

No. 848, A.]

[Published April 22, 1891.]

CHAPTER 270.

AN ACT to incorporate the city of Brodhead.

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

CHAPTER I.

BOUNDARIES.

SECTION 1. All the district of country in the county of Green, contained within the limits and boundaries hereinafter described, shall be a city by the name of Brodhead, and the people now inhabiting, and those who shall hereafter inhabit the district of country so described, shall be a municipal corporation by the name of "The city of Brodhead," and shall have the general powers possessed by municipal corporations at common law; and in addition thereto, shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Corporation created.

SECTION 2. All of section number twenty-five (25), and the south half of the south half of the southwest quarter, and the east half of the southeast quarter of the southeast quarter of the southwest quarter, and the east half of the southeast quarter, and the west half of the southeast quarter of section number twenty-four (24), and the west half of the northwest quarter and the west half of the southeast quarter of the northwest quarter, and the west half of the northeast quarter of the northwest quarter, and the northeast quarter of the northeast quarter of the northwest quarter of section number thirty-six (36) of township number two (2) north, range nine (9)

Boundaries of city.

east, excepting blocks numbers twelve, thirteen, fourteen, fifteen, sixteen, thirty-nine, forty, forty-one, forty-two, forty-three, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, ninety-three, ninety-four and ninety-five, in the county of Green, in the state of Wisconsin, shall be included in and constitute the limits of the city of Brodhead.

Wards and their boundaries.

First ward.

Second ward.

Corporate power where vested.

SECTION 3. The said city shall be divided into two wards, the boundaries of which shall be as follows: First ward shall include all of the territory lying west of the center line of the street known as Center street; Second ward shall include all of the territory lying east of the center line of the street known as Center street.

SECTION 4. The government of said corporation, the exercise of its corporate powers, the management of its fiscal, prudential and municipal concerns, shall be vested in one municipal officer styled the mayor, in one board of aldermen, consisting of two members from each ward, who with the mayor shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER II.

OF ELECTIONS.

Annual municipal election.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday in April in each year at such places in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon; and ten days' previous notice shall be given by the common council of the time and place of the holding of such elections, and of the city and ward officers to be elected, in the same manner as is provided for giving notice of general elections in this state. Provided, that the first election under this act shall be held on the first Monday in May, 1891, at such places in said city as the present president and trustees of the village of Brodhead may order. At this first election the voters present shall have power to pro-

ceed and elect *viva voce* proper inspectors and clerks of the election, whose duty it shall be, after being duly sworn, to see that the election shall be conducted according to the laws of the state of Wisconsin; provided, further, that the returns of the first election shall be made to the village clerk of the village of Brodhead, who, with the president of said village, shall certify and notify the officers elected. Notice of the first election under this act shall be given by the clerk of the village of Brodhead, as required by this act, giving ten days' notice.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, assessor, two justices of the peace and two constables, elected by and for the city at large, and two aldermen for each ward, and one supervisor from each ward to represent his ward in the board of supervisors of Green county. Elective city officers.

SECTION 3. The mayor, aldermen, assessor and treasurer shall be freeholders in said city, and all the city and ward officers aforesaid shall be qualified voters and residents of the city, and in the wards for which they were elected. The city clerk, marshal and street commissioner, and all other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers shall, unless otherwise provided, hold their respective offices for one year 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 appointed by them under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman appointed by the council, until the council shall take up his case and dispose of it. The assessor shall receive such compensation as the common council may determine, not to exceed two dollars per day. Qualifications of city officers.

SECTION 4. 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 the presence Appointive city officers.

Elections how conducted; ties.

of the common council, at such time and in such manner as they shall direct.

Qualifications
of electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, who shall reside in the ward where they offer to vote, shall be deemed qualified electors of said city and ward.

Elections how
conducted.

SECTION 6. The election after said first election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election for their respective wards, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks and one additional inspector for each ward of such elections, and to administer the necessary oaths; and in case of the absence of any or all the aldermen of the ward at the time of opening the polls, the voters present shall select some person or persons to act in their places as inspectors of election; said elections shall be held and conducted in the same manner, and under the same penalties, and all guards against illegal voting observed, and inspectors and clerks appointed, and vacancies in the board of inspectors filled, as required by the laws of this state regarding elections.

Counting and
return of votes.

SECTION 7. When an election shall be closed and the number of votes for candidates or persons voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver, or cause to be delivered, such return to the city clerk within two days after any election. The common council shall on the fourth day after such election, meet and canvass said returns and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

When officer
deemed to have
vacated his
office; filling of
vacancies.

SECTION 8. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

SECTION 9. Should there be a failure by the people to hold any annual election on the day designated as herein provided, the common council may order an election to be held; ten days' notice of the time of holding the election shall be given.

Elections not held at time herein prescribed may be held at some future time.

SECTION 10. Whenever a vacancy shall occur in any elective office, such vacancy shall be filled by the common council, within ten days after such vacancy. Any vacancy happening in any other office shall be filled by the common council and the person appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill.

Vacancies.

SECTION 11. There shall be elected at the first election under this act, two aldermen from each ward as follows: One for one year, one for two years, who shall hold their offices until their successors are elected and qualified, and hereafter one alderman shall be elected from each ward, whose term of office shall be for two years and until his successor is elected and qualified. The supervisors elected under this act shall hold their offices for one year and until their successors be elected and qualified and shall be entitled to seats as members of the county board of supervisors of Green county.

Election of aldermen, and terms of office.

SECTION 12. It shall be the duty of the clerk of said city, immediately after an election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of clerk, marshal of the corporation, whenever an appointment of such officer is made, with the fact of the acceptance and qualifications of such officers so elected or appointed, under his hand and the corporate seal, and file the same in the office of the clerk of the circuit court of the county in which such city is situated; and it is hereby made the duty of the clerk of such circuit court to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers. Each justice of the peace shall file a duplicate of his oath of office with the said clerk of the said circuit court.

List of city officers to be filed in office of clerk of the circuit court.

CHAPTER III.

OFFICERS — POWERS AND DUTIES.

Officers, how to
qualify.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the clerk of the city, and the treasurer, clerk, marshal 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 Brodhead a bond, with at least two sureties, who shall swear that they are worth in the aggregate, the penalty specified in said bond over and above all debts, exemptions and liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time require new additional bonds and remove from office any officer, refusing or neglecting to give the same.

The mayor; his
powers and du-
ties.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk

a copy of his objections; and in case the council shall not within one week after the receipt of such objections or such filing with the clerk, re-enact such ordinance, or pass such resolution by the votes of two-thirds of the aldermen-elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot one of their number president, and, in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary officer, while presiding over the board or performing the duties of mayor, shall be styled "acting mayor," and acts performed by them or any of them, shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds or any other warrant, order or proceeding whatever, which the mayor has refused to sign and communicated such refusal to the common council.

President of
the council.

SECTION 4. 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 by him 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

The city clerk;
his powers and
duties.

full and accurate account thereof in 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, receiving 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. He shall keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection.

Justices of the peace; their jurisdiction.

SECTION 5. Every justice of the peace chosen under this act, shall within ten days after his election, qualify in the same manner as justices of the peace under the general laws of this state, and shall hold his office for two years. He shall have concurrent jurisdiction and powers throughout the county with other justices of the peace, and concurrent and exclusive original jurisdiction, as such justice, of all criminal and civil actions and cases for the violation of any provisions of this act, or of any ordinance, by-law, rule or resolution of said city; but the city shall not be liable for his fees, except such as accrue in prosecutions or actions brought in the name of the corporation for the violation of the provisions of this act, or for the violation of the ordinances of said city; such fees shall be governed by the general laws concerning fees of justices of the peace. Such justices, together with the mayor, the common council and the marshal, shall be conservators of the peace. Change of venue will be from one justice to the other, as provided by the general laws of this state.

The city treasurer; his powers and duties.

SECTION 6. The treasurer of the city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said city and by law. All money raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid to and received by him, and shall not be drawn therefrom, except by a written order signed by the mayor and countersigned by the clerk, by order of the council.

Such order shall specify the amount of money to be drawn and its object. 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 council for that purpose, which shall remain the property of the city, wherein he shall note the time when the person from whom the amount of the several sums received and the source from whence the said sums arose, which said book, at all reasonable times, shall be open to the inspection of the electors of said city. He shall, as often as the council requires, render a minute account of his receipts and payments, and at the expiration of his term of office he shall pay over and deliver to his successor all moneys, books and vouchers in his possession belonging to said city.

SECTION 7. The marshal shall possess all the powers and enjoy all the rights of a constable of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and process to him directed by any proper judicial officer. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said city, to apprehend any person in the act of committing any offense against the provisions of this act or the laws of this state, or the ordinances, by laws, rules, regulations or resolutions of the city, with or without process, and forthwith to bring such person before the proper and competent authority for examination, and for such and other services he shall receive like fees as are allowed to constables for like services. And any peace officer may, and it shall be the duty of the marshal to arrest without process any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, indecent exposure of the person, or noisy, boisterous or disorderly conduct in the streets or public places, and take such person or persons forthwith before a police justice, or keep them until they become sober, in confinement, or until such time as said justice can reasonably hear and dispose of such offender. It shall be the duty of the marshal to see that all hawkers, peddlers and common showmen and all other exhibitors pay their licenses according to law, and this act and the or-

The city marshal; his powers and duties.

dinances of the city, and in default of payment to prosecute for the same in the corporate name of the city, and pay over the same to the treasurer when received by him. It shall be his duty to act and perform the duties of street commissioner when so ordered or required by the common council. He shall receive in addition to fees herein provided for or in lieu of such fees, such compensation as the common council shall determine.

The street commissioner; his powers and duties.

SECTION 8. The street commissioner shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers and waters of the rivers in said city, are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, unless the common council shall otherwise direct. He shall receive such compensation as the council may determine.

Additional duties may be imposed upon city officers.

SECTION 9. 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 appoint 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.

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

SECTION 10. If any person having been an officer in said city, shall not within ten days after notification and request deliver to his successor in office, all property, 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 the 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.

SECTION 11. 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 aldermen 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 alderman interested in the same.

Aldermen not to be interested in city job.

SECTION 12. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for any pay over to the city treasurer all fines and penalties collected by him and belonging to said city.

Justices of the peace to report to council proceedings in city cases.

CHAPTER IV.

OF EXCISE.

SECTION 1. The council shall have the exclusive authority within the corporate limits of said city to grant or refuse, according to law or ordinance, or both, licenses for selling wines, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks; regulate and license groceries, taverns, hotels, victualing houses and saloons, where such liquors are sold, and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same; and no person shall sell, vend, deal in, or for the purpose of evading the provisions of law or of this act, or the ordinances of said city, give away any such wine, beer, cider or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks within such corporate limits, without having first obtained license therefor as provided by this act and the laws of this state and the ordinances of the said city. All money received for such licenses shall be paid to the treasurer of said city for the use of said city.

Council vested with exclusive authority to grant licenses for sale of liquor, etc.

CHAPTER V.

COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

Common council, how constituted.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, and the style of all ordinances shall be: "The common council of the city of Brodhead do ordain," etc. The common council shall meet at such time and place as they, by resolution, shall direct. A majority of the aldermen shall constitute a quorum.

Meetings of council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint; and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their places of abode. The common council shall determine the rules of their own proceedings, and be the judge of the election and qualification of their own members, and have the power to compel the attendance of absent members.

General provisions relating to council; its powers.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other public property in the city; and shall likewise, in addition to the power herein vested in them, 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 they 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, 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 laws:

1st. To license, regulate, suppress or prohibit Licenses. the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard 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 may grant licenses for and regulate groceries, saloons and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; and all such licenses granted shall run from the first day of May in each year until the first day of May following; provided, however, that when any such license may be applied for after that date, the same may be granted to expire on the first day of May of each year, on applicant paying a full year's license therefor; but no license shall be granted for a longer term or period than one year.

2d. 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 or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers. Gambling, etc.

3d. To prevent any riots, noise, disturbances 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. Riots, disturbances, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. Cleansing of unwholesome places.

5th. To direct the location and management of slaughter houses and markets, and regulate the Slaughter houses, gun-powder, etc.

- storage, keeping and conveying of gunpowder or other combustible materials.
- Encumbering of streets.** 6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with carriages, carts, wagons, sleighs, boxes, lumber, pine, wood or other materials or substances whatever, and to prevent the digging or sinking of mineral or other shafts or holes in the streets, alleys or other public grounds of said city.
- Horse racing in streets, etc.** 7th. To prevent the public exhibition of stallions, horse racing, immoderate driving or riding in the streets or over the bridges, and to regulate the places of bathing in the waters within the the limits of said city.
- Running at large of cattle.** 8th. 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.** 9th. To prevent the running at large of dogs in said city, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.
- Muzzling of dogs.** 10th. To provide for the secure muzzling of dogs and for the killing and destruction in a summary manner all dogs not muzzled, found within the said city, running at large.
- Depositing of unwholesome substances within city.** 11th. 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, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.
- Pounds, pound masters, fence viewers, etc.** 12th. To make and establish pounds and appoint pound masters and fence viewers, and prescribe their powers and duties; also to protect shade or ornamental trees on the public squares or in the streets of the corporation, and the monuments of said city; also to fence the public squares and grounds of said corporation, and to protect the same.
- Board of health; contagious diseases.** 13th. To establish and regulate boards of health, provide hospitals for those infected with small pox or other contagious diseases, and order and regulate the removal of such persons from

the city, when its health and safety so require, and to provide grounds for the burial of the dead.

14th. 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 cattle on sidewalks.

15th. 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 fire-arms and crackers.

16th. 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.

Drunkenness and obscenity.

17th. To organize hook and ladder companies, to regulate their government and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate and exempt from seizure, distress or sale in any manner; and if the owner shall neglect or refuse to procure suitable ladders and fire buckets, after reasonable notice, the council may proceed and deliver the same to him, and in default of payment therefor, may recover of such owner the value of such ladder and fire buckets or both, with costs of suit; to direct the safe construction of places for the deposit of ashes; to appoint one or more fire wardens; to enter into, at reasonable times, and examine all dwelling houses, lots, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such of them as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove pipes, to prevent fires and the use of fireworks and firearms within the limits of said city, or such part thereof as they may think proper; to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the council or a majority of them who may be present at the fire, for the purpose of preventing its communication with other buildings; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use there-

Organization of hook and ladder companies; apparatus for extinguishment of fires, etc.

of, and generally to establish other measures of prudence for the prevention and extinguishment of fires as they shall deem proper.

Removal of snow, ice, etc., from sidewalks, etc.

18th. 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 to 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.

Weighing and sale of hay, fuel and lime.

19th. 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.

Infectious and contagious diseases.

20th. To regulate and control the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Public auctions.

21st. To regulate the time, place and manner of holding of public auctions or vendues.

Watchmen.

22nd. To appoint watchmen and prescribe their duties.

Standard of weights and measures.

23d. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Opening, repair, etc., of streets, highways, etc.

24th. 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, in said city.

Naming of streets.

25th. To alter or change the name of any street in the city.

Purchase of lands for parks, building sites, etc.

26th. To buy, purchase and hold real estate for a city park, and to provide and furnish the means of maintaining the same; also to buy and hold real estate, and erect thereon a city hall to be used for all city purposes, and to lease the same or a part thereof; to use such portion of the license money as they may deem necessary for the purchase of any of said real estate and for the erection of said hall, which real estate and property so bought and held by said city shall be exempt from taxation.

27th. To tax every male resident of said city, Poll tax. not by general law exempt from poll tax, one day's labor, or in lieu thereof one dollar and fifty cents, to be appropriated to improving the roads and streets of said city, under the direction of such person as they may appoint, and in addition to said poll tax, the common council may levy upon all the taxable property in said city, a tax not to exceed three mills on the dollar of the assessed valuation as shown by the roll of the last assessment of the city property, to be known as a street tax.

28th. Upon the application a majority of the resident owners of the lots on any street or part of a street, or on one side of any block to levy and collect a special tax on the owners of the lots on such street, or part of street, according to their respective parts for the purpose of making a sidewalk along the same, or grading, paving or improving the street along the same. Special tax for improvements.

29th. To erect lamps and regulate the lighting thereof on the streets of said city. Lamps and lighting of city.

30th. To regulate, suppress or license hawkers, peddlers, and auctioneers, who travel from place to place to sell goods, wares and merchandise within said city, and to license transient dealers, traders and auctioneers to sell the same, and the license so imposed by said council shall be not less than five dollars per day, in the discretion of said council. Hawkers, peddlers, auctioneers, etc.

31st. To call regular and special meetings of the voters of said city, and to prescribe the compensation of all officers of the corporation, and shall examine, audit and adjust the accounts of all persons and of all officers of the corporation. Meetings of voters, salaries of officers, etc.

32nd. To call a special election for the purpose of raising a tax, when in their opinion the amount which they are authorized to raise by the provisions of this act, is insufficient to meet the requirements. Special election to raise tax.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall within fifteen days after their passage respectively, be published in the official paper or papers of said city, once before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the Ordinances, regulations, etc., how passed; publication of same.

said clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; 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.

Power to abate nuisances not a bar to actions by individuals for same purpose.

SECTION 5. 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.

Council shall examine, audit and adjust accounts of city officers.

SECTION 6. 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 delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

SECTION 7. The council shall at such time as it deems proper, establish the grade of all streets, alleys and sidewalks in said city, and shall cause accurate profiles thereof to be made, which shall be filed with the clerk.

Establishment of grade of streets, etc.

SECTION 8. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and repairs thereof in front of the same.

No real estate exempt from special tax for sidewalks.

SECTION 9. The expense of all crosswalks at the intersection of streets or alleys, and across public grounds, shall be paid by the city at large. The expense of maintenance, re-laying, keeping in repair, and cleaning of streets, in all cases where the streets shall have been constructed to the established grade, and graveled, planked, macadamized or paved as required by the common council, shall be paid out of the general fund of the city.

Cost of crosswalks, etc., and cleaning of streets, how paid.

SECTION 10. Property owners shall build the sidewalks, and all sidewalks shall be kept in repair and clear and free from all obstruction, at the expense of the lot adjoining or abutting thereon, and of the owner or owners thereof, and in case the owner or occupant shall fail to keep such sidewalk in repair and clear, and free, as aforesaid, the common council may cause the same to be done without notice, and charge the expense thereof to such lots respectively.

Property owners to build and keep in repair sidewalks.

SECTION 11. Whenever the council shall levy any tax for the purpose of grading paving or otherwise improving any street, or for the purpose of building or repairing any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list by publishing in three or more conspicuous places in said city or in some public newspaper printed

List of persons and property assessed for improvement tax to be given street commissioner; same to be posted in three conspicuous places.

therein, and shall specify in such notice a time not less than twenty days from the date thereof, when the persons charged with taxes in such lists may pay their taxes in labor, material or money, and the persons charged with such tax may within, and at such places as may be required by such street commissioner, pay their taxes in labor or materials, provided, the labor and materials offered in payment for such taxes are suitable, and such as may be required by such street commissioner.

Street commissioner's return on same of his doings thereon.

SECTION 12. At such time as the common council may direct, the street commissioner who shall have received such tax list, shall return the same to the common council, accompanied by a statement, verified by his affidavit subscribed thereto showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditure, also the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which such unpaid taxes stand charged; and the clerk of said city shall, in making out the duplicate tax roll next thereafter, enter such unpaid special taxes in a separate column, with ten *per centum* as penalty added thereto, opposite to the names of the persons and descriptions of the property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said city are collected, and when so collected shall be paid over on the order of the council, and when not previously applied shall be expended under their direction on the streets or sidewalks or for the purpose for which they were originally assessed.

Council may prescribe penalties for violation of ordinances.

SECTION 13. In all cases in relation to which by the provision of this act, the council have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject they may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by laws, not exceeding one hundred dollars for any one offense in violation or non-observance thereof; and may also provide that in default of payment of any judgment rendered for any such violation or non-observance, the offender may be imprisoned for such term as

they may by such ordinance, by-law, rule, regulation or resolution direct, not exceeding sixty days, for which purpose the said city shall have the use of the jail of the county in which said city is situated, for the imprisonment of any person liable to be imprisoned, and all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county and kept by him the same as other prisoners. Provided, however, the offender may be imprisoned in the city lock-up in said city, and be under the charge of the city marshal.

SECTION 14. All actions brought to recover any penalty, or sum of money or forfeiture under this act, or the ordinances, by-laws or rules, regulations, resolutions, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city without being required to give security for costs in any such action, and the process may be either by summons or warrant, and it shall be sufficient, without setting forth the special matter, to declare generally, stating the clause of this act, by-law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue, and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation or resolution published in a newspaper or pamphlet by authority of the council, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

Actions to recover penalties, etc., to be brought in name of city.

SECTION 15. Every execution issued upon judgments for any violation of the provisions of this act, or for the violation or non-observance of any ordinance, by-law, rule, regulation or resolution of said city, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant, in the said county jail, or jail provided by said city, for such term as shall have been provided by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered or in the discretion of the court in the absence of such provision by this act, or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures,

Executions on judgments to contain command to officer to take body of defendant if not paid.

when collected shall be paid into the treasury of said city for its use.

Ordinances to be published and proof of same.

SECTION 16. Any ordinance, regulation, resolution, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the city before the same shall be in force, except as hereinafter provided, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, resolution, rule or by-law, in all courts and places, and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the city in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and the passage of such ordinance, rule, regulation or by-law, in all courts and places. No ordinance, rule, regulation, by law or appropriation shall be passed, made, altered, amended or repealed, without an affirmative vote of a majority of the common council in its favor; which vote shall be taken by ayes and noes and entered of record.

Publications, when to be made.

SECTION 17. All notices, ordinances, by-laws, rules, regulations, resolutions, or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said city, if there be one, and if no such paper shall be published in said city, then the same shall be published by posting up the same, either in writing or print in three or more of the most public places in said city. In all actions brought by or in the name of said city, or against it, the said city shall have the same right of appeal, or to a writ of error, as individuals have, and in no case shall any judgment be rendered against said city for costs, but it shall be liable for costs to the same extent that the state is liable for costs in criminal cases, and no more.

SECTION 18. The council is hereby invested with full power and authority to survey, establish and determine the lines, boundaries, width and dimensions of all streets, highways, alleys, lanes and public grounds in said city, which deter-

mination when recorded shall be conclusive upon all persons and parties; and whenever and wherever the same are now, or shall be hereafter encroached upon or obstructed by any person or in any manner, they shall have power to cause the same to be removed in a summary manner, by giving notice to the person suffering or causing such encroachment or obstruction to remove the same within not less than ten days after service of such notice, and in case of neglect, default or refusal of such person to remove the same within the time specified in such notice, they shall order and direct the marshal to remove the same forthwith, at the expense and cost of such person, to be recovered the same as fines and penalties are recovered as provided by this act, and for the purpose of such removal the marshal is hereby authorized to call to his assistance all officers and persons, and every officer or person refusing to render such assistance shall forfeit and pay a fine of ten dollars.

Council invested with power to survey, establish and determine lines, boundaries, etc., of streets and alleys; encroachments thereon.

SECTION 19. The common council of said city may at any time, appoint three commissioners, residents freeholders of said city, who with the assistance of a duly qualified surveyor, to be appointed by the council, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, lots, blocks and tracts of land, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the said surveyor and commissioners, which, when approved by the said council, shall be filed in the office of the clerk, and a copy thereof shall be recorded in the office of the register of deeds of the proper county.

Commissioners may be appointed to make new survey.

SECTION 20. The survey, landmarks and plats so made and established and recorded shall be exclusive evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks in all cases in which they shall be drawn into controversy in all courts of this state, and shall be *prima facie* evidence of the lines and boundaries of all lots and tracts of land owned by individuals. When any suit or action shall be commenced against the said city, the service in such case shall be made by leaving a copy of the

Survey to be exclusive evidence.

process, duly certified to by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the council thereof, or to take such other proceeding as by the ordinances and resolutions of said city may be in such case provided.

Property of inhabitants not liable on execution for city debts.

SECTION 21. No real or personal property of the said city, or of any inhabitant of said city or of any individual or corporation, shall be levied on and sold by virtue of any execution, issued to satisfy or collect any debt, obligation or contract of said city.

Highway taxes to be expended on highways.

SECTION 22. All highway taxes assessed or payable on property or persons resident or being within said city, shall be expended on any or all the highways, streets, bridges, alleys and sidewalks in said city, and the overseers of highways of whose districts and portion of said city shall form a part, shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said city, under and according to the direction and control of the mayor, under the instruction of the council of such city, any law to the contrary notwithstanding, whose compensation for services rendered by him in the discharge of such duties, shall be such as they may order or allow, not exceeding one dollar and fifty cents per day.

Annual levy of tax to pay indebtedness and current expenses.

SECTION 23. The council shall have power and it is hereby made its duty in each year to levy and assess upon the taxable property in said city, such a sum of money as taxes, as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money derived from other sources to such purposes, and no more.

What property liable to taxation; powers and duties of assessor.

SECTION 24. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as may be altered by

this act; provided, however, that the common council may prescribe the forms of the assessment rolls, and more fully define the duties of the assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls, as it may, from time to time, deem advisable.

SECTION 25. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alteration or reduction as justice or equity shall require: provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Notice of hearing objections to assessment.

SECTION 26. Within one week from the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. 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; and increase or lower the amount of such assessment, giving due notice to the parties so increased or lowered.

Assessment roll to be returned to board of equalization; their doings therein.

SECTION 27. 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 so 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, 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 they may have come. Should the tax or assessment

Assessment lands omitted in previous years.

upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying or conveying of the same, but not effecting the equity or 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 it 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 constituted.

SECTION 28. The supervisors of each ward, the assessors and the city clerk shall constitute the city board of equalization, and shall meet on the second Monday in July in each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are required by law to proceed, as far as the same are applicable, reviewing, correcting and equalizing the assessment rolls of the city. They shall elect their own chairman, and the city clerk shall be clerk of said board and shall not vote except in case of a tie.

Assessment roll to be filed with city clerk.

SECTION 29. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk; thereupon the common council shall, by resolution levy such sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied.

Action by council.

Changes to be recorded by city clerk.

SECTION 30. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Tax to be a lien on property on which assessed.

SECTION 31. All taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the land and tenements upon which they may be assessed, from the delivery of the warrant for the collection thereof until such taxes shall be paid.

Preparation of tax roll.

SECTION 32. From the assessment roll, when so corrected, the city clerk shall proceed to make out the tax roll for the city under the general laws of this state, except that he shall add for *per centum* of the tax on each valuation as a collection fee.

SECTION 32a. The said assessment roll and the tax roll and the warrant thereunto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation.

Rolls to be *prima facie* evidence that persons and property therein named liable to taxation.

SECTION 33. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

General laws relating to taxation shall be in force in city.

SECTION 34. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that tax roll (describing for what purposes such taxes are levied) has been committed to him for collection; and that he will receive payment for taxes at his office as prescribed by the general laws of this state for the collection of taxes.

Treasurer's notice that taxes are due and payable to be published.

SECTION 35. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two *per centum* upon all taxes collected by or paid to him prior to the tenth day of January in each year, and four *per centum* upon all the taxes collected by or paid to him on and after January tenth of each year, and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore described, and shall keep in a book, to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council may provide.

Treasurer's fees.

SECTION 36. The city treasurer shall make returns to the county treasurer, according to the general

City treasurer return to county treasurer; mayor and clerk may extend time of payment of taxes.

General laws relative to proceedings to set aside tax levy applicable to city.

Council may fix fire limits.

laws of this state, and the mayor and city clerk shall have the same power to extend the payment of taxes as are given to town boards under the general laws of this state.

SECTION 37. The general laws of this state for the assessment and collection of taxes, and for proceedings to set aside any assessment or levy of any tax, shall be applicable to the city of Brodhead, except as otherwise herein provided.

SECTION 38. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials, 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 repairing or rebuilding of wooden buildings within the fire limits where the same shall have been damaged to the extent of fifty *per centum* of the value thereof, and to prescribe the manner of ascertaining such damages, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

CHAPTER VI.

PROCEDURES IN COURTS, AND FORMS.

Actions to recover penalties, etc., to be brought in name of city.

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

Summons first process unless oath made for warrant.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act or any by-law, ordinance or regulation, the first process shall be a summons unless oath be made for a warrant as in criminal cases before justices of the peace

under the general statutes of the state for the time being.

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

County of Green, }
 City of Brodhead } ss.

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the city of Brodhead:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned justice of the peace in and for said city at my office in said city, on the day of, A. D. 18.., at .. o'clock in thenoon, to answer to the city of Brodhead, to the damage of said city two hundred dollars or under.

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

Justice of the Peace.

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

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

The city of Brodhead, } In justice court, before
 against } C. D., justice of the
 A. B. } peace.

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

ment against the defendant for the sum aforesaid besides the costs of this action.

Form of
warrant.

SECTION 6. In all cases where oath is made for a warrant, it shall be substantially in the following form:

Green county, }
City of Brodhead, } ss.

The city of Brodhead against A. B.

In justice court before C. D., justice of the peace.

E. F., being duly sworn, says on oath that A. B., on the day of, A. D. 18. . . , at said city, did violate (section, of chapter, of an ordinance or by-law or regulation), describing it by its title which (.) is now in force, and was then and their guilty of (here name the act constituting the offense), as deponent verily believes, and prays that A. B. may be arrested and held to answer to said city therefor.

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

C. D.,

Justice of the Peace.

Upon filing with the justice of the peace such complaint, the justice of the peace shall issue his warrant containing the statement of the offense charged, in the usual form, and in the same proceedings and trial shall be had as cases under the statutes for the recovery of penalties.

Witnesses and jurors to attend in city cases without payment of fees in advance.

SECTION 7. Witnesses and jurors shall attend before the justice of the peace in all actions for the violation of any ordinance, by-law or regulation of said city, without the payment of fees in advance or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Defendant may call jury; judgment on finding.

SECTION 8. In city prosecution for the violation of any ordinance, by-law or regulation of said city, the defendant may call a jury as prescribed by law in justice courts in this state, and the trial shall proceed in the same manner and be governed by the same rules as in the trial of cases before justices of the peace. If the defendant be found 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 the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but

if he be found not guilty the costs of suit shall be taxed against the city. In case the action was commenced by summons, upon the rendition of judgment against the defendant, and the non-payment thereof, the justice of the peace shall forthwith issue execution as in cases of tort, or a commitment in case the action was commenced by warrant. Such execution may be in the following form, and 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:

County of Green, }
 City of Brodhead, } ss.

Form of
 execution.

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

Whereas, the said city of Brodhead, on the day of , 18 . . . recover a judgment before the undersigned, justice of the peace in and for said city, against , for the sum of dollars, together with dollars and cents, 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 the said , excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, twenty-five cents for this writ; and the same return to me within thirty days, and for want of such goods and chattels whereon to levy to take the body of the said and him convey, and deliver to the keeper of the common jail of Green county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said for the term of , unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

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

C. D.,
 Justice of the Peace.

Appeals.

SECTION 9. In all cases where the fine is more than five dollars (5.00), the defendant may appeal from such judgment to the circuit court of the county of Green; provided, such defendant, within twenty four hours, pay the justice of the peace his costs, one dollar (\$1.00) for return, and one dollar (\$1.00) state tax, and two dollars (\$2.00) clerk fees, and enter into a recognizance with one or more sufficient sureties, to be approved by such mayor and justice of the peace, conditioned to appear before said court, and abide the judgment of the court therein. The justice of the peace from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court.

Trial of appeal.

SECTION 10. Said appeal shall stand for trial by jury, unless a jury be waived, in a manner provided by law, in said circuit court, at the next term thereof, after the day of judgment of the justice of the peace shall be rendered

Judgment in circuit court.

SECTION 11. 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, by law, resolution, or regulation of said city, 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, or by commitment.

Sentence of court may include hard labor on streets and public works.

SECTION 12. Whenever, by the judgment of the justice court, a person shall be sentenced to imprisonment in the county jail, or whenever by the non-payment of a fine, in actions commenced by a warrant, a person shall be committed to the said jail for a term exceeding one day, for a violation of any of the provisions of this act, or of the ordinances of said city, the court may also sentence such person to be kept at hard labor during the term of his imprisonment, on the streets and public works of said city, without the jail, and the time that any such convict is so employed outside of the jail in pursuance of any such sen-

tence shall be regarded as a part of the time for which such convict is sentenced; in all cases of such sentence it shall be stated in the commitment and when so stated shall be sufficient authority to enable the officer having such convict in charge to remove him from said jail to the place of labor and back to said jail for safe-keeping during the term of such imprisonment.

SECTION 13. The labor thus to be performed shall be appropriate to the physical condition of the convict, and under the direction of the council of said city, which may adopt such orders, rules and regulations in relation thereto as they may deem best, and the officer having the custody of such convict shall be governed thereby.

Labor imposed to appropriate to prisoners' physical condition.

SECTION 14. The court or justice of the peace who issues the commitment authorized by this chapter may, in his discretion, at any time change the words, "jail," "county jail" or "jail of Green county" wherever they may appear, and place in lieu thereof the "city lock-up," and the said court or justice may commit any prisoner to said lock-up and sentence him to hard labor on the streets of said city, in the same manner as is herein provided for the commitment of said prisoner to the county jail.

Prisoners may be committed to lock-up.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. All contracts for work for which the consideration shall exceed the sum of one hundred dollars, ordered by the council, shall be let by contract or job to the lowest bidder therefor, as the council may direct and order.

Work costing to exceed one hundred dollars shall be let by contract.

SECTION 2. No person shall be an incompetent witness, judge, justice or juror by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Inhabitant of city not to disqualify witness, judge or juror.

SECTION 3. No account shall be allowed by the common council unless the same is verified by the owner thereof or some person in his behalf.

Account against city to be verified.

SECTION 4. No compensation or salary shall be paid to the mayor or any aldermen except when they shall act as inspectors of election, when

Compensation of mayor and aldermen.

their compensation shall not exceed one dollar per half day to each inspector.

Village officers to hold until city officers elected and qualified.

SECTION 5. All officers of the village of Brodhead shall hold their respective offices until the city officers under this act shall be elected or appointed and qualified, and all property, real and personal, books, papers, maps, etc., belonging to the said village of Brodhead, shall be and become the property of the city of Brodhead upon its organization under this act.

Claim against city to be presented to council before suit brought.

SECTION 6. No action shall be maintained by any person against the city of Brodhead upon any claim or demand other than a city bond or order unless such person shall first have presented his claim to the common council of said city.

Service of process on city.

SECTION 7. 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 take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Orders on city treasurer, how drawn.

SECTION 8. All orders on the city treasurer for the payment of the money of said city shall be signed by the mayor and shall be countersigned by the city clerk, and no order shall be drawn on the city treasurer unless said treasurer shall have sufficient funds in his hands belonging to said city to pay the same.

General law contravening provisions of this act not to repeal this unless expressly set forth.

SECTION 9. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Village ordinances to remain in full force until repealed.

SECTION 10. All of the village ordinances and by-laws now in force in the village of Brodhead shall remain in full force and effect until amended or repealed by the council of said city.

Act incorporating village of Brodhead repealed.

SECTION 11. The act entitled "An act to incorporate the village of Brodhead," approved March 7, 1870, and all acts and parts of acts amendatory thereto, are hereby repealed. And all moneys remaining in the treasury of said village of Brodhead shall, upon the organization of said city of Brodhead, be paid by the treasurer of said village

into the treasury of said city, and become a part of the general fund of said city.

SECTION 12. The connection between the town of Decatur and that part of said town included within the city limits, for all purposes, is dissolved. The duties now and hereafter imposed upon supervisors and other town officers so far as they relate to the city of Brodhead, shall be performed by the aldermen, mayor, and other officers of said city except as herein otherwise provided.

Connection with town of Decatur dissolved.

SECTION 13. The electors of the town of Decatur shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Brodhead as they may determine, and the officers of said town of Decatur may transact all the town business and keep all the town records in said city, and with like effect as if held or done or kept in the town of Decatur;

Town of Decatur may hold elections and transact town business in city.

SECTION 14. The "Brodhead School District" as per act approved March 27, 1867, and amendments thereto, now embracing the territory to be included in the city of Brodhead and a part of the towns of Decatur, in Green county, and Spring Valley, in Rock county, shall not be affected by this act, and the management thereof shall remain the same as heretofore; provided, that said school district may be altered under the provisions of the general laws, regarding the altering of school districts.

Brodhead school district.

SECTION 15. This act shall be considered as a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

This act to be liberally construed.

Approved April 18, 1891.