

is hereby authorized and empowered to annually appoint four visitors, who shall be *ex officio* members of the board of trustees of the Galesville University, and shall severally hold their offices for the term of two years, and until the election or appointment of their successors; *provided*, that the members of the said board of trustees shall not exceed the number of fifteen at any one time; the second appointments made under this section to take the place of the four trustees named in the first section of this act.

Repealed.

SECTION 3. Section 1 of chapter 11 of the private and local laws of 1862, and the amendment made thereto, as made by chapter 259 of the private and local laws of 1870, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1877.

[Published March 16, 1877,]

CHAPTER 160.

AN ACT to amend the city charter of the city of Fond du Lac, and to repeal sections 12 and 15 of chapter 5 of chapter 59 of the private and local laws of 1868, chapter 474 of the private and local laws of the year 1871, and all acts amendatory thereof.

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

Amended.

SECTION 1. Section one of chapter three of chapter fifty-nine of the private and local laws of the year 1868, is hereby amended so as to read as follows: Section 1. The municipal government of the city shall consist of a common council, composed of the mayor and two aldermen from each ward, one of whom shall be designated as chairman. The other officers of the corporation shall consist of a comptroller, city clerk, city treasurer, city attorney, fire marshal and assistants, superintendent of schools, chief of police and policemen, a sealer of weights and measures, a city surveyor, one fire warden, three justices of the peace, and three constables from the city at large, one assessor, and one school commissioner for each ward, and such other officers and agents as may be provided for by this act, and such as the common council may from time to time deem necessary to appoint.

Municipal government—in whom vested.

SECTION 2. Section two of said chapter three is hereby amended so as to read as follows: Section 2. The mayor and city treasurer shall be elected for one year by the electors of the city at large at the annual municipal election. The justices of the peace and constables shall be elected by the electors of the city at large at the municipal election, and shall hold their offices for the term of two years and until their successors are elected and qualified. Three aldermen shall be elected at the next annual municipal election, one to be designated as chairman for one year, who shall be a member of the council, one for two years to be so designated, who shall be a member of the council the first year and chairman and member of the council the second year, one for three years to be so designated, who shall be a member of the council the second year, and a member of the council and chairman the third year; one alderman shall be elected annually after the next municipal election, who shall hold his office for three years, shall be a member of the council the second year, and member of the council and chairman the third year. One assessor shall be elected annually at the annual municipal election. All other officers shall be appointed by the common council at the first regular meeting thereof, after the third Tuesday of April in each year, or as soon thereafter as such council may deem expedient; *provided*, that the mayor may appoint one or more secret or detective policemen whenever authorized so to do by a vote of the common council; and *provided further*, that the superintendent of schools shall be appointed by the board of education. The school commissioners shall hold their offices for two years, and until their successors are appointed; *provided*, that no school commissioners shall be appointed in the year 1877 to take the place of those whose terms expire in the year 1877, and that annually thereafter there shall be appointed four school commissioners, the first year one from each even numbered ward, the next year one from each odd numbered ward, and so on. All other officers, either elected or appointed, shall hold their office for one year, and until their successors are elected or appointed and qualified, subject to removal as in this act provided.

Amended.

Election of officers.

Council to appoint certain officers.

SECTION 3. Section twelve (12) of chapter five (5) of said chapter 59, is hereby repealed and the following is hereby substituted in the place thereof: "Section 12. No ward justices of the peace or constable shall hereafter be elected in the city, but instead thereof the

Repealed.

Election of justices and constables.

two justices of the peace and three constables hereinbefore mentioned, shall be elected from the city at large, at the next annual charter election hereafter, and at the annual charter elections every two years thereafter."

Repealed.

Jurisdiction of justices.

SECTION 4. Section fifteen (15) of chapter five (5) of said chapter 59, is hereby repealed, and the following is substituted in the place thereof: "Section 15. The justices of the peace elected under this act shall have the same jurisdiction and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto they shall have jurisdiction in all cases arising under the ordinances passed by said city, unless therein otherwise provided; *and provided*, that no removal of the cause shall be had in any action arising under the city ordinances.

Duty of municipal judge and justices of the peace.

SECTION 5. At the expiration of the term of each of the several justices of the peace, and of the municipal judge now holding office in the city, it shall be the duty of each of them to immediately transmit and deliver to the nearest justice of the peace elected under the provisions of this act, all papers, books and records in actions then pending before them respectively, and the justice of the peace to whom the same are delivered shall thereupon have full power and jurisdiction to hear, try and determine such actions and to enforce any judgment recovered therein by execution, the same as though such action had been originally brought before him, and each of the justices of the peace who shall receive such books, papers and records is hereby authorized at any time after their receipt, to issue execution upon any judgment rendered by the justice of the peace from whom such papers, books and records are received, with the like force and effect as though issued by the justice who rendered such judgment.

How jurors to be selected.

SECTION 6. The chairman of each ward of the city shall annually, on the second Tuesday of April, furnish each of said justices a written list of at least ten names of persons whom the several chairmen aforesaid shall certify to be actual residents of their respective wards, and as they verily believe qualified to serve as jurors in courts of record, who shall act and serve as jurors in said justice courts, provided that no person's name shall be placed on more than one list. The names of the persons as returned on said lists shall be written on separate pieces of paper by the several justices and folded so as to conceal the same, and when so folded shall all be placed in a box. The written

lists and certificates aforesaid, shall be filed and kept by the several justices in their respective offices until new lists are furnished. When a jury is demanded in any case, the justice before whom the case is pending, shall direct an officer to draw, in his presence, eighteen names from the box, and the justice shall write down the names as drawn, and when so written down, each party, commencing with the party demanding such jury, may strike out, by alternate strikes, six names, and the justice shall issue a venire requiring an officer to summon the six persons whose names remain to appear, at the time and place mentioned therein, to make a jury for the trial of the action between the parties in the venire mentioned. If any of the jurors shall not attend at the time they are summoned to appear, the justice may order the officer to draw a sufficient number from the box to supply the deficiency, and issue a venire for their attendance. The names drawn from the box shall not be returned thereto until the jury is completed and sworn; *provided*, that if any justice before whom a case may be pending, in which a jury is demanded, have not a sufficient number of names in the jury box, he may cause a jury to be drawn or filled as now provided by law in justice courts.

Justice to issue venire.

SECTION 7. The constables elected under this act shall have all the powers and perform all the duties conferred or imposed upon constables by any law of this state, and neither the chief of police nor any police man of said city shall have authority to serve any writ, process or other paper, except in cases wherein the city is a party, and in such cases the fees for such service shall be paid into the city treasury. The bond to be given by such justices and constables shall be approved by the common council of the city.

Powers and duties of constables.

SECTION 8. The justices of the peace and constables elected under this act shall be entitled to receive as compensation for their several services the same compensation as is now allowed by law to justices of the peace and constables respectively, for similar services; *provided, however*, that the total amount to be received by either of said justices for fees in criminal cases and examinations brought before them, and to be paid by the county of Fond du Lac, shall not exceed the sum of three hundred dollars, and the total amount to be received by either of said justices for fees in actions for violation of the ordinances of the city of Fond du Lac, brought before them, and to be paid by the city of Fond du Lac, shall not exceed the sum of two hundred dollars.

Compensation of constables and justices.

Repealed. SECTION 9. Chapter 474 of the private and local laws of 1871, chapter 94 of the private and local laws of the year 1872, section 3 of chapter 3 of chapter 59 of the private and local laws of the year 1868, section 8 of chapter 99, and chapter 163 of the general laws of the year 1875, are hereby repealed; *provided*, that nothing herein contained shall prevent the continuance in office or performance of their duties by any officer provided for by the acts which this act amends or repeals, until the expiration of the term for which they may heretofore have been elected or appointed.

Amended. SECTION 10. Section eleven of chapter five of said chapter fifty-nine is hereby amended by striking out the words "and shall receive like fees," where they occur in the 6th and 7th lines of said section.

Amended. SECTION 11. Section 1 of chapter 6 of said chapter 59, is hereby amended by striking out the second sentence in said section and substituting in place thereof the following "The mayor and two aldermen of said city when assembled shall constitute the common council."

Amended. SECTION 12. Section 2 of chapter 13 of said chapter 59 is hereby amended by substituting in the place thereof the following: "Section 2. The aldermen of each ward shall have power to order, construct and build all sidewalks and cause them to be raised, lowered or placed on the established grade at the expense of the lots fronting on any such sidewalk or public square adjacent thereto by giving the owner or occupant of such lots twenty-four hours personal notice when the expense shall not exceed five dollars, and ten days notice as provided in said charter when the expense shall exceed five dollars and let the same to the lowest bidder, and issue certificates therefor against said lots."

Power of aldermen to build and repair sidewalks.

Duty of aldermen to make improvements. SECTION 13. It shall be the duty of the aldermen of each ward to make improvements of all the public squares in their respective wards, and prohibit the same, except under their direction, and for the purpose of protecting the same and trees and shrubs thereon, for the public use, and to cause any and all permanent fences around the same to be removed, and to prevent any person from exclusively using or appropriating the same.

Incorporation of the Fireman's Benevolent Association. SECTION 14. All persons who are now or may hereafter become members of the fire department of the city of Fond du Lac, and their successors, shall be and are hereby created, constituted and declared to be and

continue a body politic and corporate, under the name and style of the "Fireman's Benevolent Association of the city of Fond du Lac," and by that name they and their successors may and shall have perpetual succession, and shall be known in law, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded with, to defend and be defended in all suits and causes, both in law and equity, and in all courts, and said corporation is hereby vested with all the powers, authority and privileges necessary to carry out and fulfil the objects of their association and corporation indicated by its corporate name.

SECTION 15. Said corporation shall have and keep a common seal, and may alter the same at pleasure, and said corporation shall have and are hereby invested with full power and authority to acquire by purchase, gift, or otherwise to possess, be seized with, and enjoy property, both real and personal, not exceeding *fifty thousand* dollars, and to sell, rent, devise, convey or otherwise dispose of their real or personal property at their pleasure, and also to make and effect loans, borrow money for the use of said corporation, to issue notes and bonds for the payment of the same, and to make, execute and deliver any deed, mortgage or other instrument in writing, as the case may require. General powers of same.

SECTION 16. The members of this said corporation hereby incorporated shall have and are hereby invested with full power and authority to make, prescribe and establish such by-laws, rules and regulations as shall be necessary and proper for the government of its affairs and the regulations of the conduct of its members, and touching the management and disposition of the funds and property of said corporation and the election and displacing of its officers and filling vacancies in office and the admission and expulsion of members and touching every matter and thing necessary and expedient to the business and objects of this incorporation; *provided*, that such by-laws, rules and regulations shall not be inconsistent with the constitution of the United States or the constitution and laws of this state or in conflict with the charter of the city of Fond du Lac. The same.

SECTION 17. The officers of this association shall be a president, vice president, secretary, treasurer, board of directors and such other minor officers as the constitution and circumstances of the association may require, which said minor officers may be elected or appointed as the association may determine by its by- Officers of association.

laws, and said association may prescribe the powers and duties of its several officers and require such bonds for the performance of the same and with such penal sums as they may choose, and each fire engine, hook and ladder, hose, sack or other fire company, shall at their next annual election choose two of its members directors, one of whom shall hold his office for two years and one for one year, and annually thereafter shall choose one director for the term of two years, and such director shall hold said office until their successors are chosen and qualified in their stead, and all property, both real and personal, acquired by said corporation by gift, devise, purchase or otherwise shall be vested in said directors in trust for said association, and shall descend with all improvements and appurtenance to their successors in said office, and said directors by direction of said association shall make, execute, acknowledge and deliver all deeds of conveyance of any property, so held by them.

Annual meeting of association.

SECTION 18. There shall be an annual meeting of the members of said corporation on the first Monday of May in each year, at which time the president, vice president, secretary and treasurer shall be elected by ballot by a majority of the members present from their own body, and the officers elected shall hold their office for one year and until their successors shall be elected and qualified in their stead, but in case it shall at any time happen that an election of officers shall not be made on the said first Monday of May, the said corporation shall not be dissolved, but it may and shall be lawful to hold such election thereafter pursuant to public notice given in one or more of the newspapers published in said city, at least twelve days before the time of said election by the president of said corporation.

Present officers of association.

SECTION 19. Of this said corporation, Azro B. Taylor shall be president, George W. Casey vice president, Charles W. Green secretary, and Lyman F. Stowe treasurer, and who shall hold their respective offices until the first Monday of May next, and until their successors shall be elected and qualified in their stead, and also of this said corporation, C. M. Bowen and John C. Kenealy of fire company No. one, George W. Crosby and Henry Rosenow of fire company No. three, Wm. Hurly and Fred. J. Martin of fire company No. five, and Henry Dirkes and John Strause of hook and ladder company No. one, shall be the directors of said corporation, and hold said office until the 2d Monday

of May next, and until their successors are elected and qualified as provided in this chapter.

SECTION 20. All members of this association, who shall be active members of any fire engine, hook and ladder, hose or sack company in said city, shall be exempt from poll tax, serving on jury or military duty during the time they shall continue active members as aforesaid; *provided*, such membership shall not exempt from military duty in case of insurrection or invasion.

Members exempt from jury duty and poll tax.

SECTION 21. All moneys heretofore paid over to any person or persons by members of the fire department of the city of Fond du Lac, or paid by insurance companies or their agent or agents under the general laws of this state, and now in the hands of any such person (and not otherwise appropriated) shall belong to the said association, and the person or persons holding such money shall pay the same over to the treasurer of this said association, and in default thereof the said association may sue therefor in its corporate name. All moneys required to be paid by insurance companies under the general laws for the benefit of the fire department, shall hereafter be paid to the treasurer of this association for the benefit of said association.

Moneys payable to association.

SECTION 22. All funds received by and belonging to said corporation shall first be applied so far as necessary to the liquidation of any just and legal claim against said association, and after the payment of any and all such claims, said association may apply any of their funds to the relief of any such indigent or disabled firemen or their families, as may be deemed worthy of their assistance.

How money to be applied.

SECTION 23. The president, vice president, secretary and treasurer shall not be qualified to hold the office of director in this said association while holding said office.

Officers not to become directors.

SECTION 24. This act shall take effect from and after its passage and publication, except as limited in section 9 of this act.

Approved March 7, 1877.