

- Plats of village.** SECTION 18. The plats of the village of Stoughton and the additions thereto are hereby adopted as the plats of the city of Stoughton and additions thereto, and the real estate included in said plats may be hereafter described by lots and blocks as they appear on said plats, and by describing the plats as "the original plat of the village, now city of Stoughton," or "the plat of O. M. Turner's addition to the village, now city of Stoughton," and in like manner with the plats of other additions, or in any other manner so as to describe the land with reasonable certainty.
- Poor.** SECTION 19. All laws in relation to the support of the poor in towns shall apply and be in force in said city.
- Village property transferred.** SECTION 20. All moneys, property, effects and credits belonging to the present village of Stoughton shall belong to the city of Stoughton, and shall be transferred to the proper officers of said city by the persons in charge of the same as soon as such officers shall be elected and qualified.
- Lawful debts.** SECTION 21. Any lawful debt, claim, demand or right of action against the present village of Stoughton shall be and become a lawful debt, claim, demand or right of action against the city of Stoughton.
- First election.** SECTION 22. All duties herein required of the mayor, aldermen, common council or clerk in regard to elections shall be performed, so far as may be necessary, by the present president, trustees, board of trustees, and clerk of the village of Stoughton, in regard to the first election and the organization of the city government under this act.
- Repeal.** SECTION 23. 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.
- SECTION 24. This act shall take effect and be in force from and after its passage and publication.
Approved March 20, 1882.

[No. 120, S.]

[Published March 25, 1882.]

CHAPTER 173.

AN ACT to amend "an act to revise, consolidate and amend the charter of the city of La Crosse, approved February 19, A. D. 1869, and the several acts amendatory thereof."

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

- Amended.** SECTION 1. Section 9 of chapter 3 of chapter 185 of the laws of 1876, entitled "an act to revise, con-

solidate and amend the charter of the city of LaCrosse, approved February 19, A. D. 1869, and the several acts amendatory thereof," is hereby amended so as to read as follows: Section 9. The common council shall annually provide that all printing authorized and required to be done for the use of the city or any officer or department thereof, shall be let by contract to the lowest responsible bidder for the term of one year, but no bid shall be considered unless made by the publisher of a newspaper printed in the English language in the city of LaCrosse, unless the bids of such publisher shall be higher than the legal rates of advertising, or unless such publisher shall fail to bid. All ordinances and other proceedings and notices, required by this act, or by the resolutions or ordinances of the common council to be published, shall be published in a newspaper selected under the provisions of this section, and the printer of such newspaper shall file with the clerk, of said city his own affidavit, or the affidavit of his foreman or principal clerk, annexed to a printed copy of such ordinance, resolution, notice or other proceedings, taken from said paper, and specifying the time when, and the paper in which the same was published; and such affidavit shall be received in all courts and places as presumptive evidence of such publication, and of the facts stated therein. The common council shall have power to contract with the publishers of newspapers printed in foreign languages, for the publication therein of the proceedings of the common council and the annual reports of such city officers as the council may order to be so published; provided, that the expense thereof shall not exceed the sum of seventy-five dollars per year for each such paper publishing the council proceedings, nor forty cents per folio for the publication of such reports.

Shall be published in a newspaper.

SECTION 2. Section 5 of chapter 2 of the act to which this act is amendatory, is hereby amended by adding at the end thereof the following proviso: "Provided, that when any such vacancy in any of the offices first named in this section shall become known to the common council in session less than six months prior to the next ensuing annual election, said council may, in its discretion, order a special election as hereinbefore provided, or may appoint a suitable person to fill such vacancy until the Tuesday after the next ensuing charter election. If the term of the office in which the vacancy occurs does not then expire, the same shall be filled by election by the people at such

In regard vacancies.

charter election. If any such vacancy shall occur in the office of mayor within the time aforesaid, and the common council shall not order an election to fill the same, the duties of mayor shall be performed until the end of the term as in this act provided in case of the absence of the mayor or his inability to act.

Boards of
health.

SECTION 3. Subdivision 12 of section 3 of chapter 4 of the act to which this act is amendatory is hereby amended so as to read as follows: 12th. To establish and regulate a board or boards of health, to prescribe their duties, to confer upon the same all powers necessary to preserve the health of said city, and provide for the enforcement of the orders and directions of any such board of health, and for the punishment of persons refusing or neglecting to comply with such order or directions, or obstructing the execution thereof, provide hospital and cemetery grounds, regulate the burial of the dead, and compel all physicians or other persons cognizant of the death of any person to report the same with the cause thereof; to exempt public burial grounds from taxation, and by an affirmative vote of three-fourths of all the aldermen elect, to license and permit the laying out, establishment and use, at any place whatever, within or near the limits of said city, of any cemetery or burial grounds, anything in any law of this state to the contrary notwithstanding.

Weighing and
selling hay.

SECTION 4. Subdivision 20 of section 3 of sub chapter 4 of the act to which this act is amendatory is hereby amended so as to read as follows: 20th. To regulate the place and manner of weighing and selling hay, grain and pork, and the measuring, weighing and selling of wood, coal and all other gross commodities, and to appoint suitable persons to superintend and conduct the same; also to license, tax or regulate the sale of lime, and to regulate, suppress or prohibit the keeping sale and handling of the same within such distance of any dwelling or other occupied building as said council may deem best.

Egress from
theatres.

SECTION 5. Subdivision 38 of section 3 of sub chapter 4 of the act to which this act is amendatory is hereby amended so as to read as follows: 38. To require and compel every hall, theater, opera house, church, school house or building of any kind whatsoever, to be used for the assemblage of people, to be provided with ample means for the safe and speedy egress of the persons therein assembled, in case of alarm, and to prohibit the use of such buildings without such means of egress, by suitable penalties, to be enforced against any

owner, occupant, lessee or other person or persons, having power or control over the same.

SECTION 6. Section 1 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 1. The common council shall have power to lay out public squares, grounds, market places, streets and alleys, and to extend, enlarge and widen the same, and to condemn and take land for other public municipal purposes, as follows: Any ten or more freeholders residing in any ward may, by petition, represent to the common council that it is necessary to take lands within the ward where such petitioners reside, for public use, for the purpose of laying out, enlarging, extending or widening one or more public squares, grounds, market places, streets or alleys, or for any other public municipal purpose or purposes. Said petition shall set forth by some sufficient description the whole body or bodies of land proposed to be taken for the purpose or purposes mentioned therein, without regard to its subdivisions in ownership, and pray that such lands may be taken for such purpose or purposes according to law. Every person signing such petition shall write after his signature a brief description of his real estate which makes him such freeholder or of some part thereof, and of the place of his residence in the city. There shall be presented to the common council at the same time with said petition and annexed thereto a bond executed by the petitioners or other parties to the city of La Crosse, in the penal sum of five hundred dollars, with sureties to be approved by the common council, conditioned for the repayment to said city of all charges which the city may pay or become liable to pay in consequence of such application, in case the jury to be appointed as hereinafter mentioned shall by their verdict decide against the necessity of taking the lands mentioned in the petition. Upon the presentation of such petition and bond, the same shall be referred to a committee to inquire and report at a subsequent meeting as to the form and sufficiency of such bond, and as to whether the petitioners are residents and freeholders of the ward in which the lands are situated. If said committee shall report in writing that ten of the petitioners are residents and freeholders in said ward, and the common council shall adopt such report, then said petition shall be valid and effectual, although it may afterwards appear that such petitioners or some of them were not such residents and freeholders.

Opening streets
and al. oys.

SECTION 7. Section 2 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 2. The common council of said city of LaCrosse shall have power with the concurrence of three-fourths of the members elected thereto, to declare by its resolution that it is necessary for the public interest to open a public street or alley, or to take land for any public purpose or purposes authorized by this act, which purpose or purposes shall be stated in such resolution, and such resolution shall contain such description of the whole body or bodies of land to be taken as is required in the case of a petition. No such resolution shall be passed by the common council at the same meeting at which it may be offered, but shall lie over to a future meeting thereof. The yeas and nays shall be taken on the passage of such resolution and duly entered in the journal of proceedings of the council. Upon the passage of any such resolution, proceedings may be thereupon instituted for the condemnation of the lands therein mentioned, as in the case of a petition.

Publication of
notice.

SECTION 8. Section 3 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 3. Within sixty days after the adoption of the report of the committee upon such petition and the approval of such bond as is mentioned in section 1 of this chapter, or after the passage of any such resolution as mentioned in section 2 of this chapter, the city clerk shall publish a notice to the owners and occupants of the lands proposed to be taken, which notice shall contain the same description of the whole body or bodies of land as is set forth in the petition or resolution, as the case may be, or in the several petitions and resolutions united in the same proceeding, and the purpose or purposes for which it is proposed to take the same, and shall state that at a certain time and place therein named, which time shall not be less than four weeks after the first publication thereof, application will be made to the county judge of La Crosse county, or to a justice of the peace resident in said city for the appointment of a jury to view the said lands and to determine whether or not it is necessary to take the same for the purpose or purposes in said notice specified, and to appraise the same and assess the damages to the owners thereof. Such notice shall be published in the official paper of said city at least once in each week for four weeks. A copy of such notice shall

be served by the chief of police or policeman of said city upon every actual occupant of any part of such land, and upon every person owning or claiming to own or have any interest or estate of record in or to said lands, or any part thereof, who shall appear from the verified application mentioned in the next section hereof to be a resident of the city of La Crosse, such service to be made in the manner prescribed by law for the service of a summons in an action in the circuit court; and the sworn return of the officer shall be conclusive evidence of the facts stated therein. As to all owners or occupants of such lands proposed to be taken or of any interest therein or any part thereof, as to all guardians or committees of any such owner or owners, as to all corporations having no officer residing in said city of La Crosse upon whom service can be made, and as to all persons, corporations and officers whatever, who shall appear from said verified application or otherwise to be unknown or non-residents of the city of La Crosse, or whose place of residence shall appear from said application or otherwise to be unknown, said publication in the official paper of said city shall be a sufficient service of such notice upon them and each of them. Personal service, when required, shall in all cases be made at least three days prior to the date of the application fixed in the notice.

SECTION 9. Section 4 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 4. On or before the time appointed in said notice there shall be filed with the judge or justices named therein, the resolution or resolutions, or the petition or petitions, with the bond or bonds annexed, referred to therein, on which the city clerk shall have endorsed or have annexed thereto his certificate that the same is the original petition and bond or resolution referred to in the notice, including in said certificate a certified statement from the records of the common council of all the proceedings upon the reception, reference, approval and adoption or passage thereof; and the city attorney shall present therewith an application, signed by him, for the appointment of a jury. Such application shall refer by general description to the lands mentioned in the published notice, and shall also describe by some sufficient description each several tract of land the whole or any part of which is proposed to be taken and appropriated. It shall contain with the description of each several tract or parcel the name of the party or parties in pos-

What certificate shall contain.

session of, or who own or have or claim to own or have any estate or interest of record in or to the same, and the places of residence of each and all such parties, if known; and if any of such parties are known to be infants, persons of unsound mind, or under guardianship for any cause, or if any such owners or occupants are unknown, or their residence is unknown, or if they are known to be non-residents of the city of La Crosse, such fact shall be stated. Such application shall be verified by the city attorney or some other person who shall make oath that he has investigated and inquired into the matters therein stated or the same may be verified by the several affidavits of two or more persons, each verifying as to any facts or class of facts therein stated which may have been investigated, and inquired into by him. Such verification or verifications shall be sufficient if made substantially in the manner allowed by statute for the verification of a pleading by a party to an action. There shall be attached to such application a plat or plats of the land to be taken, showing as near as may be the several separate tracts the whole or parts of which are proposed to be taken and condemned, and having marked thereon, as near as may be, the whole amount of land in each such several tract, and the amount thereof proposed to be taken. At the time and place named in such notice, such judge or justice shall make a list of twenty-four persons, not interested, having the qualifications of jurors in the circuit court of La Crosse county and residents and freeholders of said city. He shall hear and decide any challenges for cause or favor made to any one, and if such challenge be sustained shall replace the name of the person challenged with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of such magistrate, each party, the city by its representative on the one side, and the owners of the land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the judge or justice, on the other, shall challenge six names, one at a time, alternately, the city beginning. To the twelve jurors remaining, such judge or justice shall issue a precept, requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named. Such precept shall be served by the chief

How to proceed.

of police or a policeman of said city, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in presence of a member of his family. After striking said jury and before adjournment as aforesaid, the judge or justice shall then and there make a further list of persons possessing the qualifications of jurors in such cases, to whom no objections are made by the parties or any of them. If at any time prior to the day named in the precept, the magistrate shall learn from the return of the officer thereto, or otherwise, that any juror or jurors named in the precept will be unable or unwilling to attend, or should be excused by him, he may by indorsement on said precept appoint others in their stead, in all cases taking such substitutes from the persons named in said last mentioned list, and the precept shall be served on the persons so substituted as above provided, at any time before the hour named in the same. If upon the day appointed in said city clerk's notice it should appear that any person, a resident of the city of La Crosse, and not present at such hearing, and entitled to personal service of notice, has not been properly served therewith, whether such person be named in the verified application or not, the judge or justice shall orally adjourn such hearing long enough to allow proper service to be made upon such person. And no further notice of such hearing need be given to any other parties. And if any person so served with notice be a person of unsound mind or an infant having no guardian or committee living in said city, the judge or justice shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall act for such ward; for which purpose also the magistrate may orally adjourn such hearing, and notice may be served upon a guardian so appointed at any time before the actual hearing. Such magistrate, upon application to him therefor may appoint such guardian at any time previous to the day fixed in the notice. It shall not be necessary to appoint as such guardian an attorney at law, and the person so appointed shall be subject to the same rules as to giving security as provided by statute in case of guardians ad litem appointed in the circuit court, such security, when required, to be approved by the county judge or justice.

SECTION 10. Section 5 of chapter 5 of the act to which this act is amendatory, is hereby amended so as

Jurors sum-
moned shall
appear at time
and place
named.

to read as follows: Section 5. The jurors summoned shall appear at the time and place named. If for any reason a full jury be not present, or any be excused by the magistrate, he shall direct other qualified and disinterested persons to be forthwith summoned in their stead, until twelve be obtained. Persons so summoned as talesmen shall be subject to challenges for cause or favor, which shall be heard and decided by the magistrate, and either of the parties, the city by its representative on the one side, and the owners of land or their agents present, or if none be present or they disagree, a disinterested person, appointed by the judges or the justice, on the other, shall have the right to challenge peremptorily three of the persons so summoned as talesmen. The magistrate may adjourn the proceedings from time to time, for such length of time as may be necessary to procure the empaneling of a full jury. When such jury shall have been obtained, the magistrate shall administer to them an oath, that they are freeholders of said city and not interested in the property mentioned in the application, and that they shall well and truly inquire into and determine the necessity of taking the said lands, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury shall view
the lands to be
taken.

SECTION 11. Section 6 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 6. Under the direction of such magistrate, and accompanied by him, the jury shall view the lands to be taken, and shall then sit before him at his office or any other more convenient place to which he shall orally adjourn the proceedings, to hear such competent evidence as shall be produced by any party; and for such purpose such magistrate shall possess the same powers as a court in session, with a jury, and if there be necessity may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by them, in which they shall find whether it be necessary to take such lands, or any part thereof for such purposes, describing in such unanimous verdict the whole body or bodies of land which they find necessary to be taken. If any be found necessary to be taken, the jury shall make a separate verdict or assessment of damages, in which they shall set down the description, as near as may be, of each tract or parcel of land the whole or any part of which is condemned, and the whole amount of damage done to the owner or owners

thereof by taking of the whole or any part thereof, apart from any damage to buildings thereon, without any deduction for benefits of any kinds or nature. If any such tract or parcel of land, taken in whole or in part, be subject to lease, mortgage or other lien, or if there be any estate therein less than a fee, the injury done to the owner or owners thereof respectively, shall be awarded to them by the jury. If there be any building or buildings, standing wholly or in part on the land taken, the jury shall estimate and determine, first, the whole value of the same 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 the owner to remove, both of which valuations shall be stated. The fact that any such building belongs to a person or persons other than the owner or owners of the land, if known, and the name of the owner or owners of such building, if known, shall be stated, and the award of damages on account of such building shall be made to the owner or owners thereof, when the land and building belong to different parties. Such verdict or appraisement of damage shall be valid and sufficient if signed by a majority of the members of said jury. Any technical error in such verdict may be immediately corrected, with the assent of the jury. And they shall be thereupon discharged, and their verdict be filed by the magistrate. In case the jury shall disagree as to the necessity of taking the whole or any part of the lands mentioned in the application, the magistrate shall make a list of twenty-four jurors, from whom to empanel a jury to pass upon the questions left undecided, and shall proceed therewith in all respects as for the empaneling of the first jury, as hereinbefore directed. If at least seven members of the jury cannot agree upon a verdict or assessment of damages, the magistrate shall in like manner proceed to empanel a new jury, for the purpose of passing upon the question of damages, but it shall not be necessary to serve or publish any new or additional notices of the empaneling of a new jury for either of said purposes. From the time of the publication and service of the notice mentioned in section 3 of this chapter, all persons served with such notice, in the manner therein prescribed, shall be held to have notice of all subsequent proceedings, before such magistrate, in the matters mentioned in said notice to the rendition of a verdict assessing damages,

and to be bound thereby. When the jury have agreed upon their verdict or verdicts, the magistrate may orally adjourn the proceedings to such time, as may be necessary, to reduce the same to form, and to a time when they shall appear before him and sign the same.

Appeal, how
taken.

SECTION 12. Section 7 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 7. Within ten days after such verdict, any person owning any interest in any land, or the owner of any building, not the owner of land found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or a part thereof, and if a part thereof, what part; and shall also state the amount which he claims should be awarded him in excess of the amount awarded by the jury. He shall present therewith an undertaking in the sum of five hundred dollars, with two sufficient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and shall pay the magistrate two dollars for making his return, and one dollar for state tax. The fees of the magistrate in the proceeding and the expense of making a copy of such papers and proceedings, for the purpose of said appeal, shall be paid by the city, the cost of such copy not to exceed six cents per folio. Any party, not so appealing shall be forever concluded by such verdict and appraisement. Upon an appeal being taken the magistrate shall transmit to the clerk of the circuit court at least fifteen days prior to the next ensuing term thereof, the notice of appeal and undertaking, and thereto annexed a copy of all the papers and proceedings before him, with his certificate thereof. If more than one appeal be taken, but one copy of the papers and proceedings shall be transmitted to the circuit court with the first notice of appeal and undertaking filed. The magistrate may refer to said copy by endorsement upon any subsequent notices of appeal. Should a change of venue be taken in any of said appeals, the city shall pay the cost of the copy required therefor in the first instance. He shall, after the time for appealing is expired, file with the city clerk, annexed together, all the original papers including the verdicts, with a certificate by him thereof, and that no appeal has been taken from the assessment of damage therein, except as the facts are, which he shall briefly specify; and the clerk shall preserve the same

in his office. The city may, in like manner appeal from any award of damages, by filing notice of appeal and undertaking, in like manner, at any time within ten days after the meeting of the common council held next after the rendition of the verdict.

SECTION 13. Section 8 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 8. Upon filing such notice of appeal, undertaking and copy of the proceedings in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the owner of the land or building as plaintiff, the city as defendant, and be subject to a change of place of trial and appeal to the supreme court. The court shall permit any person or persons interested in the damages mentioned in the notice of appeal to become parties to such appeal upon their petition setting forth the nature and extent of such interest. The appeal shall be tried by a jury unless waived, and costs shall be awarded against the appellant if a more favorable verdict be not obtained; otherwise against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Notice of appeal, etc.

SECTION 14. Section 9 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 9. At the first meeting of the common council held next after the filing of the magistrate's return in the office of the city clerk, as prescribed in section 7 of this chapter, said council may confirm or reject the whole or any part of the verdict of condemnation and assessment of damages, and all proceedings shall abate as to the whole or any part rejected, and all the costs of the proceedings, or the proportion thereof which the allowance of damage on the part rejected bears to the aggregate allowance of damages, shall be paid out of the general fund of the city; or said common council may refer the same to a committee to examine and report upon the same at a future meeting, and upon receiving the report of such committee the council may confirm or reject the whole or any part of the verdict and award with like effect as hereinbefore in this section stated. In case any appeal shall have been taken by any person interested in lands or buildings condemned, or upon petition of any such person without appeal, the common council, by a vote of two-thirds of all the members elect thereto in favor thereof, shall have power to increase any award of damages made by the jury, conditioned upon the with-

Council may confirm or reject.

drawal of the appeal when appeal has been taken; and any award of damages, as fixed by the vote of said council in any such case, shall be substituted for and have like force and effect as the award of the jury originally made.

In case appellant is settled with when no buildings are on the land.

SECTION 15. Section 10 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 10. In case no appeal shall have been taken, or the common council shall have settled with the appellant, as provided in the next preceding section, and there shall be no buildings on the land taken, the common council, after confirmation of the whole or any part of the verdict and assessment of damages, shall, by a resolution, appropriate and set apart in the hands of the city treasurer, a sum of money equal to the whole amount of damages awarded by the jury, or so much thereof as is contained in the portion of said verdict and assessment confirmed by said council, and shall at the same time direct the city clerk to certify to said treasurer forthwith a copy of said assessment of damages, or of so much thereof as said council may have confirmed. The city clerk shall publish in the official paper of said city, for ten days, a notice entitled in the matter of the proceeding of the passage of said resolution, and that the awards of damages therein are ready to be paid by the city treasurer of said city at his office. Said city treasurer shall pay said awards upon demand to the person entitled thereto, taking from each a receipt describing the tract of land, for the whole or part of which such damages are awarded. At any time after said ten days' notice shall have been given by the city clerk in the official paper, the city may enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city to the same extent as streets, alleys and public grounds heretofore opened or laid out. The claimant of such damages shall in all cases furnish an abstract of title showing himself entitled to the same before they shall be paid to him. If in any case there shall be any doubt as to who is entitled to the damages for land taken, the treasurer may require of the claimant a bond to said treasurer, for the use of said city, with good and sufficient sureties, to hold said city harmless from all loss, costs and expenses in case any other person should claim and recover said damages or any part thereof.

SECTION 16. Section 11 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 11. In case no appeal shall have been taken, or the council shall have settled with the appellant as hereinbefore provided, and there shall be any building or buildings upon any portion of the land condemned, the common council, upon confirmation of the whole or any part of the verdict and assessment, but before making the appropriation mentioned in the next preceding section, shall cause a notice to be signed by the city clerk, to be given to the owner and occupant, if any, of any such building, that the owner is required to file with the city clerk, within a time therein to be named, a written notice of election to accept the award of the jury as to such building, and allow the same to be taken with the land appropriated, or of his or their intention to remove such building at the value set thereon by the jury to remove. If the owner be a resident of said city of La Crosse, such notice shall be personally served upon him by the chief of police or a policeman of said city in the same manner provided by law for the service of a circuit court summons. The affidavit of any police officer of said city, that he has attempted to serve said notice personally, and that he has not been able to find any such owner in said city, and that he has been, for any reason, unable to make such service as hereinbefore provided, shall be conclusive evidence of due diligence, and that such owner is a non-resident of said city, and thereupon the city clerk may publish in the official paper of said city a like notice addressed to the owner of such building by name, if known, and if not known, then to all parties interested, requiring him or them to file in his office, within a time therein designated, like notice of election and intention, as hereinbefore required. Such notice shall be published in said official paper once a week for three successive weeks, and the time therein designated shall be not less than thirty days from the date of the first publication of said notice. If the owner shall give or cause to be given within the time prescribed, notice of his intention to remove the building, at the value set thereon by the jury to remove, he shall have such time for that purpose as the common council may allow, and the amount of damages to be paid on account of said building shall thereby become fixed at the amount of the difference between the value of said building

In case appellant is settled with when buildings are on the land.

to the owner, and its value to remove as assessed by the jury or amended by the common council before confirmation. If the owner shall give or cause to be given, within the time prescribed, notice of his refusal to take the building at the value set thereon to remove or fail to give within the time aforesaid any notice at all, the amount of the damage to be paid to the owner on account of said building, shall thereby become fixed at the amount of the value of such building to the owner as assessed by the jury, or amended by the common council. After the final determination of the amount of the damages to be paid on account of any building or buildings as aforesaid, the common council may proceed by resolution to appropriate and set apart in the hands of the city treasurer, a sufficient amount to pay the whole of the damages as directed in the next preceding section; and proceedings shall be taken for the payment of the same in the same manner and with the same effect as in said section prescribed. If any such building which the owner refuses to take at the value set thereon to remove, cannot be sold at private sale for as much or more than the value thereof to the owner as fixed by the jury and confirmed by the council, said common council may direct the chief of police to sell the same at public auction, giving such notice of sale as the common council may direct. A bill of sale of such building, upon such sale executed by said chief of police to the purchaser, shall vest in such purchaser the absolute title and right of possession in and to any such building, and shall entitle such purchaser, his agents or servants, to go and remain on the land on which such building may stand, or on any land adjoining the same, whether public or private, so far as may be necessary for the purpose of removing such building. Such time may be allowed the purchaser for the removal of any such building as the common council may deem just, but such time shall be stated in the notice of sale, when the building is sold at auction. The proceeds of any such sale shall be paid into the treasury and belong to the general fund.

In case appellant is not settled with.

SECTION 17. Section 12 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 12. In case any appeal is taken and the common council shall not settle with the appellant, as provided in section 10 of this chapter, said common council may proceed in all respects according to the circumstances as prescribed in the next two preceding sections, except that it shall not appro-

prate and set apart in the hands of the treasurer the amounts of damages appealed from, nor attempt to remove or dispose of any building, or to enter upon or open for public use, without the consent of the owner, any land which is the subject of any such appeal; but the common council may proceed as aforesaid to fix the amount of damage to be paid on account of all other buildings, and to provide, as aforesaid, for the payment of the same and of damages to all other lands and may open and use the same for the purposes for which they were condemned, without waiting for the determination of such appeal. Upon the final determination of such appeal, if judgment be in favor of the appellant, said judgment shall be paid by the city out of the general fund; and any condemned land which was the subject of such appeal, shall thereby become the property of the city for the purposes for which it was condemned, and any building which was the subject of such appeal, shall become thereby the absolute property of the city, and may be sold by the city, and the proceeds be paid into the general fund, and the purchaser shall have the same right, upon such sale, as mentioned in section 11 of this chapter. If the judgment be in favor of the city for costs, and the amount of such costs equal or exceed the amount of the assessment appealed from; or if the city shall pay or tender or cause to be paid or tendered to the appellant or his legal representative or attorneys in the appeal suit, or deposit for his use in any bank in said city, the amount of the excess of such assessment over such costs, such condemned land or buildings, or both shall thereby become the property of the city to the same extent and for the same purposes as in case of a payment of judgment by the city, as above set forth. If the appeal be from the valuation put by the jury on a building to remove, the appellant shall be held to have elected to remove such building, and judgment, if in his favor, shall be for the difference between the whole value of the building to the owner, assessed by the jury in the original verdict, and the value thereof to remove, as fixed by the court or jury, on trial of the appeal, besides costs, and upon payment of such judgment the common council may require the appellant to remove such building, or in default thereof may cause the same, or so much thereof as stands on the land condemned, to be torn down by the street commissioner, doing no unnecessary damage to the part left standing, and the expense thereof, when certified to and audited by the common council to be

charged as a special tax on adjoining lands of the owner, or the city may sue for and recover such expense from such owner by action at law. If on such last mentioned appeal judgment for costs be given in favor of the city, and the amount of such costs equal or exceed the difference between the two valuations placed upon such building by the original jury, or if the city shall pay or tender, or cause to be paid or tendered, to the appellant or his legal representatives or attorneys in the appeal suit, or deposit for his use in any bank in said city the amount of the excess or such difference between said two valuations over the amount of such costs, the common council may thereafter proceed in reference to said building, in the same manner and with the same effect as upon payment of a judgment against said city upon such appeal. No person shall be allowed to appeal from the valuation placed by the jury upon the building to the owner, and also from the valuation placed thereon to remove, but shall elect which of such two valuations he will appeal from. Not more than one appeal shall be allowed from any award of damages, but any party, claiming an interest adverse to any appellant, may be made a party to the appeal suit in the circuit court, as hereinbefore in this chapter provided.

Money to be appropriated for awards of damages.

SECTION 18. Section 13 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 13. A sufficient amount of money to pay all awards of damages made by the jury and confirmed by the common council, and from which no appeal has been taken shall be appropriated and set apart for that purpose, in the hands of the city treasurer, as provided in sections 10, 11 and 12 of this chapter, within one year from and after confirmation of such award by the common council. In case of appeal and final determination thereof in the circuit or supreme court, with judgment against the city, such judgment shall be paid within six months after the rendering and docketing thereof.

Council may enact an ordinance within one year, etc.

SECTION 19. Section 14 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 14. At any time within one year after the appropriation of money to pay damages, and publication of notice thereof as required in section 10 of this chapter, the common council shall have power to enact an ordinance laying out, changing, widening or extending and opening any street or streets, alley or alleys, lane or lanes, public ground or

grounds, square or squares, or other public place or places, for which the land shall have been condemned, and by suitable penalties in such ordinance provide for and enforce and compel the removal of all fences and buildings or other obstructions therefrom. Any lands or buildings, in reference to which an appeal may be pending at the time of the passage of such ordinance, shall not become subject to the provisions thereof until from and after the settlement and determination of such appeal in the manner hereinbefore provided, unless the common council shall have made an amicable settlement of such appeal before judgment. Upon the passage of such ordinance, the city clerk shall file with the register of deeds such list of lands as is required by chapter 319 of the laws of 1881, including therein the lands in reference to which appeals may be pending, as well as those for which the damages have been appropriated. At any time before causing any lands or buildings to be actually taken, and before the rendition of a judgment in the circuit court, an appeal adverse to the city, the common council may discontinue all proceedings, and the city shall in that event be liable for the costs only.

SECTION 20. Section 15 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 15 For the purpose of payment of the expenses, including all damages and costs of the proceedings incurred for the taking of private property, as herein provided for, the whole or such part thereof, not less than one half, as the common council may determine, shall be levied and assessed as a tax upon such parcels of property as shall be determined to be specially benefited by such improvement, in proportion, as near as may be, to the amount of such special benefit to each parcel, which shall be ascertained and assessed as hereinafter in this section provided. The aggregate amount in each case, the whole or part of which may be levied and assessed as aforesaid, shall consist of the whole amount of damages assessed by the jury, as fixed and confirmed by the common council, including the amount of all awards appealed from, added to the costs of the proceedings; and the words "costs of the proceedings" shall be held to mean and include the fees and compensation of the magistrate and jurors, the cost of their conveyance to and from the lands to be viewed, the fees of printers and officers for publishing and serving notices, abstracts of title, certified by the city attorney to be necessary, and all

How expenses,
costs, etc.,
shall be levied.

other reasonable costs and expenses connected therewith, including any reasonable expenses and compensation of the board of assessment hereinafter mentioned, which the common council may audit and allow. At any time within one year after the confirmation, in whole, or in part, of any verdict and assessment of damages by a jury, the common council may, by resolution, constitute a board of assessment, consisting of the city clerk, assessor and three aldermen. Said board, having first been sworn, and having subscribed an oath in writing, faithfully and impartially to discharge all the duties imposed upon them by this section, and having ascertained approximately the whole amount of damages and costs of proceedings, subject to be levied and assessed as aforesaid, shall, in a body, view the lands taken and condemned, and all other lands, in their judgment benefited by the improvement, and shall thereupon report to the common council, at any meeting thereof, the said approximate amount of damages and costs of proceedings, with their recommendation as to whether the whole or part thereof should be levied and assessed as aforesaid. Upon receiving the report of said board, the common council may, by resolution, passed by affirmative vote of a majority of the members elect thereto, determine that the whole damages and costs of the improvements and proceedings as aforesaid, or any part thereof, not less than half, shall be levied and assessed upon the property specially benefited thereby, and thereupon the said board shall proceed to levy, apportion and assess the whole amount of damages and costs as aforesaid, or such part thereof as the common council may have directed, as aforesaid, upon such lots, parcels and subdivisions of real estate as they shall determine to be specially benefited thereby, including lots, parcels and subdivisions, parts of which have been condemned or taken in the proceeding, as nearly as may be, in proportion to the benefits resulting to each parcel from the improvement, making a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied and assessed thereon, set opposite. Where any one lot or parcel of land has been divided into two or more tracts or parcels, by any street or other improvement mentioned in the proceeding, said board may assess such parcels separately, and may describe and bound the same by the boundary lines of such street or other improvement. Having

made such list, the city clerk shall cause to be published in the official paper of the city of La Crosse, not less than four times, a public notice that such assessment has been made, that the same will be open for review and correction by the board of assessment at the city council chamber for not less than six days after the first publication of such notice, during certain hours, and not less than two hours of each day, and that all persons interested will be heard by said board in objection to such assessment or any part thereof. It shall be sufficient to state in such notice in brief, what such assessment has been made for and in what locality, without giving the amount assessed or the descriptions of lots or parcels of land. Such notice shall be addressed "to whom it may concern." The meetings of said board may be held in the evening between the hours of 7 and 10 P. M., or some of said meetings may be held in the evening and some during the day time, as said board may determine. It shall not be necessary for more than three members of said board to be in attendance at any one of said meetings; less than three shall have power to adjourn from day to day as may be necessary or convenient. Any vacancy occurring in said board from any cause, may be filled by an alderman, to be appointed by the mayor, in writing, at any time when such vacancy occurs. The person so appointed shall take and subscribe an oath in writing, as hereinbefore provided, but it shall not be necessary in such case to give any new notice or to re-commence the assessment proceedings, but the same shall be carried to a conclusion as if no vacancy had occurred. During the time mentioned in such notice, and during ten days thereafter, said board shall have power to review, modify and correct such assessment or any part thereof, in such manner as they shall deem just. Such list and assessment, certified by the members of said board to have been made by them pursuant to the resolution of the common council for their appointment and signed by them, shall remain on file in the office of the city clerk and the same or a copy thereof, certified to by said city clerk, shall be prima facie evidence in all courts and places of the existence and legality of all the proceedings taken in relation to such assessment, down to the date of such filing. The several assessments contained therein shall be and remain a lien and tax upon the property therein described from the time of such filing until paid. The clerk of said city shall enter the same

in the city tax roll next thereafter, to be delivered to the city treasurer, against said several descriptions of property, and the same shall be collected and the collection thereof enforced in the same manner as other special taxes upon real estate are required to be collected and enforced by this act.

Fees of the justice of the peace.

SECTION 21. Section 16 of chapter 5 of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 16. The fees of the justice of the peace shall be as near as may be the same as are allowed to justices by law for services of the same general character, but he shall be entitled to three dollars for attending with a jury to view the premises in addition to other fees. The compensation of the county judge shall be estimated and paid at the rates prescribed by statute for his services in business other than probate. The compensation of the jurors, which shall in all cases be certified by the magistrate to the common council, shall be the same as the compensation of jurors in the circuit court, except that there shall be no allowance for travel. All such fees and compensation, except the magistrate's fees for making return upon appeal to the circuit court as hereinbefore prescribed, shall be audited and paid by the common council and shall be subject to be collected in whole or in part by assessment upon property benefited.

Proceedings binding.

SECTION 22. Section 17 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 17. From the time of the first publication of the notice by the city clerk as required in section 3 of this chapter, all persons whatsoever shall be held and deemed to have notice of the same and of all subsequent proceedings in the matter until the conclusion thereof, including the proceedings for assessment for benefits, and the heirs, personal representatives or assigns of any person owning or claiming any property affected by said notice shall be held to have knowledge of the same and of all subsequent proceedings, and shall be bound thereby. A written or printed copy of said notice may be filed by the clerk in the office of the register of deeds of La Crosse county upon the payment of the same fees, and when so filed shall have the same force and effect as a writ of attachment and sheriff's certificate of attachment of real estate filed in the same office.

Shall have power to add to amount of general taxes.

SECTION 23. Section 18 of chapter 5 of the act to which this act is amendatory, as amended by chapter 71 of the laws of 1878, is hereby amended so as to

read as follows: Section 18. The common council shall have power to add to the amount of the general taxes of said city in any year, in addition to the amount now authorized to be levied for general city purposes, such part of the damages and costs of any such improvement as it shall have been determined should not be assessed as a special tax upon property, with the amount of any judgments and costs in excess of awards, and in addition thereto, may levy such amount as may be deemed necessary to meet similar expenses for similar purposes in the next ensuing year.

SECTION 24. Section 19 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 19. In all cases where any street has heretofore been laid out or extended, or shall hereafter be laid out or extended, to the line of any railroad right of way in said city of La Crosse and on both sides thereof, it shall be the duty of the railroad company owning or operating such railroad to remove its fences from the line of such street on either side of such right of way, and to plank its track at such crossing, and make and keep the same accessible and passable for teams at all times.

Duty of rail
road companies
when streets
are laid out.

SECTION 25. Section 20 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 20. It shall be lawful to unite in one application to the justice or county judge, as hereinbefore provided, one or more petitions, or a petition and a resolution of the common council, or one or more such petitions or resolutions of said council, as mentioned in sections 1 and 2 of this chapter, and in the same proceeding, to appoint one jury to pass upon the necessity of taking the lands proposed, for any number of streets, alleys or other purposes mentioned in all such resolutions and petitions; and to dispose of the whole in one proceeding, including the assessment of damages and benefits. Whenever a jury, so impaneled to consider the question of taking lands for different improvements, in different localities, shall decide against condemning lands for one or more improvements, and in favor of the rest, said jury shall determine and state in their verdict what proportion of the costs of the proceedings theretofore incurred shall be chargeable to the persons petitioning for any improvement, against which the verdict is given. In case of disagreement of the jury, as to any such improvement, the new jury impaneled, to decide thereon, shall in like manner, in case of an adverse verdict, decide the

May unite one
or more peti-
tions.

proportion of the costs to be charged to the petitioners, and such decision shall be conclusive, as well upon the city as upon the petitioners and their sureties.

Repealed.

SECTION 26. Sections 22, 23, 24, 26 and 33 of chapter 5 of the act to which this act is amendatory are hereby repealed.

Amended.

SECTION 27. Section 8 of chapter 6 of the act to which this act is amendatory is hereby amended by striking out the words "for two weeks in one or more papers published in La Crosse," where the same occur in the seventeenth and eighteenth lines thereof, and inserting in lieu thereof the words "for six days in the official paper of the city of La Crosse."

Amended.

SECTION 28. Section 13 of chapter 6 of the act to which this act is amendatory is hereby amended by striking out the word "cents," where the same occurs in the forty-fourth line thereof, and inserting in lieu thereof the words "per cent."

Additional territory.

SECTION 29. The northwest quarter of section twenty, and that portion of lot number two, in section nineteen, which lies north of the east and west quarter line of said section nineteen, all in township sixteen north of range seven west, lying and being in the county of La Crosse, is hereby attached to and made a part of the city of La Crosse, and shall constitute and be a part of the fifth ward of said city.

Tax list, notice to be given.

SECTION 30. Section 16 of chapter 7 of the act to which this act is amendatory is hereby amended by adding to the end thereof the following: On the receipt of such duplicate copy of the tax list, he shall give one week's notice thereof in the official paper of the city. Such notice shall specify that the taxes on personal property must be paid within twenty days from the first publication of said notice, and the taxes and assessments on real estate before the first day of January next ensuing. The publication of such notice shall be deemed a demand, and neglect to pay the taxes and assessments within the time specified shall be deemed a refusal to pay the same.

Collection of taxes, duties of treasurer.

SECTION 31. Section 17 of chapter 7 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 17. On the expiration of the twenty days mentioned in the next preceding section, the city treasurer shall proceed to enforce the collection of the personal taxes in the manner provided by law for the enforcement of the collection of taxes by town treasurers, after posting notices, demand and neglect or refusal to pay the same; and if any such

personal taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from said treasurer and his sureties. Upon any collection made by distress and sale of goods, said treasurer shall collect therefrom the same fees allowed by law to the town treasurers in like cases. In case any taxes on personal property shall remain uncollected, or shall not be in process of collection by distress and sale, on the last Monday in January succeeding the publication of the notice mentioned in the preceding section, the city treasurer and his successor or successors in office shall have the same rights powers and duties, in reference to the collection thereof as are conferred by the general laws of this state on the county treasurers, in reference to the collection of delinquent personal taxes returned by the town treasurers; and he shall make out and issue therefor, as many general or special schedules and warrants as may be convenient; and any such schedule and warrant may be directed and delivered to the chief of police of the city of La Crosse, and shall be executed by him in the same manner and with the same effect as if directed and delivered to the sheriff of La Crosse county. Any sheriff of any county, receiving such schedule and warrant from the city treasurer, shall execute the same in the manner as required by law in the case of a like warrant delivered to him by the county treasurer.

SECTION 32. Section 3 of chapter 8 of the act to which this act is amendatory, is hereby amended by adding thereto, after the words "in said city," where the same occur in the twenty-third line of said section, the words "whenever furnished with a schedule and warrant therefor by the city treasurer."

SECTION 33. Chapter 10 of the act to which this is amendatory is hereby amended by adding at the end thereof a new and additional section, to read as follows: Section 19. The board of education shall have power and it shall be its duty to make all necessary rules and regulations for securing the health of teachers and scholars in the schools of said city and to prevent the spread of contagious diseases among or by the same; and for this purpose the board shall have power by resolution to require pupils to be vaccinated, or, in default thereof, to be excluded from the schools, and the common council shall have power, upon the recommendation of said board, to appropriate from the general fund of the city such amounts as may be necessary to pay

Board of education shall make all necessary rules.

the expenses of properly vaccinating such pupils or such number of pupils as said board may designate, or said board may appropriate and use any surplus in the school fund for the same purpose.

SECTION 34. Section 7 of chapter 11 of the act to which this act is amendatory is hereby amended by striking out all thereof after the words "section 7" down to and including the word "discharge," where the same occurs in the fifth line of said section, and inserting in lieu thereof the following: "The justice's fees, the fees of officers witnesses and jurors, and costs of board and confinement of prisoners in all cases arising under this act may be audited and allowed by the common council when the same cannot be collected of the defendant before his discharge."

Removal of
nuisances.

SECTION 35. Whenever any nuisance which, in the opinion of the board of health, or any member thereof, or of the chief of police or of any of his subordinates, acting as health officers, or nuisance inspectors, affects or endangers the public health, shall be found on private property or in any street or alley adjoining the same, the owner or occupant of such property, if to be found, may be served with a written notice by any of the officers aforesaid, requiring the removal or abatement of such nuisance within a time in such notice to be named; or such notice may, in lieu of personal service, be posted on the premises upon or adjoining which said nuisance exists. If such nuisance be not removed or abated within the time mentioned in such notice, the chief of police, under the direction of the chairman of the board of health, shall and may cause such nuisance to be forthwith removed or abated and report the expense of the same to the common council. Such report shall be accompanied by a copy of the notice posted or served, and the affidavit of the person or officer as to the service or posting of the same; it shall contain a description of the lot or part of lot to which the expense is chargeable, and shall be certified to be correct by the chairman of the board of health. The common council shall cause such expense to be audited, and paid out of the general fund, and shall direct the clerk of said city to charge such expense to the lot or premises on or adjoining which the same shall have been incurred; and the amount of such expense shall be inserted in the tax list next to be made out, as a special tax against such lot or premises, and shall be collected as other taxes on real estate are collected by virtue of the charter of said city.

SECTION 36. The common council shall have power to provide, by general or special regulations, for the time and manner of advertising for bids for doing any work to be let by said city, or any department or officer thereof, or committee of said common council, and requiring bonds or deposits of money to accompany such bids, and prescribing the conditions of such bonds or deposits; and all such deposits made, and all such bonds executed and delivered pursuant to any order or direction of said common council, whether general or special, and any and all conditions inserted therein, shall have the same force, validity and effect as if such bonds were executed and such deposits made, pursuant to general law. Advertising for bids.

SECTION 37. The common council of said city of La Crosse shall have power, from time to time, to require any officer, elected or appointed pursuant to the charter of said city or any act amendatory thereof, to furnish reports, information or estimates, and to perform other and further duties than are prescribed in said charter or amendments thereto, if the council shall deem that the interests of said city so require; and said common council shall also have power, with the affirmative vote of two-thirds of the members elect thereto, to employ and pay out of the general fund, for a specified time or for any specified purpose or purposes, an assistant or assistants for any officer of said city, anything in the act to which this act is amendatory, or in any other act to the contrary notwithstanding. Officers to furnish reports.

SECTION 39. Section 14 of chapter 183 of the laws of 1881 is hereby amended so as to read as follows; Section 14. Whenever any indebtedness of the said city of La Crosse, heretofore or hereafter lawfully incurred, of whatever kind or nature, and whether the same be evidenced by bond or by certificates of indebtedness, issued to the commissioners of public lands, shall become due and payable, or in anticipation thereof, the common council may borrow, upon the credit of said city, such sum or sums of money, as may from time to time be necessary or sufficient to pay and cancel the amount of such indebtedness, bonds or certificates, or any part or installment thereof, due or about to become due, and to issue bonds therefor. Such bonds shall be of such denominations as the common council may direct, shall be signed by the mayor and countersigned by the clerk, with the seal of the corporation attached, they shall be payable, principal and interest, at the city treasurer's Common council may borrow money to pay lawful indebtedness.

office in the said city of La Crosse; the interest shall be payable semi-annually upon coupons in the usual form, and the principal shall be payable in such time as the common council may direct, not exceeding thirty years. No such bond shall bear interest at a higher rate than seven per cent. per annum, or be disposed of for less than par; nor shall the amount of the issue of any such bonds, at any one time, ever exceed the amount of the principal of the indebtedness or installment or indebtedness due or becoming due, and to pay which the same are issued. The provisions of this section shall be applicable to the installment of the indebtedness due from said city to the trust funds of the state, pursuant to chapter 46 of the laws of 1878, falling due February 15, 1882; and said common council may borrow, as provided herein, an amount of money equal to the amount of said installment of the principal of indebtedness to the trust funds, notwithstanding said installment has already been included in the apportionment of state tax to said city and extended upon the tax roll. And the common council shall have authority, whenever any future installment of said indebtedness shall be certified to the city clerk, to cause the same to be omitted from the tax roll, and to make provisions for the payment of the same in the manner provided by this section, anything in said chapter 46 of the laws of 1878 to the contrary notwithstanding.

May appropriate money to ferries.

SECTION 39. The common council of said city shall have power to appropriate and pay out of the general fund of said city such sum or sums of money, not exceeding in the whole sum of two thousand five hundred dollars, in any one year, to any ferry or ferries terminating in said city, in consideration of reduction of rates of ferriage.

Rate of toll.

SECTION 40. The common council of said city shall have power to prescribe rates of toll, to be paid by or for foot passengers, vehicles or animals passing over any bridge whatever, built or owned by said city, appoint all needed officers and agents for the collection of the same, and to enforce the collection thereof, and for the purpose of enforcing such collection and of protecting bridges and punishing and preventing offences thereon the jurisdiction of said city shall extend, and all laws of this state and ordinances, resolutions and by-laws of said city shall be in force on all parts of any bridge having a terminus in said city, between the banks of the stream or river crossed thereby, and all parts of

the Mississippi river and on both sides of the channel thereof, opposite the said city of La Crosse.

SECTION 41. The common council of said city of La Crosse shall have power from time to time to borrow such sum or sums of money, not exceeding the sum of ten thousand dollars in any one year, as said common council may deem necessary, to be used by or under the direction of said common council, in putting in sewers or water works in said city, and to issue bonds of the city therefor, payable not more than thirty years after date and bearing not more than seven per cent. interest per annum, such bonds to be signed by the mayor and countersigned by the clerk, with the seal of the city attached; provided, the power herein given shall be exercised subject to the limitation of municipal indebtedness prescribed by the constitution.

May borrow money for sewers, etc.

SECTION 42. It shall be lawful for the common council of said city to accept by gift or bequest from any person or persons any sum or sums of money held by the city as a loan perpetually or for such length of time as the common council may prescribe in accepting the same, at a rate of interest not exceeding three per cent per annum, payable annually, for the benefit of the Oak Grove cemetery association of said city. Upon acceptance of any such loan the same shall go into and become part of the general fund of said city, and the annual interest thereon shall be paid to the treasurer of said cemetery association, and the principal sum shall be paid to the person or corporation directed by the donor at the time fixed by the council as aforesaid.

Loans.

SECTION 43. The city of La Crosse is authorized and empowered to transfer and convey any land which it has acquired or may acquire, to the state of Wisconsin, or to the United States, without compensation, if in the opinion of the common council the interests of the city will be promoted thereby; provided that such land shall be used for the purpose of erecting thereon public buildings or for any other public use.

Transfer of land.

SECTION 44. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1882.