

[Published March 16, 1877.]

CHAPTER 161.

AN ACT to amend an act to incorporate the State Fireman's Association of Wisconsin.

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

Amended.

SECTION 1. Section 5 of chapter 484 of the private and local laws of 1866, is hereby amended by striking out the word "February," where it occurs in the second line of said section, and substituting in place thereof the word "September."

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 7, 1877.

[Published February 28, 1877.]

CHAPTER 162.

AN ACT to incorporate the city of New London.

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

CHAPTER I.

CITY AND WARD BOUNDARIES.

City bound-
aries.

SECTION 1. All that section of country in section one (1), section twelve (12), section thirteen (13), township number twenty-two (22), in the county of Waupaca in this state, and the west half of section six (6), section seven (7), and the northwest quarter of section eighteen (18), in township number twenty-two (22), north of range number fifteen (15) east, in Outagamie county in this state shall hereafter be known and distinguished by the name of the city of New London, and the inhabitants residing, or who may hereafter reside within said limits, are hereby created and constituted a body corporate and politic, by the name and style of the city of New London, and by that name may have perpetual succession, and shall be capable of

contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying, and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall have generally the powers by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted.

SECTION 2. The corporate territory of said city described in the first section of this act, shall be divided into five (5) wards, in the manner following, to wit: All of that part of said territory which lies south of the center of Wolf river and east of the center of Smith street, and of a continuation thereof, to the south line of said city, and in the county of Waupaca, shall be the first ward; all of that part which lies north of the center of Wolf river, and east of Shawano street, and in the county of Waupaca, shall be the second ward; all of that part of said city which lies in the county of Outagamie, shall be the third ward; all of that part of the city which lies south of the centre of Wolf river, and west of the center of Smith street, and of a continuation of the south line of the city, in Waupaca county, shall be the fourth ward, and all of that portion of said city, which lies north of the centre of Wolf river, and west of the center of Shawano street, shall be the fifth ward.

Ward boundaries.

SECTION 3. It is hereby provided and expressly declared that all the territory within said corporation, and the general management and control thereof for said corporate purposes, shall be exclusive, separate and distinct from the town of Mukwa, Hortonia and Liberty, in all cases whatsoever.

Control of territory to be separate from towns of Mukwa, Hortonia and Liberty.

CHAPTER II

RIGHTS AND POWERS OF THE CORPORATION.

SECTION 1. The people now inhabiting, and those who shall hereafter inhabit, within the district of country described in the preceding chapter, shall be a corporation of the name of the City of New London, and shall have the general powers possessed by municipal corporations at common and statute law, and in addition thereto shall possess the rights and privileges hereinafter specifically granted.

Rights and privileges of corporation.

General powers
of authorities.

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

CHAPTER III.

ELECTIVE OFFICERS.

Elective
officers.

SECTION 1. The elective officers of said city shall be a mayor, one alderman from each ward, a city treasurer, a chief of police, city clerk, city attorney, assessor, and one justice of the peace for the city at large, one supervisor to represent his ward in the board of supervisors of his county, one justice of the peace, and one constable, one street commissioner, to be elected by and for the first, third and fourth wards, and one for the second and fifth wards. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council: *provided*, further, the common council shall select from the supervisors elect, three supervisors in the county of Waupaca, and one in the county of Outagamie, to represent the city of New London in the county board of supervisors of the counties of Waupaca and Outagamie.

Terms of office.

SECTION 2. All elective officers except justices of the peace shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; said justices of the peace shall hold their respective offices for two years, and until their successors are elected and qualified: *provided*, that the treasurer and assessor shall each be freeholders of said city, and no person who may have held the office of city treasurer shall be eligible to such office for the next succeeding term thereafter.

ANNUAL ELECTIONS.

Annual elec-
tions.

SECTION 3. The annual election for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown,

and ten days previous notice shall be given by the city clerk, in the official paper of said city, of the time and place of holding such elections, and of the city and ward officers to be elected; *provided*, that upon the first annual election after the passage and publication of this act, the polls of election in the first ward shall be held at the place of last annual election in said ward; for the second ward, at the fire engine house; for the third ward, at usual place; for the fourth ward, at the wagon shop of John Hofman, and for the fifth ward, at the school house. And the village clerk of the village of New London is hereby required, and it is made his duty, to give the like notice of such election as is herein required to be given by the city clerk in like cases. The village trustees shall be inspectors of election in the wards created by this act in which they reside, and in case they are present at the time and place for opening the polls in such wards, the electors present shall only elect enough to form a board of three inspectors of election in each ward, and in case of the absence of said trustees at the time and place of holding said election, the electors present shall then choose three of their number as inspectors of election, who shall take the oath prescribed by the laws of the state before entering upon the duties of said office, and who shall appoint clerks and comply with all the laws in relation to elections, and make returns of the result of said election to the village clerk of the village of New London, within twenty-four hours after such canvass is completed. The village board of the village of New London shall within twenty-four hours after such returns are made, meet and canvass the entire vote of the city election, and declare the result thereof; and thereupon the village clerk shall give like notice to all persons elected, as is required of the city clerk by this act. In case the said village board shall not meet to make said canvass within twenty-four hours after the returns are made to the village clerk, then any court commissioner of the county of Waupaca, residing in New London, may call to his assistance two justices of the peace of the county of Waupaca, and shall canvass said returns and declare the result of said election, and the said village clerk shall give notice as aforesaid to the persons certified by said court commissioners and justices of the peace to be elected.

Canvass and
return of votes.

QUALIFIED ELECTORS.

Qualification of electors.

SECTION 4. All persons entitled to vote for county and state officers and who shall have resided in the city for four months previous to the election, and for ten days within the wards where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this law, and hold any offices hereby created: *provided, however,* that no person shall, either by election or appointment, hold any city office, unless such person is an actual resident of said city, and a legal voter thereof.

ELECTION BY BALLOT—TIE VOTE.

Vote to be by ballot.

SECTION 5. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. The votes for all elective officers shall be on one ballot, and shall be deposited in one ballot box. 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 casting lots in the presence of the common council at such time and in such manner as they shall direct.

Tie vote.

INSPECTORS AND MANNER OF CONDUCTING ELECTIONS.

How election to be conducted.

SECTION 6. The election in said city shall be held and conducted by the alderman, supervisors and justices of each ward, who shall be the inspectors of elections, in their respective wards, and shall take the usual oath or affirmation, as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections and shall have power to appoint clerks of such elections, and to administer the necessary oaths, and in case of the absence of any or all of the said officers at the time for the opening of the polls, the voters present shall elect 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 vacancies in the board of inspectors thereof filled as required by the law of this state regarding elections.

CHALLENGE OF VOTERS—OATHS—PENALTY FOR ILLEGAL VOTING—INSPECTORS TO KEEP LIST.

Oath of elector.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the

qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such person, shall require him to take the following oath: You do solemnly swear (or affirm, as the case may be), that you are twenty-one years of age, that you are a citizen of the United States, or have declared your intention to become a citizen conformable to the laws of the United States on the subject of naturalization; that you have resided within the state of Wisconsin one year, (within this city ten (10) days, and within the ward in which you reside twenty-four (24) hours previous to offering your vote next preceding this election); that you have not voted at this election, and that you have made no bet or wager or become directly or indirectly interested in any bet or wager depending on the result of this election. And if the person offering to vote shall take such oath his vote shall be received; and if said person shall take such oath falsely he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars (\$100), nor less than twenty-five dollars (\$25). It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment or information, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars (\$500), nor less than one hundred dollars (\$100). All such indictments or information shall be tried in the circuit court of the county of Waupaca or Outagamie.

Penalty for illegal voting and for making false returns.

CANVASS AND RETURN OF VOTES.

SECTION 8. When an election shall be closed, and the number of votes for candidates or persons voted

Canvass and return of votes.

for shall be counted and ascertained, the said inspectors shall make 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 three 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.

EXPULSION AND REMOVALS.

Expulsion
and removal.

SECTION 9. The common council shall have power for due cause, to expel any of their own number, and to remove, for cause, from office any officer or agent under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, until the council shall take up his case, and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

VACANCIES—WHEN OFFICE DEEMED VACANT.

When office
deemed vacant.

SECTION 10. 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.

VACANCIES—HOW FILLED.

How vacancy
filled.

SECTION 11. Whenever a vacancy shall occur in the office of mayor, city clerk, city attorney, alderman, supervisor or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SPECIAL ELECTIONS.

SECTION 12. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the aldermen of such ward, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be described by ordinance. Special elections.

SECTION 13. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election first being given. When new election to be had.

FIRST ELECTION.

SECTION 14. The first election of officers under this act shall be held on the first Tuesday of April, 1877. First election.

CHAPTER IV.

OFFICERS — POWERS AND DUTIES, OATH AND BOND.

SECTION 1. Every person elected or appointed to office under the provisions of this act, except justices of the peace, shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer taking the same with the clerk of the city. The treasurer, clerk, chief of police, and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city of New London a bond, with two or more sureties, the aggregate amount of whose property within the state, above all their respective debts, liabilities and exemptions, as shown by their several and respective affidavits, attached to or endorsed on such bond, shall be at least double the sum named as penalty in such bonds. Said bonds shall contain such penal sum and such conditions as the common council may deem proper, and shall be subject to the approval of said council. The council may, from time to time, require new additional bonds and remove from office any officer neglecting or refusing to give the same. All official bonds executed to the city of New London, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise di-

Officers to take oath of office and give bonds.

Bonds to be re-
corded.

rect. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time, and such other bonds as the common council may direct, shall be duly witnessed and acknowledged and recorded in the office of the register of deeds of the counties of Waupaca and Outagamie. Transcripts from the records of such bonds in the office of the register of deeds, duly certified by such register, shall be evidence of the due execution and contents of the bonds so recorded, in case of loss of the originals. The bond of the city clerk shall be filed with the treasurer.

MAYOR — HIS DUTIES.

Duties of mayor

SECTION 2. The mayor shall preside over the meetings of the common council, but shall have a vote only in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all 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 chief executive officer and head of the police of the city, and when, in his judgment, occasion requires, he may appoint as may special or temporary policemen as he may deem necessary.

PRESIDENT — HIS DUTIES.

Duties of presi-
dent.

SECTION 3. The common council shall, after the first meeting for organization each year after the annual election, choose by ballot from their number, a president, who, in the absence of the mayor, shall preside over the meetings of the common council, and in case of absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor, for the time being, except the signing of city bonds. In case of the absence of both mayor and the president at any meeting of the council, the council may choose from their number a president, *pro tem*, who, for the time being, shall discharge all the duties of mayor. The president, or president *pro tem*, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and

their acts, except the signing of city bonds, shall have the same force and validity as if done by the mayor.

CITY CLERK — HIS DUTIES, ETC.

SECTION 4. The city clerk shall hold his office for one year, and until his successor is elected and qualified. The clerk shall keep the corporate seal, and all the papers and records of the city, and keep a full record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments or documents duly filed and kept in his office and of the endorsements thereon, and transcripts from the records of the proceedings of the common council, duly certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as the originals. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, and of the fund on which the same is drawn, in books provided for that purpose. He shall also keep, in such manner as the council may direct, an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. 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. All chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same had been filed in any town. Whenever a justice of the peace, or constable shall be elected or appointed, the city clerk shall forthwith give notice thereof to the clerk of the circuit court of the counties of Waupaca and Outagamie, giving the name of such officer, and the time for which the same is either elected or appointed to fill a vacancy, the name of the last incumbent, and upon the election or appointment of a treasurer or mayor the clerk shall give notice to the clerk of the board of supervisors of said counties of Waupaca and Outagamie, and the officers receiving such notice shall file the same in their respective offices. He shall have such powers and be under such obligations, as far as they shall be applicable, as clerks of the several towns in this state, and he shall perform such other duties as shall be lawfully required of him by any ordinance, by-law, rule, regulation, or direction of

Duties of city clerk.

Validity of papers filed with city clerk.

the board of trustees, who shall fix a compensation for his services, which shall not exceed two hundred dollars per annum. He shall also be custodian of the seal of said city.

CITY ATTORNEY, AND DUTIES.

Duties of city attorney.

SECTION 5. The city attorney shall conduct all the law business of the corporation. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the council or any of its committees. He shall keep a docket of all cases to which the city may be a party in any court of record in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor, or any committee of the common council. It shall also be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances, and other instruments of writing that may be required by the business of the city, and to perform such other duties as may be prescribed by the charter and ordinances. He shall receive an annual salary, to be fixed by the council, payable quarterly.

STREET COMMISSIONERS, AND THEIR DUTIES.

Duties of street commissioners.

SECTION 6. The street commissioners shall see that all ordinances of the city relating to the obstructions 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, gravelling, 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. They shall receive such compensation as the council may determine.

CITY SURVEYOR, HIS DUTIES.

Duties of city surveyor.

SECTION 7. The common council may also at their first meeting for organization after the annual election, or as soon thereafter as convenient, elect a city surveyor who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties, and fix the fees and compensation for any

services performed by him, all surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor open to the inspection of parties interested.

JUSTICES OF THE PEACE—JURISDICTION, ETC.

SECTION 8. The justices of the peace, elected under this act, shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this act, except that the official bonds or agreements shall be approved by a majority of the common council. The justice of the peace elected by the city at large, shall also have civil and criminal jurisdiction coextensive with the limits of the counties of Waupaca and Outagamie, in this state, and shall have sole and exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city to which the city may be a party, and shall have exclusive jurisdiction in all cases to which the city may be a party cognizable before a justice of the peace. He shall be entitled to receive for his services the same compensation and fees as is allowed by law to justices of the peace, for similar services, and no other.

Duties and jurisdiction of justices of the peace.

ASSESSOR—HIS DUTIES.

SECTION 9. The assessor shall assess all the taxable property of the city of New London, as required by law, without regard to wards, and shall complete and return his assessment roll in the manner hereinafter provided, and receive such compensation as the council may determine.

Duties of assessor.

TREASURER—HIS DUTIES.

SECTION 10. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of the state; he shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and of each fund separately, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct. At the first regular meeting of the common council in each month, he shall

Duties of city treasurer.

make a report embracing a statement in detail of the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury, and also the total receipts and disbursements during the same time, and the condition of each of said funds at the date of the report; such reports, when made, shall be published with the proceedings of the common council. He shall disburse none of the money belonging to any of the funds of the city except by an order thereon duly issued by direction of the common council; which order shall be signed by the mayor and countersigned by the clerk, and when paid shall be canceled by the treasurer. The treasurer shall be a collector of taxes, and for his services receive the same compensation, except as hereinafter provided, and be governed by the same laws and be subject to the same liabilities as treasurers of towns.

TREASURER—ANNUAL REPORT.

Annual statement of treasurer.

SECTION 11. On the first day of April in each year, the treasurer shall file in the office of the city clerk, a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund, and the condition of such funds at the date of the report, and publish the same in the official paper of the city, if there be one, if not, by posting the same in three conspicuous places in the city.

CHIEF OF POLICE—HIS DUTIES.

Duties of chief of police.

SECTION 12. The chief of police shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines, and shall receive such compensation as the council may determine. He shall possess all the powers of constable of towns in Waupaca or Outagamie counties, and may serve all lawful process directed to him, or to the sheriff, or any constable of the said counties, and be subject to the same liabilities. He shall execute and return all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or law of the state, may pursue and serve the same in any part of the state. He shall suppress all riots,

disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination, and for such services he shall receive such fees as are allowed to constables for like services.

OTHER DUTIES MAY BE REQUIRED OF OFFICERS.

SECTION 13. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed, when the same shall not be fixed by law. Such compensation shall be fixed by resolution or ordinance at the time the office is created, or as soon as practicable after the commencement of the municipal year, and shall not be increased or diminished during the term of such office. The common council shall also have power to dismiss any officer appointed by said council, under the provisions of this section, at any time when, in the judgment of said council, the services of such officer are no longer needed.

Compensation
and further
duties of
officers.

SECTION 14. The common council shall annually provide that all printing authorized or required by them to be done for the use or for the city, shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by a publisher of a weekly newspaper, printed and published in the city of New London, unless the bids of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publishers shall fail to bid, and it shall be the duty of the city clerk to furnish said official paper a copy of the proceedings of the common council within a reasonable time.

Printing to be
let to lowest
bidder.

SECTION 15. The city printer or printers of said publication, immediately after the publication of any notice or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published,

Affidavit of
publication.

and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or by-law or resolution, and the clerk shall file and keep the same in his office.

Penalty for refusal to deliver office to successor.

SECTION 16. If any person having been an officer in the 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 city not less than one hundred dollars nor more than two hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers, property and effects in the manner prescribed by the laws of this state.

Officers of the peace.

SECTION 17. The mayor, acting mayor, sheriffs of Outagamie and Waupaca county, and each and every alderman, justice of the peace, chief of police, under sheriff and deputy sheriff of said counties, constables, policemen and watchman shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens, and military companies, and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case when the civil power may be required to suppress riot or disorderly behavior, the superior or senior officers present in the order mentioned in this section shall direct the proceedings.

CHAPTER V.

THE COMMON COUNCIL—ITS SPECIAL POWERS.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of New London do ordain," etc.

MEETINGS.

Meetings of common 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 and places as they shall appoint, and the mayor may call special meetings by notice of at least twenty-

four hours to each of the members, to be served personally or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules for their own government and proceedings; *provided*, such rules are consistent with the provisions of this act. A majority of the aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn. Their sessions shall be open and public, their proceedings shall be regarded in full, and all their papers and records, and all election returns shall be deposited with the clerk of the common council, and the same may be examined at any time, in the presence of the clerk. The vote of the common council shall in all cases be taken by ayes and noes, and every vote shall be entered at length upon the journal. The common council shall be the judge of the election and qualifications of its own members, and may punish its members or other persons present by fine for disorderly behavior; may compel the attendance of its members upon its sessions, and may employ the chief of police and police of said city for that purpose, and may fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board.

POWERS OF COUNCIL

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other property in the city, and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make and act, ordain, establish, publish, enforce, alter, modify 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, for the benefit of trade, commerce and health thereof, and for carrying into effect the powers vested in said common council; and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations; and 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 laws of the constitution and the laws of the United States or of this state, and for these pur-

General powers
of council.

poses shall have authority by ordinance, resolution or by-law.

To grant licenses to groceries, etc.

1. To regulate groceries, taverns, victualing houses, saloons, gardens, and all other places within said city where spirituous, vinous or fermented liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing houses or other houses, or the places for the dealing in selling or giving away spirituous, vinous or fermented liquors, and to regulate the amount to be paid for such licenses; and to restrain or prohibit any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council; *provided*, that the amount charged for such license shall in no case be less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00) per annum. Such license shall not be granted for a longer term than one year, and shall run from the 1st day of May; *provided, however*, when any such license is applied for after that date, the same may be granted; to expire on the 1st day of May next following, on the applicant paying *pro rata* therefor.

Bowling alleys, etc.

2. To license, tax, regulate, suppress or prohibit billiard tables, nine or ten pin alleys, bowling saloons and ball alleys.

Shows, etc.

3. To license, tax, regulate, suppress and prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances and all other exhibitions and amusements.

Gambling.

4. 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.

Disorderly places.

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

Unwholesome places.

6. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome 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.

Breweries, tanneries, etc.

7. To direct the location and management of, and

regulate, breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate licenses, restrain, abate or prohibit, within the city limits and the distances of two miles therefrom, distilleries, slaughter houses, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

8. To prevent the encumbering of streets, sidewalks, lanes or alleys with railroads, cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, pine wood or any other materials or substances whatever. Encumbering of streets.

9. To prevent horse racing and immoderate riding or driving in the streets, and to authorize any person to stop persons, immoderately riding or driving as aforesaid, to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground. Fast riding and driving.

10. To license, regulate and restrain the keeping, conveying, vending and storage of gunpowder and other combustible and dangerous material. Combustible materials.

11. To regulate and determine the times and places of bathing and swimming in the rivers, harbor and other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct. Bathing.

12. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto. Impounding of animals.

13. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to ordinance. Dogs.

14. To prevent any person from bringing depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same, by any person who shall have upon his premises any such substance; and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skin or substance of any kind, and Unwholesome substances.

- on his default to authorize the removal by some competent officer, at the expense of such person or persons.
- Water supplies.** 15. To make and establish public pounds, pumps, wells, cisterns, reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, and to prevent unnecessary waste of water.
- Lighting of streets.** 16. To erect lamps and regulate the lighting thereof, and to provide for lighting streets, public grounds and public buildings with gas or otherwise.
- Hackmen, etc.** 17. To regulate licenses, and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen and all others who may pursue like occupations in this city, and to prescribe their compensation.
- Runners.** 18. To restrain and regulate runners and solicitors for boats, vessels, cars, railroads, stages, public houses or other establishments.
- Boards of health.** 19. To establish and regulate boards of health, and define their powers and duties.
- Cemeteries.** 20. To provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and exempt burial grounds set apart for public use from taxation.
- Pest-houses.** 21. To erect or establish one or more pest houses, hospitals and dispensaries, and control and regulate the same.
- Contagious diseases.** 22. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city, and also to make regulations to prevent the introduction of contagious diseases into the city, or spread therein, and to make quarantine laws or regulations and to enforce the same within the city, and not exceeding two miles beyond the city limits.
- Nuisances.** 23. To abate and remove all nuisances, under the ordinances, the laws of the state or at common law, and punish the authors thereof by penalties, fines and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof. But nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets or any other part of the city or within its jurisdiction, by indictment, information or otherwise.
- Markets.** 24. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from inter-

rupting or interfering with the due observance of such rules and regulations.

25. To regulate the size, weight, quality and sale of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Bread.

26. 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 any damage to said sidewalks. Sidewalks.

27. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any 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. Firearms.

28. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and 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. Vagrants, prostitutes, etc.

29. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, eggs, and other provisions in the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions. Sale of meats.

30. 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 and to appoint a fish inspector, and regulate by ordinance his duties and fees, and to regulate the measuring and inspection of lumber, shingles, timber, posts, staves and headings, and all building materials, and to appoint an inspector. Hay, lime, lumber, etc.

31. 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 move from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant. Removal of dirt and rubbish.

32. To regulate the construction of piers and wharves extending into Wolf river, within the limits of the city. Piers and wharves.

33. To establish wharf and dock lines upon the banks of Wolf river, within said city, and to restrain and prevent encroachment upon said river, and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered and maintained, at Wharf and dock lines.

the expense of the city or either ward, wharves at the foot of the streets along the bank of said river.

Watchmen and policemen.

34. To appoint watchmen and policemen, and to establish and regulate the police of the city and prescribe their duties, such watchmen and policemen to be nominated by the aldermen of the ward in which said watchmen and policemen is required to serve. The expense of the same to be paid by the ward for which he is appointed.

Auctions.

35. To regulate the times, places and manner of holding public auctions and vendues.

Licenses.

36. To tax, license and regulate auctioneers, distilleries, brewers, and pawn brokers, and to tax, license, regulate and restrain hawkers and peddlers, and keepers or proprietors of gift bookstores, gift concerts, and other gift enterprises.

Trees and monuments.

37. To protect monuments in the city, and direct and regulate the planting and preservation of ornamental trees in the streets and public grounds.

Weights and measures.

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

Gutters and sewers.

39. To provide for and regulate the construction of gutters or sewers within said city.

Repair and laying out of streets and alleys.

40. To control, regulate, repair, amend and clear the streets and alleys, bridges, and side and cross walks, and to lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and alter and change the name thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury, or to regulate the manner of using the streets and pavements in said city, and protect the same from injury by vehicles used thereon.

Jurisdiction of justices.

41. The justice of the peace for the city at large elected under this act, shall have exclusive jurisdiction as justice of the peace for two years, or until his successor is appointed or elected, in all actions for the recovery of any penalty or fine, under all laws of said city, and all ordinances, by-laws or police regulations thereof; should any vacancy occur, or the police justice be unable for any cause to perform the duties of that office, the common council shall appoint one of the other justices to hold such office until the disability is removed or the vacancy filled by a new election.

Police court.

42. The said justice shall hold a police court in said city at such place as the common council shall designate and provide.

43. To control and regulate the streets, alleys, and public grounds in said city, and to remove and abate any obstructions, encroachments therein. Streets, alleys, etc.

44. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood, or other combustible material within the limits of said city. Lumber yards.

45. To provide for the inspection and regulation of stationary steam engines and boilers. Steam engines.

46. To impose fines for violation within the limits of said city of the general laws of this state, when in their judgment it is necessary for the peace and good order, or for the health of said city. Fires.

47. To preserve the rivers and harbors, to prevent any use of the same, or any act in relation thereto, inconsistent with or detrimental to the public health, or calculated to render the waters of the same or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same, to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or other substances, or logs or floating matter, to prevent and remove all obstructions therein, and to punish the authors thereof. Rivers and harbors.

48. To authorize the arrest, fine and imprisonment as vagrants, of all persons who, not having visible means to maintain themselves, and without employment, idle, loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame, or houses of bad repute, gambling houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfare or public place to beg or receive alms, also keepers, exhibitors or visitors, or any gaming table, gambling house or other place of device, and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theater or other public entertainment or place where public or private schools are held, either week day or Sunday, or places where religious worship is held. Vagrants.

49. To regulate or prohibit the carrying or wearing on any person under his clothes or concealed about his person of any pistol, sling shot or knuckles, bowie knife, dirk knife or dirk, or dagger, or any other dangerous or deadly weapon, and to provide for the confiscation or sale of such weapon. Concealed weapons.

50. To make, ordain, amend and repeal all such ordinances and regulations. Ordinances and regulations.

dinances, by-laws and police regulations not contrary to the constitution of this state, for the good order and government of the city and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

How same to be passed, recorded and published.

SECTION 4. All laws, ordinance, 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 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 city 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 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 and in all courts and places, shall be deemed and taken as sufficient evidence of the time and manner of such publication, 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 books containing the same, purporting to have been published under the sanction of the mayor and council be prima facie evidence of the due passage and publication of such law, ordinance, regulation or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen entitled to the seats in the common council.

When ordinances to take effect.

SECTION 5. No ordinance or resolution requiring the signature of the mayor, shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

Power of mayor to veto ordinances and resolutions.

SECTION 6. The mayor shall have power to veto any ordinance, act or resolution passed by the common council by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution; in case of no session of the 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 clerk a copy of his objections, and the clerk shall

shall thereupon call a special meeting of the council in the manner provided by section 2 of this chapter to consider said vote and objections, and in case the council shall not within one week after the receipt of such objection or such filing with the clerk re-enact such ordinance, or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him within seven days after the passage thereof, it shall take effect in the same manner as if he signed it.

SECTION 7. No vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Vote of council not to be rescinded at special meeting.

SECTION 8. All ordinances, petitions and communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same was referred. Action upon any report of a committee made to the common council, shall be deferred to the next regular meeting of the same, by request of one-third of the aldermen present.

How ordinances, etc., to be acted upon.

SECTION 9. 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 ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses or houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous, fermented liquors are sold without license required therefor, within the limits of said city, are hereby declared and shall be public or common nuisances.

What deemed nuisances.

SECTION 10. The council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street commissioners and all other officers and agents of the city, at such times as they may deem proper; and also at the end of each year, and before the 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 money accounts and vouchers

Council to examine and audit accounts of officers.

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 ordersuits 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.

CHAPTER VI.

OPENING OF STREETS AND ALLEYS AND TAKING PROPERTY FOR OTHER PUBLIC PURPOSES.

Taking of property for public use in laying out streets, alleys, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Any ten or more freeholders residing in the ward may, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, setting forth in such petition the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners. Every person signing such petition shall write after his signature thereto a brief description of his real estate which makes him a freeholder and the place of his residence in the city. Persons in actual possession of real estate under a valid contract for its purchase from the owner thereof, shall be deemed to be freeholders within the meaning and for the purpose of this section. Before such petition shall be acted upon by the common council, the petitioners shall cause to be executed and delivered to the city clerk a bond in the penal sum of five hundred dollars (\$500), with sureties to be approved by the council, conditioned that they will prosecute their application to effect and pay all costs which the city may sustain in consequence of such application.

Petition to be filed and council to give

SECTION 2. Such petition shall be filed with the common council, who shall thereupon cause notice of

such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once in each week. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the counties of Waupaca or Outagamie for the appointment of twelve jurors to view said premises and determine whether it shall be necessary to take the same for the purposes specified in said petition.

notice of application to occupant.

SECTION 3. Upon presentation of such application, and upon the proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city but not residents of the ward in which said premises may be, nor interested in the result of such application; the said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make return under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in such application; and the said jurors before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Appointment of jurors to view premises.

SECTION 4. The chief of police shall serve the precept immediately on the jurors therein named, reading the same to every one of them that can be found, and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Chief of police to serve and return precept.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Substitution of jurors.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer

Oath to be administered to jurors.

an oath to said jurors that they are free holders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to view premises and hear testimony.

SECTION 7. The said jurors shall, at such times as they may agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or such future time as shall be necessary, to again view the premises for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property to be taken, and also what lands or premises will be benefited by such taking, and to make report of their assessment of such damages and benefits to the common council after the jurors shall have made their report as to the necessity of taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of damages and benefits as above, and all the jurors before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer that they are freeholders of said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the duties imposed in them.

If jury report necessity for taking lands, aldermen to view premises and make report.

SECTION 8. Whenever it shall have been determined by the report of the jury that it is necessary to take certain lands for public use for the purpose of laying out public squares, grounds, streets and alleys, or of enlarging or widening the same, and such report or any part thereof shall have been confirmed by the common

council, the said council shall direct the aldermen of the ward in which lands so to be taken are situated to view the premises, and to determine whether the whole cost thereof should be chargeable as benefits to the lots and lands subject to special assessment therefor, or whether any and what portion of such cost should be chargeable to and paid by the city; and if said aldermen shall determine that any proportion of such costs should be paid by the city, they shall so report in writing to the common council, stating in their report what proportion should be so paid; and thereupon the common council shall have power by resolution, duly passed by two-thirds of the aldermen elected, to order the proportion of such cost so reported by the aldermen, or any greater or less proportion thereof, to be chargeable to and payable by said city, which shall accordingly be done, and thereafter the lots or lands benefited shall not be assessed for more than the remaining proportion of such cost.

SECTION 9. The jurors directed to ascertain the damages and benefits, as provided by section seven (7), shall, within the time limited by the common council, view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefited thereby, and after hearing such testimony as they may obtain or as may be offered by any party interested, which testimony shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise the value of the real estate so proposed to be taken, and the injury arising to the owners thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvements, said jury shall report their proceedings to the common council.

Jury to determine what property will be injured or benefited.

SECTION 10. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jury shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case be collected of them or payable to them.

Adjustment of benefits and damages.

SECTION 11. Upon the report of the jury, as provided by section nine (9) of this chapter, and the confirmation of such report by the common council, the same shall be referred to the mayor, assessor and city clerk, as a

Duty of board of assessment.

board of assessment and equalization, who shall thereupon, within the time to be limited by the council, apportion and assess the damages as ascertained by said jury, and the expenses of the proposed improvement, or such proportion thereof as shall have been determined to be chargeable to the lots and lands benefited, in accordance with the provisions of section eight (8) of this chapter, upon the real estate deemed benefited by said jury, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessments may be made.

Notice of assessment to be given.

SECTION 12. When the said board of assessment shall have completed said apportionment and assessment of said damages and expenses, and before the same shall be reported to the common council, it shall give public notice of not less than one week in the official paper of the city, that such assessment has been made, and that the same will be open for review and correction by said board at the chamber of the common council for not less than ten days after the first publication of such notice, during certain hours, and not less than two hours of each day, and that all persons will be heard by the said board in objection to such assessments, and generally in matter of such review and correction, it shall be sufficient to state in such notice in brief what such assessment has been made for and in what locality.

Board of assessment to hear objections.

SECTION 13. During the time specified in the notice mentioned in the last preceding section, it shall be the duty of the board to hear all persons interested in the property assessed, or otherwise personally interested in such assessment, in making objections to any part of such assessment, and to hear all evidence which may be produced in support of such objections; and the board shall thereupon have power to review, modify and collect such assessments in such manner as they shall deem just, and at any time during such review, and for three days thereafter; and thereupon it shall be the duty of said board to make report of such assessment in writing, signed by them, together with the testimony taken, to the common council, within the time limited by said council. Should the time originally limited for making such report prove insufficient, the common council may, in their discretion, from time to time, enlarge or extend the same.

Assessment to be laid before common council.

SECTION 14. The assessment so reported shall be laid before the common council when in session, and the

fact of its presentation shall be entered upon the journal and mentioned in the published proceedings of such session, with a statement in brief for what purpose and in what locality such assessment has been made; but the common council shall not have the power to act finally upon such report until at least one week from the date of the session at which it was so presented at or after the expiration of such period of one week last mentioned, the common council may in their discretion, revise and correct the assessment, and shall confirm the same as corrected by them or without correction, or refer it back to said board for revision and correction; if said assessment shall be so referred back the said board shall proceed to review, correct and report the same in like manner and upon like notice as herein required in relation to the first assessment; and all parties interested shall have the like rights; and the said board and the common council respectively shall perform like duties and have like powers in relation to any such subsequent assessment as are hereby given in relation to the first.

SECTION 15. Any person or persons owning or having any interest in any property affected by such assessment, may within twenty days after the confirmation of such assessment by the common council appeal therefrom to the circuit court of Waupaca or Outagamie county, by filing with the city clerk his notice of appeal, setting forth therein his interest in the premises, and the grounds of his appeal, together with a bond to the city of New London in the penal sum of five hundred dollars (\$500) conditioned for the payment of all costs that shall be adjusted against him on account of such appeal, which bond shall be signed by at least two sufficient sureties, each of whom shall make affidavit, endorsed upon such bond, that he is worth five hundred dollars (\$500) over and above all his debts, in property not exempt from execution. In case of any appeal under the provisions of this section the city clerk shall send to the clerk of said circuit court a certified copy of the assessment of damages and benefits made and reported by the said board as confirmed by the common council, and of all the proceedings of the common council in relation thereto. The appeal shall be tried as ordinary issues of fact are tried in said circuit court; the form of the issue shall be subject to the direction of the court, and the court shall permit any person or persons interested in such damages or benefits to become parties to such appeal upon their

Appeal to
circuit court.

Duty of city
clerk.

petition, setting forth the nature and extent of such interest; if on such trial the benefits assessed by said board shall be diminished or the damages so assessed shall be increased, then and in either case the appellant shall recover costs on such appeal, otherwise the city shall recover costs when the jury shall by their verdict award damages to the owner of any lot or part of lot, and judgment shall have been rendered upon such verdict, the said city shall pay the amount of such judgment and the costs if any recovered therewith, or make provisions for the payment thereof within one year after the same shall have been rendered; *provided*, that in case of an appeal from such judgment to the supreme court the time of the pendency of such appeal shall not form any part of such year.

Appeal to circuit court to be only remedy.

SECTION 16. An appeal to the circuit court as provided in and by the foregoing section, shall be the only remedy for damages sustained by the acts or proceedings of said city or its officers in the matter of which such assessment relates, and no action in law or in equity shall be had or maintained for or on account of such acts and proceedings.

When possession may be taken.

SECTION 17. Only when the damages awarded to the owner by the report of the said board as confirmed by the common council for any property condemned by said city for public use, shall have been paid or tendered to such owner or his agent, or when sufficient money for that purpose shall be provided in the hands of the city treasurer and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the common council, in the official papers, can the city enter upon and appropriate such property to the use for which the same was condemned, and the same shall thereafter be subject to all the laws and ordinances of the city to the same extent as streets, alleys and public grounds heretofore opened or laid out. The damages assessed by the said board, or awarded by the verdict of the jury, and judgment rendered thereon, in case of appeal, shall be paid or tendered or provided in the hands of the city treasurer, and ready to be paid over to the person or persons entitled thereto, and notice thereof given in the official papers as herein provided, within six months after the rendering of such judgment, or after the confirmation of such assessment by the common council in case no appeal shall have been taken, and if not so paid or tendered or provided in the hands of the city treasurer, all the proceedings in any such case shall be void: *provided*, that such pe-

riod of six months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal; the benefits assessed and reported by the board from the confirmation of such report by the common council shall be and remain a lien upon the premises so determined by said board to be benefited by the taking and appropriation of lands to the public use as proposed.

SECTION 18. If there should be any building, in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him, and secondly the value of such building to him to remove.

When lands contain buildings.

SECTION 19. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode; if not known or a nonresident, notice to all parties interested shall be given by publication in the official paper or papers of said city three successive weeks; such notice shall specify the building and the award of the jurors; it shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such buildings to be taken with the land appropriated, or of their intention to remove such building, he shall have such time for this purpose as the common council may allow.

How notice to be given.

SECTION 20. If the owner shall refuse to take the building, at the value to remove, or fail to give notice of his election aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building, at public auction, for cash, giving ten days notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

When owner refuses to take building.

SECTION 21. If the lands or building belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than estate in fee, the injury or benefits done to such persons, or interest respectively, shall be awarded them by the jurors.

When lands belong to different persons.

SECTION 22. When the whole of any lot or tract of land or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts, or engagements between landlord and tenant,

When whole of property taken, contracts to cease.

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

When owner is an infant or under legal disability.

SECTION 23. When any known owner of lands or tenements affected by any proceeding under the provisions of this act shall be an infant, or labor under legal disability, the judge of the circuit court of Wau-paca or Outagamie counties, or in his absence the judge of any court of record in said counties may, upon application of the common council, or such party, or his next friend, appoint a guardian for such party; and all notices required by this act shall be served upon such guardian.

Survey to be made.

SECTION 24. Whenever any public grounds, streets or alleys shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Proceedings of council confirmed.

SECTION 25. All the proceedings of the common council heretofore had in laying out streets and alleys are hereby confirmed, and all the streets and alleys heretofore laid out and opened by the common council, except such as have been legally vacated, are hereby declared public highways.

Informality not to vitiate proceedings.

SECTION 26. All the foregoing directions given in this chapter shall be deemed directory, and no irregularity or informality in any of the proceedings under the provisions of this chapter not affecting substantial justice, shall in any way affect the validity of the proceedings.

Vacation of streets, alleys, etc.

SECTION 27. The common council shall have power, and are hereby authorized to vacate in whole or in part such highways, streets, alleys and public walks within the corporation limit of the city as in their opinion the public interest may require to be vacated, or such as in their opinion are of no public utility; *provided,*

however, the necessity of vacating any such highways, streets, alleys or public walks, or any part thereof, shall first be established by a verdict or report of a jury, in a like manner as is provided for laying out public squares, grounds and streets in this chapter.

SECTION 28. In all cases when land in the city shall hereafter be subdivided into lots and blocks, or when streets, alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city, adjacent to the lot or tract so platted, and shall submit such maps or plats thereof to the common council for approval, and if such map or plat shall be approved by the common council, it shall be lawful for the party or parties making such map or plat to record the same and the evidence of such approval, in the manner prescribed by the laws of the state, concerning town plats; but, except such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified by the city clerk, and affixed to said map or plat, it shall not be lawful for the register of deeds of Waupaca and Outagamie counties to receive such map or plat for record, or to record the same, and the same shall have no validity. All persons neglecting or refusing to comply with the requirements of this section, shall forfeit and pay a sum not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and the register of deeds who shall record such map or plat without such copy of the resolutions of the common council approving the same attached thereto, as aforesaid, shall forfeit and pay a sum not less than ten dollars (\$10) nor more than one hundred dollars (\$100). All forfeitures and liabilities which may be incurred and arise under and by virtue of this section, shall be prosecuted for and recovered in the name of the city of New London, and paid into the city treasury for the use and benefit of the city.

How subdivisions to be made and platted.

Penalty for noncompliance

CHAPTER VII.

CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. Sidewalks shall be constructed, reconstructed and repaired upon the proper established grade, of such width, in such manner, of such material, and in such time as the common council by ordinance,

Construction and repair of sidewalks.

resolution or order shall direct, by and at the expense of the owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If such sidewalk shall not be constructed in the manner and within the time prescribed, the common council may cause the same to be done at the expense of the lot or lots adjoining such sidewalk; but no sidewalk shall be ordered to be constructed unless upon petition of a majority of the resident owners of lots and lands adjacent to such sidewalk, and unless they own at least one-half of the lots abutting on such street, and a two-thirds vote of the aldermen elect. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least two weeks, of the time, place and manner of receiving such bids; *provided*, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, if known, of the ordinance, resolution or order requiring the construction of such sidewalk, and publication of the same at least two weeks in the official paper of the city.

Opening and grading of streets, alleys, etc.

SECTION 2. Opening, grading, working, graveling, planking or paving streets and alleys, to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley; but no street or alley shall be opened, graded, graveled, planked or paved unless upon the petition of a majority of the resident property holders interested therein, and who shall at least own one-half of the property fronting on such street, and by a two-thirds vote of the aldermen elect. The cost and expense of surveying streets, alleys, sewers or gutters, and of cleaning out gutters or sewers, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters or sewers may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby and fronting upon or abutting to the street along which said gutter shall be constructed; *provided*, that in all cases where improvements or work of any kind are charged by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund of the city.

Duty of council in making public improvements.

SECTION 3. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an esti-

mate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalk, of the number of cubic yards to be filled in or excavated in front of each lot; and such estimate shall be filed with the city clerk, for the inspection of all parties interested. The common council shall give notice to the owner or owners, if known, and by advertisement for twenty days in the official paper of the city to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be opened, graded, graveled, planked, paved, or sewer to be constructed, requiring them to do the work mentioned in such notice within reasonable time therein to be specified, and not less than thirty days, and if the said work shall not be done within such time, the council shall enter into contract for the doing thereof, such contract shall be let to the lowest bidder.

SECTION 4. The common council shall give notice to all owners or occupants of lots, which may be deemed injurious to health by reason of stagnant water remaining thereon, or other cause, if residents personally, if non-residents in the official paper of the city for ten days, to abate such nuisance by draining or filling such lots within a reasonable time, therein to be specified, and if such nuisance shall not be abated or removed, within the time specified, the council shall cause the same to be abated or removed, at the expense of the property upon which the same may exist.

Abatement of nuisances.

SECTION 5. All work provided in this chapter shall be done under the supervision of the street commissioner, unless the common council shall otherwise direct, and shall be approved in writing by the mayor, street commissioner and city surveyor, before it shall be accepted by the council. The street commissioner is authorized and empowered, and it shall be a part of his duties, to contract with the lowest bidder for all material which the city or ward may use in carrying out the provisions of this chapter.

How work to be done.

SECTION 6. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved in writing by the mayor, street commissioner and city surveyor, and accepted by the common council, such contractor shall be entitled to a certificate therefor which shall be signed by the mayor, street commissioner and city surveyor and countersigned by the city clerk, and shall state the amount of work done by such contractor, the nature thereof and

How payment for improvements to be made.

the description of the lot or parcel of land upon which the same is chargeable. Said certificate may be transferred by indorsement therein; and if the amount thereof is not paid before the time of making out the annual assessment roll, such certificate may be filed with the city clerk, and the common council shall order the amount thereof to be assessed upon the said lots of land respectively as a special tax and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected under this act. If notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; *provided*, that in no event when work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof, as for any proceedings for the collection or the pay therefor.

Owners of property required to cleanse and repair streets.

SECTION 7. The common council may require by such general regulations as they may choose to adopt, the owners or occupants of lots to cleanse and repair the sidewalks, streets and alleys. If such owners or occupants shall fail to comply with such regulations, after receiving reasonable notice from the street commissioner, the commissioner may employ any person or persons to do such work and pay therefor in certificates as provided by section 6 of this chapter.

CHAPTER VIII.

FIRE DEPARTMENT.

Power of council to prescribe fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall be erected, placed 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 cent. of the value thereof, and to prescribe the manner of ascertaining such damages and to prescribe penalties for violation of any resolution or ordinance passed under this section.

Precautions against fires.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of

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

SECTION 3. The common council shall have full power to purchase fire engines, hose and all other necessary fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect their own officers, and form their own by-laws, not inconsistent with the laws of this state, or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries and from military duty, except in case of war, insurrection or invasion, during the continuance of such membership, and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Power of council to purchase fire apparatus and organize fire companies.

SECTION 4. There shall be a meeting of the members of said companies on the third Mondays of April

Meeting of companies for election of officers.

in each year, at such place as may be designated, by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer, and one assistant engineer and one treasurer, and the common council shall thereupon confirm or reject said nominations, and the person so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the members shall at a meeting held a week after such rejection, nominate other persons to hold such offices, which nomination shall also be subject to the approval of said council.

Duties of fire warden.

SECTION 5. The chief of police shall be the fire warden for said city, who shall perform such duties as the common council may prescribe, and he may at any time enter any building, house, store, barn or enclosure, for the purpose of inspecting the same.

Fines payable to fire department.

SECTION 6. One half of the net proceeds of all fines and penalties recovered and collected for breach of any ordinance, by-law or regulation, made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Penalty for refusal to obey orders of officers.

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or chief of police at any fire, it shall be lawful for the officer giving such order, to arrest, or direct orally the chief of police, constable or watchman or any citizen to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished, and in the manner such officers, or any of them, may arrest, or direct the arrest and confinement of any person, at such fire, who shall be intoxicated or disorderly, and any person who shall refuse to arrest or aid in arresting, any person, so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Organization and duties of sack company.

SECTION 8. The common council shall have power to organize a sack company or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually are hereby authorized and empowered to act as a special police in and for the city of New London, and are hereby vested with all the power and authority which now is, or may hereafter, be vested in any police

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

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with such sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Duty of treasurer of fire department.

SECTION 10. There shall be elected by members of such company aforesaid, annually at their annual meetings a clerk or secretary who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Election and duties of clerk of company.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above prescribed; and no person shall be exempt from jury duty unless the name is entered on such list. In case any member shall for any cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of ———, a list of all persons who are members of either or all said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meeting for the said board, and said board shall not place the

Duty of city clerk.

names of any such persons on the jury list for the ensuing year.

CHAPTER IX.

AUDITING ACCOUNTS, ETC.

Power of council to audit accounts.

SECTION 1. The common council shall have power to audit, adjust and allow all claims and demands of every nature against the city, except such claims or demands as are payable out of the school fund.

Claims against city to be presented before action commenced.

SECTION 2. No action shall hereafter be maintained by any person against the city of New London upon any claim or demand mentioned in the preceding section, other than a city bond or order, unless such person shall first have presented such claim or demand to the common council of said city. The determination of the common council, disallowing in whole or in part any such claim or demand, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim or demand, unless an appeal shall be taken from the decision and determination of such common council as hereinafter provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; *provided, however*, that when the common council shall refuse or neglect to act upon any such claim or demand duly presented to them, this charter shall not so be construed as to prevent the institution and maintenance of an action by said claimant [claimant] against said city.

Appeal to circuit court.

SECTION 3. When the claim or demand of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the counties of Waupaca or Outagamie, by causing a written notice of such appeal to be served on the clerk of said city, within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety to be approved by said clerk, the county judge or court commissioner, conditional for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Duty of city clerk to give notice of appeal.

SECTION 4. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the city attorney, or shall take such measures as by ordinance or resolution of said common council he may

be required to do, and shall make out a brief return, if the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the counties of Waupaca or Outagamie, and such appeal shall be entered, tried and determined in the same manner as actions originally brought in said courts, and costs shall therein be awarded in like manner; *provided, however*, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest upon such allowance, the appellant shall pay the cost, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

SECTION 5. No claim or demand whatever shall be allowed by the common council, unless the same is verified by the owner thereof or some person in his behalf. All claims to be verified.

CHAPTER X.

FINANCE AND TAXATION.

SECTION 1. All funds in the treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any fund in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such funds respectively; *provided*, that the amounts or proceeds of all orders which shall be received in payment of taxes shall be credited to the several and respective funds on account of which such orders were issued. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement. Funds to be under control of council.

SECTION 2. The common council shall levy annu- Levy of taxes.

ally, to defray the current expenses of said city, a sum not exceeding fifteen mills on the dollar of the total assessed valuation of all taxable property in said city, and for all other purposes except for schools and bridges and the payment of principal and interest of outstanding bonds, debts and obligations of said city a sum not exceeding five mills upon a dollar of the said valuation.

Issuing of
bonds and city
orders.

SECTION 3. The common council shall not have power to issue any bonds or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purpose, not exceeding the amount of five hundred dollars (\$500) in one year. If exceeding such amount the same to be decided by a vote of the people. Said taxes when so levied shall be collected at the same time as other city taxes are collected.

Special taxes.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the interest of [or] principal of any outstanding bonds now due or hereafter to become due issued by the city of New London, or which may hereafter be issued by said city, by authority of law; *provided*, however, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on said bonds at the time such tax shall be collectable by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes when so levied shall be collectable at the same time as other city taxes are collected.

Appropriations
—how to be
made.

SECTION 5. The common council of said city, by a two-thirds vote of all the aldermen elect, and not otherwise, shall have power to appropriate a sum not exceeding five hundred dollars (\$500), to any public purpose they may deem proper.

What property
subject to taxa-
tion.

SECTION 6. All property in said city, real, personal or mixed, except such as may be exempt by the laws of the state, shall be subject to taxation for all purposes authorized by law, 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 they may be altered by this act; *provided, however*, that the common council may prescribe the form of assessment rolls and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

SECTION 7. Real estate exempt from taxation by the laws of this state shall be subject to special taxes as other real estate under this act.

What subject to special assessments.

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such tax shall be paid; and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Taxes and assessments to be lien upon property.

SECTION 9. The assessor shall complete and return his assessment roll to the board of equalization of said city on or before the first Monday in July in each year. During the last week of the month of June in each year, the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessment, and shall make alterations and such amendments thereto as justice and equity may require.

Duty of city assessor.

SECTION 10. 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 two preceding years, and that the same was then liable to taxation, he shall, in addition to the assessment for that year, assess the lot or tract so omitted for such year or years in which it shall have been so omitted, at 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 in the year when the same was omitted. And the common council shall, in addition to the taxes for the current year, levy such taxes upon such lots or tracts, as the same would have been chargeable with had not the same been so omitted, and such taxes shall be collected as other taxes or assess-

Property omitted in previous years to be assessed for those years.

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

Board of equalization, and duties of same.

SECTION 11. The mayor, city clerk, city treasurer and assessor shall constitute a board of equalization, and shall meet at the chamber of the common council on the first Monday of July, in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, revising, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof. The board 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; *provided, however*, the board shall not have the power to increase the amount of said roll, except by adding the value of such real property as may have been omitted by the assessor.

Levy of tax by common council.

SECTION 12. After the corrections and revisions of the assessment roll by the board of equalization, the same shall be filed with the city clerk, who shall record all changes made therein by said board. The common council shall thereupon by resolution, levy such sum or sums of money not exceeding the authorized per centage as may be sufficient for the several purposes for which taxes are herein authorized to be levied, particularly specifying the purposes for which the same are levied.

Duty of city clerk.

SECTION 13. The city clerk, on receiving the correct assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, shall calculate and carry out the total amount of such taxes, together with all the city and other local taxes, setting

down opposite to the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

SECTION 14. Upon the completion of said roll the clerk shall make a duplicate copy thereof and deliver the same to the city treasurer on or before the second Monday in December in each year. To the roll so delivered shall be annexed a warrant under the hand of the clerk and the corporate seal of the city, which warrant shall be substantially in the following form :

Clerk to make duplicate copy of roll.

THE STATE OF WISCONSIN :

Form of warrant.

To the treasury of the city of New London, in the counties of Waupaca and Outagamie.

You are hereby commanded to collect from each of the persons and corporations named in the annexed assessment roll and of the owners of the real estate described therein the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described, and in case any person or corporation upon whom any such tax is imposed shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed, and out of the moneys so to be collected you are first to pay the treasurer of said county of Waupaca on or before the last Monday in January next the sum of — for state taxes, and the further sum of — for county taxes, and at the same time you are to pay to the treasurer of Outagamie county the sum of — for county taxes, and the balance of said money you are required to retain, and pay out according to law, and in case said taxes and assessments shall not be paid before the fourth Monday of February next, you are to return the same, together with the original assessment roll, to which this warrant is annexed, to the treasurer of said counties, as provided by law.

Given under our hands and the corporate seal of said city this — day of —, 18—.

— —, Mayor.
— —, Clerk.

SECTION 15. The said assessment roll and warrant thereto attached, shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Roll and warrant to be evidence.

When taxes may be re-mitted.

SECTION 16. After the assessment roll is completed and placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property, except in the following specified cases: 1. When a clerical error has been made in descriptions, or transfer of the property from the original assessment list or books to the tax roll, or in the extension of the tax. 2. When improvements by the erection of buildings have been assessed on lots or lands when none have been made at the time fixed by law for making the assessments. 3. When the tax is manifestly illegal and void, by reason of the exemption of the property from taxation by law.

Treasurer to give notice of taxes due.

SECTION 17. On receipt of the tax roll and warrant, the treasurer shall give two weeks' public notice in the official paper, that such tax roll (describing for what purpose such taxes are levied,) has been delivered to him for collection, and all taxes must be paid to him at his office, within thirty days from the date of said notice of the taxes on personal property, are not paid within said time. He shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of said sale, by posting up not less than three written notices in as many public places in said city.

Delinquent property subject to sale.

SECTION 18. Each and every lot or lots or any other piece of land upon which the taxes, interest and charges shall not be paid by the fourth Monday of March next after the levying and assessing of the same, shall be subject to sale as by law provided.

Return of lands for delinquent taxes

SECTION 19. In case no goods or chattels shall be found of which to collect the taxes on any lot or lots or other pieces of land or property, it shall be the duty of the city treasurer to make out a list of all property and taxes remaining unpaid, on lands and property lying within the county of Waupaca, at the time required by the laws of this state, next succeeding the date of his tax list and warrant, and the list so made with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect the taxes, shall be called the delinquent list, and it shall be his duty to deliver such delinquent list to the treasurer of Waupaca county at such time as is required by law, and he shall at the same time pay over to said county treasurer all moneys

collected by him and not before paid over, belonging to said county of Waupaca, and all moneys belonging to the state of Wisconsin collected on property within said county of Waupaca, in the same manner as required by law of town treasurers. He shall also make out a list of all the property and taxes remaining unpaid on land and property lying in that portion of said city comprised within the county of Outagamie, at the time required by the laws of this state next succeeding the date of his tax list and warrant, and the list so made with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect the taxes, shall be called the delinquent list, and it shall be his duty to deliver such delinquent list to the treasurer of Outagamie county at such time as is required by law, and he shall at the same time pay over to said county treasurer all moneys collected by him and not before paid over, belonging to said county of Outagamie, and all moneys belonging to the state of Wisconsin, collected on property within said county of Outagamie, in the same manner as required by [law] of town treasurers.

SECTION 20. It shall be the duty of the county treasurers of the counties of Waupaca and Outagamie respectively, and they are hereby required when lots, tracts, pieces or parcels of land have been returned by said city treasurer as delinquent, for any general tax of the state or of said counties, or for any tax or assessment authorized under the several acts incorporating said village or city of New London, immediately after the sale of said delinquent lots, tracts, pieces or parcels of land by them, or as soon thereafter as may be, to pay said city treasurer the amount which may have been returned as delinquent belonging to said city, either in cash or certificates of sale of said lots, tracts, pieces or parcels of land so returned as delinquent.

Duties of treasurers of counties of Waupaca and Outagamie.

SECTION 21. All directions hereby given for the assessment of lands and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same not affecting the substantial justice of the tax itself, shall vitiate or in any way affect the validity of the tax so assessed.

Informality not to vitiate proceedings.

SECTION 22. In all cases when by virtue of the act any charge or assessment shall be carried out on the tax list in a separate column or columns, opposite the lot or tract upon which the same may be a lien, the

Taxes to be lien upon property.

treasurer shall collect or do all other acts in regard thereto in the same manner as in the collection of other taxes, and all taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be levied or assessed, and upon all personal property of any person or body politic, corporation or association assessed for personal taxes from the time of the equalization of the assessment roll by the city board of equalization, until such tax shall be paid, and no sale or transfer of such real or personal estate shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of tax upon personal property.

Fees of treasurer for collection of taxes.

SECTION 23. The treasurer shall be entitled to receive and collect as fees for the collection of taxes one per cent. upon all taxes collected by or paid to him between the second Monday of January and the second Monday of February in each year two per cent., and in each 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 sale of goods upon execution. The city treasurer shall collect the fees hereinbefore described; and he 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 he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him with all necessary books, blanks and stationery requisite to the discharge of his duties.

Taxes to be paid or tendered before objections to title interposed.

SECTION 24. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside or set up or interpose any objections to the title derived by virtue of any deeds executed in consequence of the nonpayment of such taxes and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the county treasurer, the amount of all state, county and city taxes that may remain unpaid upon each lot or tract, together with the interest and charges thereon.

SECTION 25. All the general laws of this state which 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. The city treasurer shall proceed to enforce the collection of all taxes and assessments in the manner provided by law for the collection of taxes by town treasurers except as herein otherwise provided.

General laws of state to apply.

CHAPTER XI

DISQUALIFICATIONS AND IMPEACHMENTS.

SECTION 1. No member of the common council shall vote upon any question, matter or resolution in which he may be [directly] or indirectly interested.

When unlawful for member of council to vote.

SECTION 2. No alderman shall be a party to or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same.

No alderman to be interested in contract with city.

SECTION 3. If any member of the common council, or other officer or agent of the city government, shall directly or indirectly accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods or chattels, or any deed of writing containing a conveyance of land or conveying or transferring an interest in real estate or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the common council, or the officer or agent, will vote affirmatively or negatively, or that he will not vote, or that he will use his interest and influence on any question, ordinance or resolution, contract, or other matter or proceeding pending before the common council, or on which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council, officer or agent shall be removed from office, and his office declared vacant by the common council, and both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in

Penalty for bribery.

the state prison for not more than three years nor less than one year, or by fine not exceeding three thousand dollars (\$3,000.00) nor less than three hundred dollars (\$300.00), or by both fine and imprisonment at the discretion of the court.

Charges of
official miscon-
duc.

SECTION 4. Whenever any charges of official misconduct shall be preferred against any member of the common council or any officer of the city, the council shall proceed to investigate such charges, and may compel the attendance of witnesses and examine the same under oath.

Trial of such
charges.

SECTION 5. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before them. Each subpœna shall state when and where the witness is required to appear and testify, and may require such attendance forthwith or on a future day named and the production of books, records, documents and papers therein to be designated; all such subpœnas shall be signed by the city clerk of said city, and shall be issued under the seal of said city, and may be served in the same manner, and shall have the same force and effect as subpœnas issued out of the circuit court. Any willful or corrupt false swearing by any witness or person giving testimony before the council on making deposition to any material fact relating to the matter under investigation before the council shall be deemed guilty of perjury and shall be punished as such in the manner provided by law. The provisions of law in respect to the attachment of witnesses subpœnaed before justices of the peace and compelling the attendance of such witnesses to appear and testify before them are hereby applied to the case of witnesses subpœnaed before the common council, and the council may exercise the powers of arrest, fine and imprisonment for contempt vested in the court in such cases. Writs of attachment and commitment for contempt shall be signed by the mayor and city clerk and sealed with the corporate seal of the city.

CHAPTER XII.

ACTIONS TO RECOVER PENALTIES, ETC.

Actions 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.

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 case of tort before justices of the peace under general statutes of the state for the time being. First process to be by summons.

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

COUNTIES OF WAUPACA AND OUTAGAMIE — *City of New London — ss.*

The State of Wisconsin to the sheriff or any constable of said counties, or to the chief of police of the city of New London:

You are hereby commanded to summons A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at his office in said city, on the — day of — 18 —, at — o'clock in the — noon, to answer to the city of New London to the damage of said city, two hundred (\$200) or under.

Given under my hand at the said city 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 hereafter may be prescribed by the laws of the 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. How summons served and made returnable.

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

THE CITY OF NEW LONDON *against* A. B. — In Justice Court before C. D., Justice.

The plaintiff complains against the defendant for that the defendant on the — day 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 New London to recover of the defendant the sum of — dollars, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of complaint for warrant.

SECTION 6. In all cases where oath is made for a warrant the complaint shall be made on oath and no other affidavit shall be necessary which last mentioned complaint may be substantially in the following form : THE CITY OF NEW LONDON against A. B. In justice court before C. D., Justice.

COUNTIES OF WAUPACA AND OUTAGAMIE—SS.

—, being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of New London, in said county, that A. B. on the — day of —, 18—, at 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 as this complaint [complainant] verily believes, and prays that said A. B. may be arrested and held to answer to said city of New London therefor.

Sworn and subscribed this — day of —, 18—, before me.

It shall be sufficient to give the number of the section, and chapter of this act, or the section of the ordinance, by-law or regulation violated, or particular part thereof, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following terms :

Form of warrant.

COUNTIES OF WAUPACA AND OUTAGAMIE—*City of New London*—SS.

The state of Wisconsin to the sheriff or any constable of said county, and to the chief of police of the city of New London, greeting :

Whereas, —, has this day complained to me in writing, on oath, that A. B., on the — day of —, 18—, at said city, did violate section — of chapter — of this act ; or sections —, of an ordi-

nance or by law or regulation of said city, describing it by its title, which said — is now in full force as the complainant believes. Therefore, you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of New London on the complaint aforesaid.

C. D., Justice of the Peace.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent, or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security to be approved by the court, for his or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Waupaca or Outagamie counties. The complaint as aforesaid shall be the only complaint required, and the answer of "not guilty" shall put in issue all subject matter embraced in the action.

How case to be tried.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, or certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Printed copy of ordinance, etc., to be evidence.

SECTION 8. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits 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.

Prepayment of fees not necessary.

SECTION 9. In city prosecutions the findings of the court or jury shall be either "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and the nonpayment thereof, the justice shall forthwith issue execution as in other cases of tort, in case the action was commenced by summons, or a commitment, in case it was com-

Findings of court.

menced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form :

Form of execu-
tion. COUNTIES OF WAUPACA AND OUTAGAMIE—*City of New London*—ss.

The State of Wisconsin, to the sheriff or any constable of said counties, or to the chief of police of the said city, and to keepers of common jails of said counties, greeting :

Whereas, the said city of New London, on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for the 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 goods and chattels of said —, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels wherein to levy, to take the body of said —, and him convey and deliver to the keeper of the common jail in Waupaca or Outagamie ; 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.

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

Appeal to
circuit court.

SECTION 10. Any defendant feeling aggrieved by the judgment of any justice of the peace in any action commenced under the provisions of this act, by summons and warrant, may appeal from such judgment to the circuit court or county court of the counties of Waupaca or Outagamie ; *provided*, such defendant within twenty-four hours after the entry of such judgment enters into a recognizance with one or more sufficient sureties to be approved by such justice, con-

ditioned to appear before the court and abide the judgment of the court therein. The justice 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 a copy of the entries on his docket in the action together with the recognition to be filed in the office of the clerk of said court, and the city may appeal from any such judgment as in other cases before justices of the peace.

SECTION 11. Said appeal shall stand for trial by jury unless a jury be waived in the manner provided by law, in said circuit court at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to either party.

Appeal to be tried by jury.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law, or regulation under which he or they are prosecuted and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts and enforce the same by execution as in actions of tort.

If judgment of justice confirmed, penalty to be inflicted.

SECTION 13. No person shall be an incompetent judge, justice, juror, or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Residence not to disqualify as witness or juror.

SECTION 14. All ordinances and regulations now in force in the village of New London, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Village ordinances to remain in force.

SECTION 15. All actions, rights and penalties, fines and forfeitures in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Actions to be prosecuted by corporation.

SECTION 16. The general laws for the preservation of bridges, and the punishment provided by such laws for willful and malicious injuries done thereto are hereby extended to and shall include all of the bridges erected or owned by said city over the Wolf and Embarras rivers, and shall apply to any willful or malicious damage which may be done to either of them, by any person or persons whatever; and the common council of said city may, from time to time, make such

General laws for preservation of bridges to apply.

by-laws or ordinances as they may deem necessary for the preservation of such bridges and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water craft, or by the master or any person in command thereof, such vessel or water craft may be proceeded against by the said city, under the law to provide for the collection of demands against boats and vessels which does now or may hereafter exist.

Service of process.

SECTION 17. When any suit or action shall be commenced against said city, the services thereof may be made by leaving a copy of the 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 city attorney thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such cases provided.

Penalties to be paid into city treasury.

SECTION 18. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter 8 of this act.

Fire apparatus exempt from execution.

SECTION 19. All fire engines, hose, hose carts, hook and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire and all houses or buildings owned or occupied by said city, for such engines, hose, hose carts, hooks and ladders, and other apparatus and implements shall be exempt from attachment or execution issued in any action or on any judgment wherein the city shall be a party.

Private property not liable for city debts.

SECTION 20. No real or personal property of any inhabitant of said city, or of any individual or corporation shall be levied on or sold by virtue of attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or any judgment against said city.

CHAPTER XIII.

MISCELLANEOUS.

Contracts to be let to lowest bidder.

SECTION 1. All contracts for work ordered by the common council shall be let to the lowest bidder, who shall have complied with the requirements hereinafter set forth. All bids, or proposals, shall be sealed and directed to the common council and shall be accompanied with a bond to the city of New London in the penal sum of one-third of the city's estimate of the cost of the work, which bond shall be signed by the bidder and by two or more responsible sureties who shall each

make affidavit that he is worth the penal sum of such bond over and above all his debts, liabilities and exemptions, such bonds and sureties to be approved by the common council previous to the opening of the accompanying bids or proposals, and shall be conditional that such bidder will execute and perform the work for the price mentioned in his proposal and according to the plans and specifications on file, in case the contract shall be awarded to him, and in case of default on his part to execute a contract with satisfactory sureties, and to perform the work specified; said bond may be prosecuted in the name of the city and judgment recovered thereon for the full amount of the penalty thereof as liquidated damages in any court having jurisdiction of the action.

SECTION 2. No contract shall be entered into by the city unless the same shall be executed by two or more sureties for the contractors, guaranteeing to the satisfaction and approval of the proper authorities the performance of such contract by the contractors, each of which sureties shall make an affidavit endorsed on, or attached to such contract, that he is worth the estimated amount of money to be paid such contract over and above all his debts, liabilities and exemptions. Whenever the lowest bid for any work to be let by said city shall appear to the said council to be unreasonably high, the said council is authorized to reject all bids therefor and to re-let the work anew.

Contractors to give security.

SECTION 3. Whenever the city shall let any work or improvement, which shall require the digging up, use or occupancy of any street, alley, highway or public ground, within said city, there shall be inserted in the contract therefor substantial covenants requiring such contractors, during the night time and during all times when work therein is suspended, to put up and to maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway or other public grounds for which the city might be liable, and also such other covenants and conditions as experience has proved or may prove necessary to save the city harmless from damages, and it shall also be provided in such contracts that the party contracting with the city shall be liable to said city for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds, or which may result therefrom, or which may result from the carelessness of such contractor, his agent, employes or workmen.

Precautions against accidents to be required.

City to be indemnified against damages for accidents.

SECTION 4. Whenever any work or improvement shall be let by contract to any person or persons, firm or corporation, covenants shall be inserted in such contract binding such person or persons, firm or corporation, and the sureties to save and indemnify and keep harmless the said city against all liabilities, judgments, costs and expenses which may in any wise come against said city in consequence of the granting of such contract, or which may in any wise result from the carelessness or neglect of such person or persons, firm or corporation or his or its agents, employes or workmen in any respect whatever.

Appropriation of money.

SECTION 5. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this act.

Remission of penalties.

SECTION 6. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

New survey of lines and boundaries.

SECTION 7. The common council may at any time cause a new and accurate survey to be made of the line and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made, and certified to by the surveyor, which shall be filed in the office of the city clerk.

Surveys and landmarks to be evidence.

SECTION 8. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks in all cases in which they shall be drawn into controversy in all courts in this state.

Establishment of grades of streets, etc.

SECTION 9. The common council may, at such time as they may deem proper, establish the grades of all the streets, alleys and sidewalks in said city or any or either of them, and shall cause accurate profiles thereof to be made, which shall be filed in the office of the city clerk, and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owners of lots or parcels of land or tenements which may be affected or injured in consequence of the alteration of such grade.

City may purchase and hold property.

SECTION 10. The said city may have, purchase or hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same while owned and occupied or held by said city shall be exempt from taxation.

SECTION 11. When the city of New London deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of New London, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

How deeds, etc., to be executed.

SECTION 12. The mayor of said city is hereby authorized, when the common council shall so direct, and shall, by ordinance or resolution describe the real estate and interest to be conveyed, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Mayor to execute instruments.

SECTION 13. When any such deed or lease is so executed the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy so attached and the record thereof shall in all courts of this state be *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

Duty of city clerk.

SECTION 14. If any election by the people or common council shall, for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by an officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

When election not held at prescribed time.

SECTION 15. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this charter.

Act not repealed by general laws.

SECTION 16. The village clerk of the village of New London shall immediately after the city officers are elected and qualified deliver over all books and papers to the city clerk, and the village treasurer shall pay over all moneys in his hands to the city treasurer, also

Village clerk to surrender books and papers.

to deliver all books, papers and property pertaining to his office to the same.

SECTION 17... This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[Published March 16, 1877.]

CHAPTER 163.

AN ACT to legalize the tax roll of the town of Marietta, in Crawford county.

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

Tax roll legalized.

SECTION 1. That the tax roll of the town of Marietta, in the county of Crawford, for the year 1875, is hereby declared valid for all purposes.

SECTION 2. This act shall take effect and be in force [from] and after its passage and publication.

Approved March 7, 1877.

[Published March 18, 1877.]

CHAPTER 164.

AN ACT to change the time for holding the general terms of the circuit court in Walworth county.

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

When general terms held.

SECTION 1. From and after the first day of March, 1877, the general terms of the circuit court in and for the county of Walworth, in the first judicial circuit of this state, shall be held on the second Mondays of February, June and September in each year; *provided*, that no jury shall be summoned for the June term of said court, but said court shall have power at such June term to transact any business or do any act which may be lawfully transacted or done at a general term of the circuit court without the intervention of a jury.

Term of March, 1877.

SECTION 2. Until the said first day of March, 1877, the several terms of the circuit court for the aforesaid