manifestly unjust.

SECTION 166. The citizens of the town of Albion shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Black River Falls as they may de-

Town meeting and elections of Albion may be held in city.

termine, and the officers of said town of Albion may transact all town business in said city and with the like effect as if held or done in the town of Albion.

Paupers of city.

SECTION 167. The paupers of said city shall be removed to the poor-house of the county of Jackson by the mayor or aldermen, in like manner as they are removed from the several towns in said county.

City officer not to be surety on bond to city.

SECTION 168. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made by the city, nor shall any officer, required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

Resignations from office.

SECTION 169. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect and his office shall be deemed vacant from the time such resignation shall be accepted by the council.

Expulsions from city council.

SECTION 170. The common council may by a two thirds vote thereof, upon due notice and hearing, expel any member thereof, or remove any officer or agent of the city for incompetency, misconduct or neglect in the discharge of official duties.

No part of a road district.

SECTION 171. The city of Black River Falls shall constitute no part of a road district.

Personal property tax to be collected by city treasurer.

SECTION 172. No general law of this state contravening the provisions of this act shall be construed as repealing, annulling or modifying the same unless such purposes be expressly set forth in such law.

General law to control where no provision made herein.

SECTION 173. No personal property tax shall be returned by the city treasurer to the county treasurer, but the city treasurer shall have the same powers to collect said personal property tax as is now conferred by law upon county treasurers for the collection of personal property taxes.

General provisions of law to govern.

SECTION 174. In all matters arising under the provisions of this act, not particularly provided for by the provisions of this act, the same shall be governed by the general provisions of law on that subject.

Committees of council.

SECTION 175. The regular committees of the common council shall be as follows: On finance,

streets, ordinances, fire department, licenses, and claims, and shall be appointed by the mayor at the first meeting after the annual election, or as soon thereafter as convenient.

SECTION 176. The common council may expend for the improvement of any highway or highways leading into said city, not to exceed two thousand dollars in any one year, to be expended under and by direction of the common council.

Limit of yearly expenditure for improvement of highways.

SECTION 177. The common council may expend for the improvement of the Jackson County Agricultural society fair grounds in said city of Black River Falls, not to exceed one thousand dollars in any one year, to be expended under and by direction of the common council of said city.

Same for fair grounds of Jackson County Agricultural Society.

SECTION 178. The cemetery grounds now owned by the city of Black River Falls, shall be controlled by the mayor and common council of said city, and they shall be empowered to purchase, in the name of said city, additional grounds for cemetery purposes, and all other property belonging to said city shall be under the control of the mayor and common council.

Cemetery grounds controlled by mayor and council.

SECTION 179. All that part of section 11, in township 21 north, of range 4 west, in Jackson county, on the east side of Black river and adjacent thereto, heretofore belonging to and forming a part of the territory of Black River Falls, is hereby attached to and shall hereafter form a part of the town of Brockway, in said county; and all that part of said section 11, on the west side of said river and adjacent thereto, which has heretofore formed a part of the territory of said city is hereby attached to and shall hereafter form a part of the town of Albion, in said county.

Detaching certain territory.

SECTION 180. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Repeals conflicting laws.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.  
Approved March 12, 1891.