

court of the county of Racine, within the time prescribed by the statute.

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

Approved March 7, 1878.

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[No. 161, A.]

[Published March 12, 1878.]

### CHAPTER 111.

AN ACT to legalize certain acts of the Rocky Mound Grange Company, in and about the reorganization of the same.

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

Legalized.

SECTION 1. To the end that technical objections to the payment of assessments upon the stock in the "Rocky Mound Grange Company," of the town of Mentor, in the county of Clark, may be obviated, all the acts of said company in and about the reorganization of the same, be and the same are hereby legalized and confirmed.

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

Approved March 7, 1878.

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[No. 78, A.]

[Published March 16, 1878.]

### CHAPTER 112.

AN ACT to consolidate and amend the act to incorporate the city of Beaver Dam, and the several acts amendatory thereof.

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

Consolidated.

First, the act entitled an act to incorporate the city of Beaver Dam, approved March 18, 1856, and the several acts amendatory of the same, are hereby consolidated and amended so as to read as follows:

#### TITLE I.

##### CITY AND WARD BOUNDARIES.

Incorporated.

SECTION 1. All that district of country in the county of Dodge hereinafter described, shall be a city by

the name of Beaver Dam, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Beaver Dam, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall have and possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts of law or equity, and shall have a common seal, and may change and alter the same at pleasure.

Name and powers.

SECTION 2. All that section of country in towns City boundaries number eleven (11) and twelve (12) north, of range fourteen (14) east, to wit: section number four (4), and east three-fourths (3-4) of section number five (5), and the west one-fourth (1-4) of section number three (3) in township number eleven (11), and section number thirty-three (33), and the east two-thirds (2-3) of section number thirty-two (32), and the west half of section number thirty-four (34), the south half of section number twenty-eight (28), and the east three-fourths (3-4) of the south half of section number twenty-nine (29), and the south-west quarter of section twenty-seven (27), in township number twelve (12) north, of range number fourteen (14) east, aforesaid, shall be included in and constitute the limits of the city of Beaver Dam.

SECTION 3. The city of Beaver Dam shall be divided into four wards, as follows, to-wit: All that portion of said city lying west of the center of Center street, and south of the Beaver Dam river and mill pond, shall constitute the first ward. All that portion of country of said city east of the said Center street, and south of the center of Front street, shall constitute the second ward. All that section of country of said city north of the center of Front street, and east of the center of Spring street to De Clark street, and east of the center of De Clark street to the city limits, shall constitute the third ward. All that portion of said city west of the center of Spring street and De Clark street to the city limits, and not embraced in the first ward, shall constitute the fourth ward.

Ward boundaries.

## TITLE II.

### ELECTIONS.

SECTION 1. The elective officers of said city shall be a mayor, a treasurer, a street commissioner, a superintendent of schools, a marshal; and for each ward three Elective officers and terms of office.

aldermen, one justice of the peace, one assessor, two school commissioners and one constable, which said officers shall hold their respective offices as follows: The mayor, treasurer, street commissioner, superintendent of schools, assessors, constables, two aldermen and one school commissioner in each ward, for the term of one year; one alderman, one school commissioner and the justices of the peace in each ward, for the term of two years. The term of office of the said city and ward officers shall commence on the first Tuesday of May next after their election. Each of said officers shall continue in office for his respective term, and until his successor is elected or appointed and has qualified, and shall have such powers and shall perform such duties as are prescribed in this act or as may be prescribed by any ordinance of said city not incompatible with this act, or which may not be incompatible with the nature of their respective offices.

Annual election of officers.

SECTION 2. On the first Tuesday of April, one thousand eight hundred and seventy-eight, and annually thereafter, on the day fixed by the laws of the state of Wisconsin for holding the annual town meetings of the several towns in this state, the qualified electors of said city shall elect one mayor, one treasurer, one street commissioner, one marshal and one superintendent of schools, which said officers shall be qualified voters and residents of said city; and on the same day at the same place of holding said election, the said qualified electors shall also elect for each ward two aldermen, one constable, one assessor, and for the term of two years one school commissioner and one justice of the peace. One of said aldermen shall hold his office for two years and one of said aldermen shall hold his office for one year. The alderman having the highest number of votes in each ward shall be the alderman for two years. One alderman and one school commissioner in each ward will hold over in accordance with the provisions of the city charter heretofore in force. The aforesaid officers shall be residents of the respective wards for which they are elected, and said elections shall be held in the several wards of said city, for the officers above designated. And said elections shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls shall elect by *viva voce* a sufficient number of inspectors to make three with the alderman present, who shall be sworn in accordance with the laws of the state. They

shall appoint and swear two clerks, and shall see the names of the voters registered, and the ballots safely deposited in the ballot-boxes; shall decide all questions that may arise as to the legality of the votes presented, and shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election, shall direct and return one of the said returns to the clerk of the common council, the other to the county clerk of the county of Dodge. The mayor of the city and such members of the common council as shall hold over shall constitute a board of canvassers, who shall, within five days after election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify by certificate the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until sundown.

SECTION 3. In the event of a vacancy in the office of mayor or alderman, by death, removal or other disability, the common council shall order a new election, and shall give not less than five days notice thereof; any vacancy in other offices shall be filled by the common council. The persons appointed or elected to fill a vacancy shall hold their offices and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the persons whose offices they may be elected or appointed to fill.

Vacancies, how filled.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election; all elections by the common council may be *viva voce*, and a majority of the votes cast shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

How election determined.

SECTION 5. All persons entitled to vote for state or county officers, and who shall reside within the ward where they offer to vote, for three days prior to the day of election, shall be entitled to vote for any officer to be elected under this act, and to hold any office hereby created.

Who entitled to vote.

SECTION 6. If either of the inspectors of elections or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the

Challenge of votes, and penalty for illegal voting.

inspector or alderman, before receiving any such vote, shall require the voter offering to vote to take the oaths or affirmations which are provided by the laws of this state, and all the provisions of the laws of this state applicable to such cases shall be followed herein, except as is otherwise herein provided. And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the penalty 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 the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment or information, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and shall swear in their votes. And if any inspector or alderman shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect count and tallies of votes, each and every such inspector or clerk shall be liable to indictment or information, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars; all such indictments or informations shall be tried in the circuit court of the county of Dodge.

Special elections.

SECTION 7. Special elections to fill vacancies or for any other purpose shall be held and conducted by the alderman of each ward, or inspectors, as provided by this act, and returns thereof shall be made in the same time, form and manner as at general or annual elections.

When office considered vacant.

SECTION 8. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any city or ward officer who shall neglect or refuse to qualify on or before the first Tuesday of May following his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as herein provided by this charter: *provided*, that all the officers of said city

shall hold their respective offices until their successors shall be elected, appointed and qualified, according to law. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

### TITLE III.

#### OFFICERS, THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to fill any office or vacancy under this act, shall, before he enters 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 city clerk; the treasurer, the marshal, the several constables and policemen, justices of the peace and such other officers as the common council may direct, shall severally before they enter upon the duties of their respective offices execute to the city of Beaver Dam a bond in such sum and with such sureties and such conditions as the common council may direct; and the common council may from time to time require new or additional bonds and remove from office any officer refusing or neglecting to give the same.

Official oaths  
and bonds.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council and shall take care that the laws of the state and the ordinances of the city are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall be the chief executive officer of the city and the head of the police and fire department; he shall appoint the police forces in such numbers as the common council shall direct and in case of a riot or disturbance of the peace, shall appoint a temporary police; he shall communicate in writing to the common council once a year such information as he may deem necessary, and at all times give such information as the common council may require. The mayor shall have a casting vote only in case of a tie on the election of an officer by the common council.

Mayor—his  
powers and  
duties.

SECTION 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city or his inability from any cause to discharge

President—his  
powers and  
duties.

all the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. In case the mayor and the president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council or performing the duty of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

Clerk — his powers and duties.

SECTION 4. The common council shall elect a city clerk, he shall keep the corporate seal and all papers and records of the city; he shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence of all legal proceedings, and copies of all papers filed in his office, and transcripts from the records certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall keep a full and accurate account of all orders drawn on the city treasury in a book provided for that purpose, and shall also keep 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 of the state. Whenever the clerk shall be absent from any meeting, the common council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations.

City Attorney — his duties.

SECTION 5. The common council may elect a city attorney who shall perform all professional services incident to the office as prescribed by ordinances or resolution, and when required, shall furnish written opinions to the common council or its committees.

Powers and duties of the treasurer.

SECTION 6. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council may direct; all money of whatever description, raised by tax, license, fine, penalty, forfeiture, or otherwise, for city purposes, shall be paid into the city treasury. He shall collect all taxes and assessments which may be levied or assessed upon the real and personal property in the city, and exercise the same powers, when not prescribed by this act, as control and govern treasurers of towns, and shall be subject to the same liabilities:

*provided*, that he shall receive no fees for his services, except such salary as shall be paid him by the city. He shall pay all orders drawn upon the treasury by order of the common council, or as is otherwise authorized, out of the proper funds. He shall report to the common council quarterly, a full and detailed account of all receipts and expenditures, after the date of the last quarterly report, which statement shall be filed with the city clerk; and at the expiration of his term of office, shall hand over to his successor all moneys, books, papers and property in his possession, belonging to said city. The books kept by said treasurer shall be open to inspection by any person at all reasonable times. At the expiration of his term, the said treasurer shall file all assessment or tax rolls in his hands in the office of the city clerk; said assessment and tax rolls shall be substantially bound annually, and shall remain of record in the clerk's office.

SECTION 7. The marshal shall attend all meetings of the common council and of the board of education, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and the collection of fines and license moneys; he shall be the keeper of the city lock-up, and shall possess the power of constable at common law, or as given by the laws of this state, and shall receive like fees; he shall have power to appoint one or more deputies to be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties; and all writ and process issued by any justice within the county of Dodge, directed to any constable therein, shall be deemed as if also directed to said marshal, and he may serve any criminal process or processes for the violation of any city ordinance in any part of the state. It shall be the duty of the marshal or of any constable in the city of Beaver Dam, and he or they are hereby authorized and required to summarily arrest and take before any justice of the peace of said city any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or of any breach of the peace, by making any improper noise, or disturbance, or by firing guns, or fighting or threatening to fight, or in any other manner disturbing the public peace, or who shall be engaged in violating any ordinance of said city made for the preservation of the peace and good order there-

Marshal—his  
powers and  
duties.



in, and such justice shall have power to hear, try and determine all such offenses, and any person convicted of any offense specified in this act, where no other punishment is provided by law or by any ordinance of said city, shall be punished by fine not less than three dollars nor more than fifty dollars, or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days, in the discretion of the justice; and in all cases the justice may impose the payment of the costs of prosecution upon the person so convicted, as a part of the punishment; and in default of payment of any such fine or costs, the justice shall commit the defendant to such county jail or lock-up for such number of days, not exceeding thirty nor less than five, as he may think proper; but in case any person shall be committed for nonpayment of any such fine or costs, he shall be discharged upon paying the same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up.

May commit  
without process.

SECTION 8. Any person making any arrest under the provisions of this act may, if necessary, commit the person arrested, to said jail or lock-up without process, and such person shall be delivered up to such officer by the keeper of said jail or lock-up, on demand and without process; the person so confined shall be taken before a justice of the peace within twenty-four hours (Sunday excepted) after such complaint, and the arresting officer shall make the complaint in every case of summary arrest, unless a formal complaint is filed by some other person, and process duly issued within the time specified, after the committal.

School superintendent—his powers and duties.

SECTION 9. The superintendent of schools shall be the executive officer of the board of education; he shall examine all teachers making applications for schools (examinations to be public and in the presence of the board); shall grant certificates to such persons so examined as shall be deemed by him and a majority of the board suitably qualified, and shall carry into effect the ordinances of the common council and the rules and regulations of the board in reference to the common schools; he shall also be especially charged with the care and custody of the several school-houses of the city, and, under the direction of the board, shall superintend the building, enlarging, improving, furnishing and repairing of all the school-houses ordered to be erected by them, and the making of all repairs and improvements on and around the same. In addi-

tion to the foregoing duties, he shall visit the common schools of the city at least once in each month and report their condition to the board, with such suggestions for their improvement as he may deem proper; he shall also perform such other duties, with respect to such schools, as the board may assign him. It shall be the duty of the superintendent between the first and fifteenth days of October in each year, to make and transmit to the county clerk of the county of Dodge a report in writing, bearing date on the first day of October, in the year of its transmission, stating —

1st. The number of schools taught within the city, and the length of time they have been taught by qualified teachers.

2d. The total amount of public money received for the use and benefit of such schools.

3d. The number of children taught in the common schools of the city, and the number of children residing in the city over the age of four and under the age of twenty years.

4th. The manner in which the public moneys have been expended, and whether any and what part remains unexpended, and for what cause.

5th. The amount of money raised in the city and paid for teachers' wages in addition to the public money raised therefor, the amount of taxes raised for the purchasing, repairing and insuring of school houses, for the purchase of school-house sites, for building, hiring, for fuel, for district libraries, or for any purposes allowed by law in said city, since the date of the last preceding reports, with such other information as the state superintendent may, from time to time, require.

SECTION 10. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and water courses within the city are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all works let by contract for the improvement of streets or sidewalks, unless the common council shall otherwise provide. The street commissioner shall monthly report to the common council a correct statement of the labor expended by him on streets or sidewalks, and the names of the persons by him employed for street work, and the amounts to which they are entitled; and the street commissioner shall also perform all the acts and duties imposed upon

Street commissioner — his powers and duties.

him, or prescribed by any ordinance or resolution of the common council, and the said street commissioner shall, at all times, be under the direction and control of the common council, and shall expend no more money upon streets than the common council may, from time to time, order, and at such place or places, and upon such street or streets, and to such an amount as shall be ordered by the common council.

Council may require further duties and appoint other officers.

SECTION 11. 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 appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Shall provide for printing by contract.

SECTION 12. The common council shall annually provide that all printing authorized and required by them to be done for their use for the city, shall be let to the lowest responsible bidder, for the term of one year, and may require sufficient security for the faithful performance of said contract. All ordinances, resolutions, notices and other proceedings required by the act hereby amended, or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall, in person or by his foreman, file with the clerk of the city, his or their affidavits of the length of time said ordinance, by-law or proceedings have been published, and such affidavit shall be conclusive evidence of the publication of such ordinance, resolution, by-law or proceeding.

Transfer of property to successor.

SECTION 13. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office, all property, moneys, books, papers and effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects, in the manner prescribed by the laws of this state.

Peace officers—their duties.

SECTION 14. The mayor, sheriff of Dodge county,

aforesaid, each and every alderman, justice of the peace, marshal, constables and watchmen, shall be officers of the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all bystanders, and the mayor, president and marshal may command the assistance of all bystanders, and if needful, of all citizens and military companies; and if any bystanders, military officer or private shall refuse to aid in maintaining the peace when required, every such person shall forfeit and pay a fine of fifty dollars, and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

SECTION 15. The common council may 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 the duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

City surveyor—  
his powers and  
duties.

SECTION 16. The justices of the peace provided for in this act shall hold their offices in the city of Beaver Dam, and shall have the same rights, powers and jurisdiction as justices of the peace elected in towns; and shall have jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; and try all offenses against the ordinances of the city, and said justices shall have sole jurisdiction in all cases of offenses against the ordinances of said city, and defendants in criminal cases shall have the same right of appeal as provided by law; and in all cases of fine under the ordinances, defendants shall have the same right to an appeal, under the same provisions and requirements as now are, or may be, provided for taking appeals from justices of the peace.

Justices—their  
rights, powers  
and jurisdic-  
tion.

SECTION 17. On the first day of May in each year, or within ten days preceding said date, every justice of the peace before whom any proceedings have been had under this act, shall report to the common coun-

Justices to  
make annual  
reports.

oil the names of all persons brought before him under this act, for what cause, the final disposition of the complaint, the amount of costs which have accrued upon such complaint, chargeable to the city (if any), to whom such costs are payable, and the amount of fines received by him in each case.

Form of complaint.

SECTION 18. The following or equivalent forms may be used in proceedings under this act, or in proceedings for any violation of the charter, or any ordinance of said city:

#### FORM OF COMPLAINT.

STATE OF WISCONSIN — *Dodge County* — City of Beaver Dam — ss.

A. B., being duly sworn and examined, makes complaint, and says, that in said city, on the — day of —, A. D., eighteen hundred and —, one C. D. was guilty of (here state the nature of the offense) in violation of law, and prays that the said C. D. may be apprehended to answer therefor. A. B.

Subscribed and sworn to before me this — day of —, eighteen hundred and —.

— —, Justice of the Peace.

Upon such complaint being filed with the justice, he may issue a warrant for the apprehension of the party complained of, which warrant may be in the following form: *provided, always*, that in case where an offender may have been arrested without warrant, the said justice may proceed upon the complaint alone.

#### FORM OF WARRANT.

Form of warrant.

STATE OF WISCONSIN — *Dodge County* — City of Beaver Dam — ss.

To the marshal of the city of Beaver Dam, or any of his deputies:

Whereas, A. B., has this day complained to me in writing on oath, that in the said city, on the — day of —, A. D. eighteen hundred and —, one C. D. was guilty of (here state the nature of the offense.)

Now, therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the said C. D., and bring him before the undersigned, one of the justices of the peace of said county, to answer the said complaint, and to be dealt with according to law.

Given under my hand, this — day of —, A. D. eighteen hundred and —.

E. F., Justice of the Peace.

SECTION 19. All of the general provisions of law concerning the trial of criminal offenses, the fees of officers and proceedings in which, upon the trial the justice finds he has not final jurisdiction of the cause, shall govern trials under this act, unless otherwise provided in this act: *provided*, that in all convictions under this act where a punishment for the offense is prescribed in the general statutes of this state, or in any ordinance of said city, the penalty so prescribed by the statutes or ordinances, shall be imposed upon the person so convicted; the city attorney, or such other person as the city council may designate, shall appear on behalf of the city in all suits or proceedings under this act, or in any other suit in which the city is interested.

General provisions for criminal trials.

SECTION 20. All fines collected in pursuance of this act shall be paid into the city treasury by the person receiving the same, immediately after the receipt thereof, for the use of said city, and said city shall be liable for all costs and expenses arising in proceedings under this act, which are not imposed upon and paid by the defendant, except where such costs are imposed on the complainant, upon the justice certifying said complaint was willful and malicious.

Disposition of fines.

#### TITLE IV.

##### SALARIES OF CITY OFFICERS.

SECTION 1. The several city officers hereinafter named, shall receive the following salaries for their services as such officers, and the same shall be accepted and shall be in full compensation for such services during the term of their respective offices, to wit: The city treasurer, the sum of four hundred and twenty-five dollars; the city clerk the sum of two hundred and fifty dollars; the superintendent of schools the sum of two hundred dollars; the city marshal the sum of two hundred dollars; the assessor of the first ward the sum of forty dollars; the assessors of the second, third and fourth wards, the sum of fifty-five dollars each; the street commissioner shall receive two dollars for each days' labor; the steward of the fire company the sum of fifty dollars per annum.

Salaries.

SECTION 2. All salaries paid by the city to officers or others shall be payable monthly, at the end of each and every month, except assessors, who shall be paid at the conclusion of their duties each year.

Salaries payable monthly.

## TITLE V.

## THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Corporate authority vested in mayor and common council.

SECTION 1. The municipal government and the corporate authority of the city of Beaver Dam shall be vested in the mayor and common council. The board of aldermen, consisting of three members from each ward, shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Beaver Dam, do ordain," etc. The common council shall meet at such time and place as they, by resolution, shall direct; a majority of the aldermen shall constitute a quorum.

Stated and special meetings.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the aldermen to be served personally or left at their usual place of abode. The common council shall determine the rule of its own proceedings and be the judge of the election and qualification of its own members, and shall have power to compel the attendance of absent members.

Special powers of the common council.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city, except as in this act otherwise provided; and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations, for the government and good order of the city, for the benefit of the trade, commerce and health thereof, for the suppression of vice, for the prevention of crime, for the protection of persons and property, and for carrying into effect the powers vested in said common council, as they shall deem expedient; 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, by-laws and regulations are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution of the United States or of this state, and for these purposes the common council shall have authority, anything in any general law of this state to the contrary notwithstanding, by ordinances, resolutions, by-laws, rules or regulation:

Licenses.

1. To regulate taverns, victualing houses, saloons, gardens and all other places within said city where wines and other liquors are sold to be drunk on the

premises; and to license, regulate and restrain tavern-keepers, keepers of ordinaries, saloons, victualing-houses or other houses or places, or the selling or giving away spiritous, vinous or fermented liquors, and to prescribe the time for which such licenses should be granted, and to restrain any person from vending, giving or dealing in spirituos 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 twenty five (25) dollars, nor more than one hundred and fifty (150) dollars per annum.

2. To license, tax, regulate, suppress or prohibit public billiard halls, nine or ten pin alleys, bowling saloons and ball alleys. Billiards, etc.

3. To license, take, regulate, suppress, or prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments by itinerant persons or companies; exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements. Regulation of showmen, etc.

4. To restrain or prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, and other games of chance, for the purpose of gaming in said city, and to restrain and prohibit the keeping open of groceries, shops, stores, saloons and other places of amusement or business on Sunday, in said city, and to prohibit the performance of secular business on that day. Gaming, etc.

5. To prevent any riot, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses and houses of ill-fame, and to authorize the destruction of all instruments and devices used for the purpose of gaming. Riots, etc.

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 deemed necessary for the health and comfort and convenience of the inhabitants of said city. Nauseous places.

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, license, restrain, abate or prohibit, within the city and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all estab- Slaughter houses, tanneries, etc.



- lishments or places where any nauseous, offensive or unwholesome business may be carried on.
- Public markets.** 8. To establish and regulate public markets, determine their location, 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 interrupting or interfering with the due observance of such rules and regulations.
- Tainted meat, game or vegetables.** 9. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city, and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.
- Gunpowder.** 10. To direct or prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials within the city.
- Combustible materials.** 11. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses.
- Fireworks.** 12. To prevent shooting of fire arms and fire crackers, and to prevent the exhibition or use of any fireworks, at any time or in any situation which may be considered by the council dangerous to the city or to any property therein, or annoying to any citizen thereof.
- Encumbering of streets, etc.** 13. To prevent the encumbering of the streets, sidewalks, lanes, alleys, and public grounds with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings or any substance or material, or in any manner whatsoever.
- Horse-racing.** 14. To prevent horse racing, 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 grounds.
- Swimming.** 15. To regulate and determine the times and places of bathing and swimming in the rivers, harbors or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.
- Vagrants and drunkards.** 16. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing

and punishing any person or persons who may be guilty of the same.

17. To restrain and 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 cost of the proceedings; and also to impose penalties on the owners of any such animals, for a violation of any ordinances in relation thereto. Running at large of cattle, etc.

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

19. To provide for licensing the keeping of dogs in the said city at a sum or rate of not less than one dollar (\$1) nor more than five dollars (\$5) a year for each dog, and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of licensed dogs, and for the killing and destruction in a summary manner of all dogs not licensed, whenever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys or public grounds in the said city; and to punish persons keeping unlicensed dogs. Licensing of dogs.

20. To license, regulate and suppress hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen and all others, whether in the permanent employment of any corporation or otherwise, who may pursue like occupations, with or without vehicles, also to license bill posters and prescribe their compensations. Hackmen, etc.

21. To prevent and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. Amusements annoying.

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 their spread therein; and to make quarantine laws and regulations and enforce the same within the city, and not to exceed four miles beyond the city bounds. Infectious diseases.

23. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient, and to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease. Nuisances.

**Cemeteries.**

24. To provide for and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same, to provide by ordinance or resolution for the punishment by fine and imprisonment of any person or persons for injuring in any manner the fences, ornaments, trees, shrubbery plants, grave-stones, monuments, railings, buildings or other fixtures or improvements on the same, or by violating any ordinances or regulation of the common council enacted for the protection of such cemeteries against trespassers; and for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city, and to be within the jurisdiction of the same; to regulate the burial of the dead and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sexton and others for any default in the premises; also to provide for, hold and regulate grounds for the interment of dead animals.

**To define nuisances.**

25. To abate and remove all nuisances under the ordinances or at common law, and punish the authors thereof by penalties, fine 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 said city, or within its jurisdiction by indictment or otherwise.

**Putrid carcasses.**

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

**Pest-houses.**

27. To erect or establish one or more pest houses, hospital and dispensaries, and control and regulate the same.

**Collection of persons — to prevent.**

28. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers or others, for the purpose of business, amusement or otherwise.

**Steam whistles**

29. To control, regulate or prohibit the use of steam whistles within the limits of the city.

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

31. To compel owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street or alley, opposite thereto; and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health shall direct, and on their default, to authorize the destruction or removal thereof by some officer of the city at the expense of such owners or occupants. Remove rubbish, etc.

32. To control, regulate, repair, mend and clean the streets and alleys, bridges, side and crosswalks, and open, widen, straighten, and vacate streets and alleys, and establish and alter the grade thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from encroachment or injury, and to regulate the manner of using the streets and pavements of said city, and to protect the same from injury by vehicles used thereon. Streets, alleys, bridges, etc.

33. To prevent all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks. Protection of sidewalks.

34. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs. Pounds, cisterns, etc.

35. To erect lamps and regulate the lighting thereof, and to provide for lighting the streets and public buildings with gas or otherwise. Lighting streets and public buildings.

36. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weights, to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standards of such weights and measures shall be conformable to those established by law in this state. Weight and measures.

37. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the cutting and sale of ice, and to restrain the sale of such as is impure; also to regulate the sale and measuring of wood, and the weighing and selling of coal and lime, and the places and manner thereof, and to appoint suitable persons to superintend and conduct the same, and define their duties. Hay, fuel, etc.

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

**Auctioneers,  
peddlers, run-  
ners, etc.**

39. To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and all keepers and proprietors of junk shops, and places for the sale and purchase of second hand goods, wares and merchandise, to tax, license, regulate and restrain hawkers and peddlers, transient dealers and runners, or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments; and other runners, including runners or solicitors for mercantile houses from other cities and towns, for the sale of goods, wares and merchandise by sample, order or otherwise, and keepers and proprietors of gift bookstores, gift concerts and other gift enterprises, and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license, and to regulate the manner in which they shall be carried on, provided that no such license shall be granted for a less term than three months nor for a longer term than one year, and that the amount for any such license shall not be less than at the rate of ten dollars (\$10) per year, nor greater than at the rate of one hundred dollars (\$100) per year for the carrying on of either of said trades, kinds of business or employment.

**Lumber and  
wood.**

40. 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 fire limits of said city.

**Measuring of  
building materi-  
als, etc.**

41. To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and headings, and all building materials, and to appoint one or more inspectors.

**Fish.**

42. To regulate the places and manner of selling fish.

**Engines and  
boilers.**

43. To provide for the inspection and regulation of stationery steam engines and boilers.

**Inspectors and  
weighers.**

44. To appoint inspectors and weighers and regulate their duties and prescribe their fees.

**Public grounds**

45. To establish and regulate public grounds.

**Locomotives.**

46. To regulate the speed of locomotive engines within the city, and to direct and control the location of railroad tracks, etc.

**Police.**

47. To appoint watchmen and policemen, and regulate the police and prescribe their duties.

**Numbering.**

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

49. To declare the weed commonly called the Canada thistle and other noxious plants and weeds on lots, parts of lots, railroad tracks and streets, and lands in said city, a public nuisance, and to proceed to abate the same, as the said city is authorized by law to abate other nuisances. Noxious weeds.

50. To impose fines for all violations within the limits of the said city of the general laws of the state, when in their judgment it is necessary for the peace and good order or for the health of the said city. Fines.

51. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds. Ornamental trees.

52. To preserve the purity of the waters of the river or lake, 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 substances of filth, logs or floating matter, to prevent and remove all obstructions therein and punish the authors thereof. Purity of water.

53. To authorize the taking up, and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper paternal care, and growing up in mendicancy, ignorance, idleness and vice. Restraining of children.

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

55. To regulate or prohibit the carrying or wearing of concealed weapons. Concealed weapons.

by any person under his clothes or concealed about his person of any pistol or revolver, or sling shot, or cross knuckles, or knuckles of lead, brass or other metal, or 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 weapons.

**Insecure chimneys, etc.**

56. To control and regulate the construction of buildings, chimneys and smoke stacks, and to prevent and prohibit the erection or maintenance of any insecure or unsafe buildings, smoke stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement.

**Means of speedy egress.**

57. To declare that it shall be unlawful for any hall, theater, opera house, church, school house, or building of any kind whatsoever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons assembled, in case of alarm.

**Merchandise traffic.**

58. To regulate the sale or traffic in merchandise in the city of Beaver Dam, as they may see fit, and to have power to grant license to transient dealers, or to require the payment into the city treasury of a certain percentage of the amounts received from sales by auctioneers and transient dealers.

**Passage and publication of ordinances, etc.**

SECTION 4. All laws, ordinances, rules, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of all the aldermen elect, and shall be signed by the mayor and shall be published in a paper or papers, selected by the council, printed in said city before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk in books provided for that purpose, but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively within the said time shall be proved by the affidavit of the foreman or publisher of each newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

**Suppression of nuisances.**

SECTION 5. The power 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. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept

at any one time, are hereby declared and shall be deemed public or common nuisances.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and [all other officers and agents of the city, at such times as they may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Examination of accounts.

SECTION 7. The common council shall have power to expel any member of said council from his seat as a member of said council, and from his office as alderman, or for any violation of his oath of office: *provided*, that no such member of the council or alderman shall be expelled unless two-thirds of the aldermen elect vote for such expulsion.

Expulsion of members.

SECTION 8. 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.

Aldermen not to be party to contract.

SECTION 9. No voter shall be eligible to or hold more than one office under this charter at the same time.

Hold but one office.

## TITLE VI.

### OPENING OF STREETS.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall, by peti-

Opening of streets.



tion, represent to the common council that it is necessary to take certain lands, within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, the courses and distances, routes 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, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such land, if any there be, or if a portion of such lands shall not be in the 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 for two weeks, at least once in each week.

Application by  
petition.

SECTION 2. Such notice shall state that on a certain date 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 judge of the circuit or county court of Dodge county, for the appointment of twelve jurymen to view said premises, and to determine whether it will be necessary or expedient to take the same for the purpose specified in said petition.

Appointment  
of jurymen to  
condemn.

SECTION 3. Upon the presentation of such application, and upon the proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint twelve reputable freeholders, residents of the city, but not residents of the ward in which said premises may be, nor interested in such application as such jurymen. The said judge shall thereupon issue his precept, directed to said jurymen, requiring them within ten days, to view said premises, to be specified in said precept, and to make returns 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.

Vacancy.

SECTION 4. If any of the jurymen so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Shall view  
premises.

SECTION 5. The said jurymen, at such times as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testi-

mony shall be reduced to writing by one of the jurymen, and either of the jurymen shall be authorized to administer the necessary oaths to witnesses.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurymen 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 the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

Report of proceedings.

SECTION 7. Should the jurymen report that it is not necessary to take such premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurymen, within ten days thereafter, or such further time as may be deemed proper, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken; and also what lands or premises will be benefited by such taking, and to assess and return within the time limited, such damages and benefits to the common council.

Determination of damages.

SECTION 8. If there should be any building standing wholly or in part upon the lands to be taken, the jurymen, before proceeding to make their assessments, shall first estimate and determine the whole value of each 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 so removed.

Estimate of value of buildings.

SECTION 9. At least ten days' previous notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks; such notice shall specify the building, and the award of the jurymen. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurymen and allow such building to be taken with the land appropriated, or of their intent to remove said building at the value thereon set by the jurymen to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Notice of determination.

SECTION 10. If the owner refuses to take the build-

Sale of buildings.

ing at the value to remove, or fails to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of said building at public auction, for cash, giving ten days' notice of sale. The proceeds shall be paid to the owner, or deposited to his use.

**Assessment of damages and benefits.**

SECTION 11. The said jurymen, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefited thereby; after hearing such testimony as may be offered by any parties interested, and which shall be reduced to writing by one of said jurymen, they shall proceed to make assessments and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively, as damages, after making due allowances therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurymen shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by the owner aforesaid, less the proceeds of the sale thereof, or, if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

**Shall strike balance.**

SECTION 12. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damages, in either case the jurymen 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 by them and payable to them.

**If property be long to different persons.**

SECTION 13. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interests respectively may be awarded to them by the jurymen, less the benefits resulting to them respectively from the proposed improvements.

**Apportionment of damages.**

SECTION 14. Having ascertained the damages and expense of the proposed improvements, as aforesaid, the jurymen shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefited, in proportion to the

benefits resulting from the proposed improvement, as nearly as may be, and shall describe the real estate upon which the assessment may be made. The award of said jurymen shall be signed by them and returned, together with the testimony taken, to the common council within the time limited in their order of appointment.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found or is unknown, deposited to his or their credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purpose required, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened and laid out.

Lands not to be taken till damages are paid.

SECTION 16. When the whole of any lot or tract of land, or other premises under lease or under contract shall be taken by virtue of this act, all the covenants, contracts or agreements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

Lands under lease.

SECTION 17. When part only of a lot or tract of land, or other premises so under lease or contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid, for or in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, in respect to the same.

When only part is taken.

SECTION 18. The damages assessed shall be paid or tendered, or deposited as herein required, within six months from the confirmation of such assessment and reports, and if not so paid, tendered and deposited, all the proceedings in any such case shall be void. The benefits so assessed, from the confirmation of said report, shall become and remain a lien upon the premises so determined by the jurymen to be benefited by the opening or widening of such street, alley or public ground.

When damages to be paid.

In case of infants, etc.

SECTION 19. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court of Dodge county, or in his absence, the judge of any court of record in said county, may, upon the 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 on such guardian.

Council may appoint new jurymen.

SECTION 20. After the jurymen shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have the power to appoint new jurymen in the place of any who shall neglect or refuse to serve; and the jurymen, before entering upon the discharge of their duties, shall severally take an oath before some competent officer that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully discharge the trusts reposed in them.

May appeal from assessment.

SECTION 21. Any person whose property is taken, or against whom an assessment is made, may, within ten days from the return of the jurymen to the common council, appeal from said assessment of damages or benefits to the circuit court of Dodge county, where such appeal shall be tried by the court and jury as in ordinary cases. The common council shall have the same right of appeal.

Survey to be made.

SECTION 22. Whenever any public ground, street or alley 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 surveyor.

## TITLE VII.

### IMPROVEMENT OF STREETS.

Survey of streets.

SECTION 1. The common council shall cause a survey of all streets to be made, and the grade thereof established, and an accurate and perfect map and profile of the same made and deposited with the clerk of said city, with suitable field notes and explanations thereof, to enable the same to be fully understood, which grades shall be strictly complied with (unless altered and modified as hereinafter provided), in the opening and grading of all streets, and in the erecting of all bridges, sluices, water-courses and drains, and in constructing all sidewalks, platforms, cross-walks and alleyways.

SECTION 2. Upon the application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter all such grade, or establish a new one in such street or part of street set out in such application, as the public good may seem to require.

Change of grade.

SECTION 3. Any person not being a signer of such application who shall have sustained damage by such change of grade, shall have his right of action against the city for the recovery of the same: *provided*, that no suit shall be brought against the city for the recovery of such damages until application shall have been made to the common council, and said common council shall have refused or neglected for three months, to settle the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Actions for damages for change of grade.

SECTION 4. Sidewalks shall be constructed upon the proper and established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council by the ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered; if the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. 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 ten days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until sixty days' notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same in the official paper of said city.

Construction of sidewalks.

SECTION 5. Whenever the street commissioner shall deem it necessary to repair any sidewalk, constructed by the authority of any ordinance of said city within its limits, when it is out of order, said commissioner shall direct the owner or occupant of the lot or piece of ground adjoining the said walk to repair the same at his own

Repair of sidewalks.

proper cost and expense, in a reasonable time and manner, to be prescribed by said commissioner. If such walk is not done in the time and manner prescribed by the street commissioner, and to his satisfaction, the said commissioner shall cause the same to be properly done at the expense of the lots or pieces of ground adjoining said sidewalk and report the cost of said repairs to the common council. The common council of said city shall levy a special tax on each lot or piece of ground in front of which said sidewalk shall be so repaired by said commissioner, sufficient to pay the cost of repairing the same, and neither the said city nor any ward thereof, nor any officer within said city, shall be liable for any damage that may happen by reason of any defect in any sidewalk in said city, unless the street commissioner shall have first had actual notice of such defect, and reasonable time thereafter to repair the same.

## TITLE VIII.

### FINANCES AND TAXATION.

Funds—how controlled. †

SECTION 1. All funds in the city treasury except school, state and county funds shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner.

Orders—how drawn and payable.

SECTION 2. All orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax assessment levied by authority of the city, except taxes levied for school purposes.

City debt must be authorized by vote.

SECTION 3. No debt shall be contracted against the city or order drawn upon the city treasurer, unless the same shall be authorized by a majority of all the aldermen elect, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and it shall not be allowed; neither shall it be legal in any manner whatever, nor at any time, to contract a debt against the city (over and aside from the current expenses of the city government) for any and all purposes, to exceed the sum of twenty-five thousand dollars, but no such debt shall be contracted except by a vote of two-thirds of the members elect.

SECTION 4. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all money accruing for licenses, shall be paid into the city treasury and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two thirds of all the aldermen elect.

Fines to be paid into general fund.

Penalty—how remitted.

SECTION 5. All property, real or personal, within the city except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however,* that the common council may prescribe the forms of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

Subject to taxation.

SECTION 6. On or before the first day of June of each year, the assessors shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots, or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land, shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of personal property assessed to each. When there are any buildings, or any lots or tracts of land, the value of the same shall be set forth separately when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels or subdivisions as they may deem proper, but it shall be necessary to enter the name of the owner opposite to every tract, lot or parcel of land. The assessment roll shall be made out by wards, and show the taxable property, both real and personal, of each ward separately.

Assessment roll—when and how made.

SECTION 7. The mayor, city clerk, the city treasurer and the assessors of the several wards shall constitute a board of review; said board shall meet annually on the last Monday of June, at the common council

Board of review—duties and compensation.



room; a majority shall constitute a quorum. Notice of the time and place of said meeting shall be posted up by the city clerk in at least one public place in each ward, and at least four days prior to such meeting. The city clerk shall be the clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day until its business is completed. The mayor shall receive a compensation of twenty-five dollars for his services on the board of review. Said board of review so constituted shall have the same powers, and shall be subject to the same restrictions as town boards of review under the laws of the state.

**Return of assessors—council may correct.**

**SECTION 8.** Immediately after the final adjournment of the board of review in each year, the assessors shall return their assessment rolls to the common council by depositing the same with the city clerk. The common council may supply omissions in said rolls, and for the purpose of equalizing the same may alter, add to, take from and otherwise revise and correct the same, but shall not have the power to increase the amount of said roll, except by the value of such real or personal property as may have been omitted by the assessor.

**Levy of taxes.**

**SECTION 9.** On the first Tuesday of July in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount necessary to be levied for school purposes, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

**Taxes a lien till paid.**

**SECTION 10.** All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sales or transfer of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

**Transmission of assessment roll.**

**SECTION 11.** Before the annual meeting of the board of supervisors of the county of Dodge, and by the time required by the laws of this state for the return of assessments from the several towns, the city

clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

SECTION 12. The board of supervisors shall regard the city of Beaver Dam as a town in equalizing the assessment of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll. City to be regarded as a town.

SECTION 13. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town. Not to assess separately by wards.

SECTION 14. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council, since the making out of the last annual tax roll, in such separate column as may be necessary with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax roll of the city of Beaver Dam," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. City clerk to make out statement.

SECTION 15. The tax roll made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of officers to the completion of the tax roll inclusive, has been done, regularly and correctly, as required by law. To be evidence.

SECTION 16. Immediately after making out the tax roll as aforesaid, a warrant shall be appended thereto, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer requiring and commanding him to collect the taxes and assessments specified in said tax roll in the manner provided by law; and said clerk shall, on or before the 25th of November of the same year, or as soon there- Warrant for collection of taxes.

after as practicable, deliver the same to the city treasurer for collection, and charge the amount of the tax roll to the treasurer.

City treasurer  
to collect tax.

SECTION 17. The city treasurer, upon receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like powers, and shall be subject to like requirements, liabilities and restrictions as a town treasurer, except as otherwise provided in this charter. The city treasurer shall collect one per cent. fees upon all taxes paid before the first day of January, and three per cent. on all taxes collected after that time, to be added to the amount of taxes and collected with the same, and such fees shall be held by him as the money of the city and paid out and used as other moneys of the city in the hands of said treasurer.

List of delin-  
quent lands.

SECTION 18. On or before the fifteenth day of February of each year, the said treasurer shall make out and file in his office a list of all lands and lots upon which the taxes have not been paid.

Subject to spe-  
cial taxation.

SECTION 19. All real estate exempt from taxation by the laws of this state, within said city, shall be subject to special taxes for the building of sidewalks, the repairing thereof, and improvements of streets in front of the same.

Proceedings for  
for sale of de-  
linquent lands.

SECTION 20. In all cases of non-payment of taxes upon lots or real estate in said city, in the manner now required by law, it shall be the duty of the treasurer of said city to proceed, in accordance with the provisions of existing laws relating to the sale of lands for delinquent taxes in the several counties of this state, to advertise and sell, on the second Tuesday in April in each year, all delinquent lots and lands within the limits of said city, in the same manner as other lands are sold in said county of Dodge, and the said sale shall in all cases, be made for the smallest undivided portion of said lot or tract of land for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her assigns or heirs, a certificate containing the name of the purchaser, and a description of the premises sold, the amount paid therefor, the rate of interest the same may bear, and the time when the right to redeem the same will expire. Said treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said city, all affidavits, notices and papers in relation to such tax sale, to be filed in the office of said clerk, al-

so a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner or owners, if known; and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them in their respective offices, and all sales so made and the certificates so issued by the treasurer of said city, shall have the same validity and effect as if made by the county treasurer of said county.

SECTION 21. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or lot, or any goods and chattels, the same shall be struck off to said city, and thereupon the city shall receive in its corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this chapter, the treasurer shall have power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is hereby authorized to sell the certificates issued therefor, for the amount and interest, and to endorse and transfer such certificates to the purchaser.

City may become purchaser

SECTION 22. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or parcel of land was sold at such time as the treasurer shall designate, he shall on the day following, offer said lot or parcel of land again for sale.

If purchaser neglect to pay for lot treasurer may sell it again.

SECTION 23. Any lot or part of lot or parcel of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein, paying to the city treasurer the amount for which the same was sold, together with interest at the rate of twenty-five per cent. per annum, and legal charges thereon. And said treasurer shall deliver to the person making the same, duplicate receipts for such payments, signed by him, specifying therein the parcel or parcels of land on which such taxes were paid, the amount paid on each parcel, the time of payment, and the name of the person paying the same; and the treasurer shall also enter on the list kept by him, opposite the parcel or parcels of land on which such taxes shall be paid, the name of the person paying such tax, the sum paid therefor, and the time when paid. The person to whom such duplicate receipts are given shall present them to the city clerk,

Redemption within three years.

and thereupon said clerk shall countersign one of the said receipts and return it to the person entitled thereto, and retain the other and safely keep the same in his office. The said clerk shall also make the same entries on the list of lands kept by him, as are required to be made by the treasurer. No receipt signed by the treasurer for the payment of such taxes as specified in this section, shall be any evidence of the payment of such taxes in the hands of any person except the city clerk, unless the same shall first be countersigned by such clerk.

Execution of  
tax deeds.

SECTION 24. Any lot or parcel of land sold in pursuance of the provisions of this act, or any part thereof which shall not be redeemed within the time limited by this act, the city clerk shall, after the expiration of the time hereby prescribed for the redemption thereof, and on the presentation to him of the treasurer's certificate of sale, execute in the name of the city, as such clerk, under his hand and the seal of the city, to the purchaser, his heirs or assigns, a deed of the land so sold and unredeemed as aforesaid, and shall acknowledge the same: *provided*, the general law in regard to the filing of affidavits of service of notice to owner or occupant or of non-occupancy, has been complied with. An abstract of all deeds so made and delivered shall be entered by the clerk in the book where tax sales are recorded. A fee of one dollar may be charged by the clerk for every deed so issued, which deed shall vest in the grantee an absolute estate in fee simple in such land, subject however, to all unpaid taxes and charges which are a lien thereon, and such deed, duly witnessed and acknowledged, shall be *prima facie* evidence in all controversies and actions in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, and the city clerk shall annually, within the last six months prior to the expiration of the time limited for redeeming lands sold for taxes, cause to be published in some newspaper printed in said city once a week for twelve successive weeks, a list of all unredeemed lands, specifying each tract or lot so sold, the name of the person to whom assessed, if any, and the amount of taxes, charges and interest calculated to the last day of redemption, due on each parcel, tract or lot of land, together with a notice that, unless such lands be redeemed on or before the day limited therefor, naming the same, they will be conveyed to the purchaser and holder of the certificate of sale. The fees for said publication shall be the same as now allowed

by law for publishing lands sold by county treasurers, and the same shall be charged against the lots or lands so advertised and sold for taxes.

SECTION 25. In all controversies and suits, involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation or assessment at the date of the assessment of said tax or making said assessment, that the taxes or assessment had been paid, that the land had never been assessed for taxation or assessment, or that the same had been redeemed according to the provisions contained herein, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state. But no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, and that all the taxes and assessments due upon the lands have been paid by such person or persons under whom he, she or they claim title as aforesaid.

Trials for recovery of title.

SECTION 26. The treasurer of said city shall charge for such services the same fees as are now allowed and paid to the county treasurers for the same or similar services, such fees to accrue to the benefit of the general city fund; and it is hereby declared to be the meaning and intent herein to confer all the powers and duties of the treasurer of the county of Dodge, as far as relates to the collection of delinquent personal property taxes, and to the selling of lots and lands for taxes within the city of Beaver Dam, upon the treasurer of said city.

Fees of Assessor.

SECTION 27. All the directions hereby given except in section nine of this title, for the assessing of lands, and the assessing and the levying, collection and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of the officers entrusted with the same, not affecting the substantial justice of the tax itself shall vitiate or in anywise affect the validity of the tax or assessment.

Deemed only directory.

## TITLE IX.

## PUBLIC SCHOOLS.

Districts consolidated.

SECTION 1. The school districts and parts of districts within the corporate limits of the city of Beaver Dam shall constitute one district for the better regulation and management of the public schools of said city.

Board of education.

SECTION 2. The commissioners of common schools in said city, together with the superintendent of schools, shall constitute a board, to be styled, "the board of education of the city of Beaver Dam," which shall be a corporate body in relation to all the powers and duties conferred on them by virtue of this act. The superintendent of schools shall be chairman of said board, and whenever he shall be absent, a president pro tempore may be appointed, but such president shall have only a casting vote. A majority of the board shall form a quorum. They shall elect a clerk and fix his compensation, and he shall hold his office during the pleasure of the board. The said commissioners shall receive no compensation for their services.

Duties of clerk of said board.

SECTION 3. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the superintendent and clerk, shall be received in all courts as prima facie evidence of the facts therein set forth, and such records and all the books and accounts of said board shall at all times be subject to the inspection of the city council and of any committee thereof.

Council shall levy special tax

SECTION 4. The common council of the said city shall have the power, and it shall be their duty to raise from time to time, by a tax upon the real and personal estate in said city, which shall be liable to taxation, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sums as the said council shall deem necessary or proper for any or all of the following purposes, estimates therefor having been previously submitted to the said council by the board of education for the information of the council; and it is hereby made the duty of the board of education of the city of Beaver Dam, to submit said estimates to the common council on or before the first Tuesday of July in each year:

School house sites.

I. To purchase, lease or improve sites for school houses.

II. To build, purchase, lease, enlarge, alter, improve and repair school houses, and their outhouses and appurtenances. School houses.

III. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall be denied to the furnishing of class or text books for any scholar whose parents or guardian shall be able to furnish the same. Apparatus and furniture.

IV. To procure fuel and defray the contingent expenses of the district library of said city. Contingent expenses of library.

V. To pay the wages of teachers due after the application of the public moneys, which may by law be appropriated and provided for that purpose: *provided, nevertheless, that no tax shall be laid for such purposes oftener than once in each year: and provided, also, that the amount to be raised for teachers' wages, and for contingent expenses in any one year, shall in no case exceed four dollars for each person that draws public money, nor less than two dollars, that the amount to be raised in any one year, for repairing school houses and the appurtenances, shall not exceed fifteen hundred dollars, and for buying sites and erecting new school houses, shall not exceed three thousand dollars.* Payment of teachers' wages in certain cases

SECTION 5. The common council shall cause the tax or taxes herein provided for to be levied and collected annually on all such real and personal property or capital of any kind within said city, as is subject to taxation by the laws for levying taxes for the state, for the time being; said taxes to be levied and collected in the same manner as annual taxes are levied and collected in said city. Tax to be levied and collected same as annual taxes.

SECTION 6. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said city, shall be paid to the treasurer of said city, who, together with the sureties of his official bond, shall be accountable therefor, in the same manner as for other moneys of said city. The said treasurer shall also be liable to the same penalties for any official misconduct as in relation to the other moneys of said city. Taxes levied under this title to be paid to city treasurer.

SECTION 7. The treasurer of said city shall not pay out any moneys in his hands, received by said city either as school moneys, or collected or received by virtue of any of the provisions of this act, excepting upon an order drawn upon him and signed by the superintendent and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board. No money to be paid out except upon order.



**Prosecution for default.** SECTION 8. The said board may cause a suit or suits to be prosecuted in the name of the city of Beaver Dam upon the official bond of the treasurer or of any collector of said city, for any default, delinquency or official misconduct in relation to the collection, safe keeping or payment of any moneys in this section mentioned.

**Exempt from provisions of certain act.** SECTION 9. The city of Beaver Dam is hereby exempt from the provisions of an act entitled "An act to create the office of county superintendent of schools," approved April 6, 1861, except in the matter of making reports to the state superintendent of schools.

**Powers of the board.** SECTION 10. The said board shall have power, and it shall be its duty:

#### POWERS AND DUTIES OF BOARD.

**Establish schools.** 1st. To establish and organize such and so many schools in the several wards of the city (including the common schools now existing therein), as they shall deem requisite and expedient, and to alter and discontinue the same.

**Purchase or hire school houses.** 2d. To purchase or hire school houses and rooms, and lots and sites for school houses, and to fence and improve them as they may deem proper: *provided*, the amount necessary has been appropriated by the common council of said city.

**To improve, repair, etc.** 3d. Upon such lots, and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school houses as they may deem advisable.

**School apparatus.** 4th. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools, and defray their contingent expenses and the expenses of the district library.

**Custody of school property** 5th. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto are observed.

**Employ teachers.** 6th. To contract with and employ all teachers in the common schools, and the high school, who shall have been licensed by the superintendent, and at their pleasure to remove them.

**Pay wages.** 7th. To pay the wages of such teachers out of the school moneys which shall be appropriated to said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section four of this title, by tax upon the city.

8th. To defray the necessary contingent expenses of the board, including the salary of the clerk. Defray expenses.

9th. To have in all respects the superintendence, supervision and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one school to another, and generally for their good order, prosperity and public utility. Superintend schools.

10th. Whenever in the opinion of the board, it may be deemed advisable to sell any of the school houses, lots or sites, or any of the school property now or hereafter belonging to the city, to report the same to the common council. Sell school property.

11th. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe-keeping, care and preservation of school houses, lots and sites, and appurtenances, and all other property belonging to the city, connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually to determine and certify to said city council the sums in their opinion necessary or proper to be raised under the ninth section of this chapter, specifying the sums required for each of the purposes therein mentioned, and the reason therefor. Prepare ordinances.

12th. The board of education shall adopt for the use of the several public schools in the city, suitable text-books which shall be uniform, and when the board shall have adopted for use in the public schools of this city any text-book or text-books, the same shall not be changed by the board or by any teacher or other person for five years thereafter, and the said board shall adopt and at its discretion, modify or repeal by-laws, rules and regulations for their government, and for the organization, discipline and management of the public schools of said city, and generally adopt all such measures as shall promote the good order and public utility of said schools: *provided*, that such by-laws, rules and regulations shall not conflict with the constitution and laws of this state. Adopt text books.

SECTION 11. The said board of education shall have power to allow the children of persons not residents within the city to attend any of the schools of said city under the care and control of said board, and upon such terms as the board shall by resolution prescribe. Non-resident children may attend.

Shall reference  
to money on  
hand.

SECTION 12. It shall be the duty of said board in all their expenditures and contracts to have reference to the amount of money that shall be subject to their order during the then current year, for the particular expenditure in question and not to exceed such amount.

Shall be trustees  
of libraries.

SECTION 13. The said board of education shall be the trustees of the district library in said city and all the provisions of law which now are or may hereafter be passed, relating to district school libraries, shall apply to the said board in the same manner as if they were trustees of an ordinary school district; they shall also be vested with the discretion as to the disposition of the moneys appropriated by any law of the state, for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide a library room and the necessary furniture therefor, and appoint a librarian; to make all purchases of books for the said library, and from time to time to exchange or cause to be repaired, the damaged books belonging thereto.

Annual finan-  
cial report.

SECTION 14. It shall be the duty of the said board, annually, on or before the first Monday in May in each year, to prepare and report to the common council, true and correct statements of the receipts and disbursements of moneys under and in pursuance of the provisions of this act during the preceding year, in which account shall be stated, under appropriate heads:

1st. The moneys received by the common council under the fourth section of this title.

2d. The school moneys received by the treasurer of the city from the county treasurer.

3d. Moneys received by direct tax.

4th. All other moneys received by the treasurer subject to the order of the boards, specifying the sources.

5th. The manner in which such sums of money shall have been expended, specifying the amount paid under each head of expenditures; and the common council shall forthwith cause the same to be published in at least one of the newspapers published in said city,

Subject to state  
supt.

SECTION 15. The said board shall be subject, from time to time, to the rules and regulations made by the state superintendent of common schools, so far as the same may be applicable to them, and not inconsistent with the provisions of this act.

School ordin-  
ances.

SECTION 16. The common council of the said city shall have power, and it shall be their duty, to pass such ordinances and regulations as the board of educa-

tion may report as necessary and proper for the protection, safe keeping, care and preservation of the school houses, lots, sites and appurtenances, and all necessary property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in this act; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education in the same manner as other moneys raised pursuant to the provisions of this act.

SECTION 17. Whenever the said board shall report to the common council that it is advisable to sell any of the school houses, lots or sites or any of the school property now or hereafter belonging to the city, the common council may sell the same upon such terms as they may deem advisable. The proceeds of all such sales shall be paid to the city treasurer, and shall be subject to the order of said board, to be expended by them in purchase, leasing, repairs or improvements of other school houses, lots, school furniture, apparatus or appurtances. May sell school property.

SECTION 18. The title to the school houses, sites, lots, furniture, books, apparatus and appurtenances, and all other property in this act mentioned, shall be vested in the city of Beaver Dam, and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the said city, in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, bequest or devise, for the use of the common schools of the said city, whether the same shall be transferred in terms to said city by its proper style or by any other designation, or to any person or persons or body for the use of said schools. Title to school property.

SECTION 19. All moneys authorized to be raised by virtue of this act, for school purposes, on being raised as therein provided, shall be held by the treasurer of said city, and by him placed to the credit of said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by draft drawn by the superintendent and countersigned by the clerk of said board, payable to the person or persons entitled to receive such moneys, and School fund—how kept and disbursed.

the said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may by law be authorized to receive.

Teachers not eligible.

SECTION 20. No person in the city of Beaver Dam engaged in teaching any of the public schools of said city shall be eligible to the office of commissioner of common schools in any of the several wards of said city, and no member of the board of education shall be employed to teach any of the schools of said city.

Shall not be ar'y to contract.

SECTION 21. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

## • TITLE X.

### FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials and to prohibit the repairing of wooden buildings within the fire limits, when 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.

Construction of chimneys, etc.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or 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 deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders reaching to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire, all idle and suspected persons, and to

compel 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.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty years, and may elect its own officers, and form its own laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member, of each company hereby authorized to be formed, shall be exempt from serving on juries, and from military duty, during the continuance of such membership.

Fire engines,  
and fire com-  
panies.

SECTION 4. There shall be a meeting of the members of said companies on the first Friday of January in each year, at such place as may be designated by the mayor, when they may elect and recommend to the common council for confirmation, one chief engineer, three assistant engineers, and one steward, which latter shall be a salaried officer; and the common council may thereupon confirm such elections, and the persons so elected and confirmed shall perform such duties as the common council shall prescribe. The chief engineer of the fire department shall, annually, on or before the first Friday of January in each year, prepare and file in the city clerk's office, a complete list of all members in good standing belonging to the fire department.

Election of  
officers.

SECTION 5. At the same time, as specified in the preceding section, the members of said companies shall elect, and the common council may confirm, four fire wardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe; and they may at any time enter into or upon any house, storehouse, or other building or inclosure, for the purpose of inspecting the same, and with a view to guard against fire.

Fire wardens.

SECTION 6. Whenever any person shall refuse to obey any lawful order of the engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally

Arrest for dis-  
obedience of  
orders.

the marshal, constable, watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person, at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or 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 fifteen dollars.

**Sack company.**

SECTION 7. The common council shall have power to organize a sack company, No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and shall be subject to the control of the chief engineer. 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 Beaver Dam, and are hereby vested with all power and authority which 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. At fires they shall take charge of property which may be exposed or endangered, and shall so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of the state. The members of this company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

**Guarding  
against fire.**

SECTION 8. The common council of the city of Beaver Dam shall have power for the purpose of guarding against the calamities of fire to prescribe and limit the height and size of wooden buildings to be hereafter erected or moved upon any lot or piece of ground within any specified limits in said city, and to prescribe

and limit the time within which any wooden building or buildings, other than fire-proof, hereafter erected upon or moved upon any lot or piece of ground within specified limits, shall remain thereon and to compel the owner or owners of such building so required to be removed, to remove the same; and if the said owner or owners shall neglect or refuse to remove the same for thirty days after being so required to do, by order of the common council made and served upon the owner, his agent, or the occupant of said building, to cause the building to be removed from such lot at the expense of the owner or owners of such building, and to prescribe the mode and manner of compelling said owner or owners to pay the expense of said removal, and shall have power to cause such building to be sold to pay the expense of such removal and the costs of such sale.

## TITLE XI

### MISCELLANEOUS PROCEEDINGS.

SECTION 1. All work for the city or either ward thereof shall be let by contract to the lowest responsible bidder, unless otherwise ordered by the common council, and due notice shall be given of the time and place of letting such contract. Work to be let by contract.

SECTION 2. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such penalty or forfeiture, stating the clause of this act, or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant as the exigencies of the case seem to require: *provided*, that nothing contained herein shall be construed as to prevent any peace officer from arresting without process, any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous, or disorderly conduct in the streets or public places, and taking such person or persons forthwith before any justice, or keeping them in confinement, until such time as said justice can reasonably hear and dispose of said offender. Actions for recovery of penalties.

SECTION 3. Execution shall issue forthwith on the rendition of judgment, unless the same be staid or appealed according to the laws of this state. The execu- Imprisonment on execution.



tion, except in cases *ex contractu*, shall require the defendant in any such action, in case no goods or chattels, lands or tenements, whereof the judgment can be found, to be imprisoned in the jail of Dodge county, for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

Not incompetent.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Failure of election not to affect corporation

SECTION 5. 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 absolving said corporation, but such election or organization may be had on any subsequent day, by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, are not then done or performed, the common council shall appoint another time at which the said acts may be done and performed.

No execution to issue against city.

SECTION 6. When judgment shall be recovered against the city or against any city officer, in any action prosecuted by or against him in his name of office, when the same should be paid by the city, no execution shall be awarded or issue upon such judgment; but the same, unless reversed, shall be levied and collected as other city taxes are levied and collected, and when so collected shall be paid by the city treasurer to the person to whom it shall be adjudged, upon the delivery of a proper voucher. All property, real and personal, now or at any time hereafter belonging to said city, or to either of the wards thereof, shall be exempt from levy and sale under or by virtue of any execution: *provided*, that any such property, real or personal, shall be subject to levy and sale by virtue of any execution issued on a judgment for the purchase money thereof. Nor shall any real or personal property of any inhabitant of said city, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Service of proof—how made.

SECTION 7. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the

mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

SECTION 8. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, may sell and convey the same, and the same shall be free from taxation. May hold and convey property.

SECTION 9. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. Not to be repealed.

SECTION 10. The citizens of the town of Beaver Dam shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Beaver Dam as they may determine, and the officers of said town of Beaver Dam may transact all town business in said city and with the like effect as if held or done in the town of Beaver Dam. Town meeting.

SECTION 11. The city of Beaver Dam shall be represented in the board of supervisors of the county of Dodge, by one supervisor from each ward; and the senior alderman in office shall be the supervisor from his ward; the alderman acting as supervisor shall have power to substitute any other elector in his ward to act in his stead — said substitute to be approved and confirmed by the common council. To be represented in board of supervisors.

SECTION 12. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of said city for his service as such mayor or alderman, except for extraordinary services, such as inspectors of election or registry. No compensation.

SECTION 13. The paupers of said city shall be removed to the poor house of the county of Dodge, by the mayor or aldermen, in like manner as they are removed from the several towns in said county. Paupers.

SECTION 14. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk, and sealed by the corporate seal, but no such license shall be issued by said clerk, until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which Licenses — how executed.

shall be approved either by the mayor or common council, and the minimum sum fixed by the laws of this state, to be paid for any such license, shall be appropriated as the common council shall direct. Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days, and all such licenses shall expire on the first day of July next following the date of their issue.

Prosecutions  
for violating  
license.

SECTION 15. Every person having such license who shall vend, sell or give away any spirituous, vinous or malt liquors on any election day, shall be liable to prosecution under this act, or the ordinance of the city, or may be indicted in the circuit court of Dodge county, and upon conviction thereof, every such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, or be imprisoned in the jail of Dodge county, not more than thirty days, nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void.

Suits to recover  
title — how  
prosecuted.

SECTION 16. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the limits of the city, held or claimed by virtue of any deed purporting upon its face to be executed on account of any sale for taxes or assessments levied after the passage of this act, until the person commencing the suit or proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holder or claimant under such deed, an amount of money equal to the amount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or lands described in such deed and paid by such holder or claimant under such deed, except in cases when the taxes are paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceeding, to the extent specified and provided in section one hundred and nine, chapter fifteen, title five of the revised statutes.

Use of county  
jail granted.

SECTION 17. The use of the jail of Dodge county, until otherwise provided, shall be granted to said city, for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery the said sher-

iff shall be responsible, as in other cases, but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expense shall be paid by the city.

SECTION 18. All officers of the city (except justices of the peace) may be removed from office for official misconduct by the common council by a vote of two-thirds of the members thereof, but said officer or officers shall be granted a full and fair hearing before removal. **Removals.**

SECTION 19. Any street, alley, public square or grounds, which have been regularly platted and recorded but have been closed and used for agricultural purposes or otherwise, may by resolution of the common council be declared as opened for travel and passage, and shall be opened for such purposes immediately after the passage of such resolution: *provided*, that no such resolution shall be put into effect between the twentieth of March and twentieth of November in any one year. **To be declared opened.**

SECTION 20. No general law of this state, requiring the registry of electors, shall apply to or have any force or effect in the city of Beaver Dam. **Registry laws not to apply.**

SECTION 21. Whenever any injury shall happen to persons or property in the said city of Beaver Dam by any reason of any defect or incumbrance of any street, sidewalk, alley, or public ground, or from any other cause, for which the said city would be liable; and such defect, incumbrance or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury; and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation. **When not liable for damages.**

SECTION 22. The city of Beaver Dam shall not be held liable for damages or injuries to persons or property incurred or happening at any place in the said city where work of any kind or nature is being done in or on streets or sidewalks by contractors, under contracts with the city, in consequence of the condition of such streets or sidewalks arising from the doing of such work. But if the contractors doing such work shall fail to keep up sufficient fences or protection guards to prevent damage or injury to persons or property, or shall be guilty of other negligence in doing such work, **Contractors liable.**

and if injury to persons or property occur by reason of such default of such contractors, such contractors shall be liable in an action by the person so injured.

Repealed.

SECTION 23. An act entitled "An act to incorporate the city of Beaver Dam," approved March 18, 1856, and the several acts amendatory thereof, and an act entitled "An act to consolidate and amend the act to incorporate the city of Beaver Dam and the several acts amendatory thereof," approved March 8, 1871, and the several acts amendatory thereof, are hereby repealed, but the repeal of said acts and part of acts, shall not in any manner affect, injure or invalidate any contracts, acts, suits, or proceedings, claims or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any of them; but the same shall be enforced and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed; and all ordinances, resolutions, regulations, rules, by-laws and orders of the common council, or parts thereof, not repealed, suspended or made void by this act shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

Construction of act.

SECTION 24. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect from and after its passage and publication.

Approved March 9, 1878.

[No. 80, A.]

[Published March 12, 1878.]

## CHAPTER 113.

AN ACT to amend chapter 249, laws of Wisconsin, for 1878, entitled "An act authorizing the improvement of certain portions of the Embarrass river."

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

Name of corporations; powers, etc.

SECTION 1. A. S. Trow, Cyrus H. Ware and G. W. Washburn, or a majority of them, their heirs or assigns, are hereby authorized and empowered to make all such improvements on the Embarrass river, and to do all such acts and things as are authorized by chap-