

[No. 427, A.]

[Published March 24, 1885.]

CHAPTER 105.

AN ACT to incorporate the city of River Falls.

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

SECTION 1. All the district of country in the counties of Pierce and Saint Croix contained within the boundaries hereinafter described, from and after the first Tuesday of April, 1885, shall be a city by the name of River Falls, and the people now inhabiting said district shall be a municipal corporation, the name of which shall be the city of River Falls. Said corporation shall have the general powers possessed by municipal corporations at common law; and, in addition thereto, powers hereinafter specifically 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, and shall have a common seal and may change the same at pleasure.

Corporate name and boundaries.

CITY BOUNDARIES.

SECTION 2. All of section number one, and the north half of section number twelve, in township number twenty-seven north, of range number nineteen west, and the west half of section number six, in township number twenty-seven north, of range number eighteen west, in the county of Pierce, and the south half of the southwest quarter of section number thirty-one, in township number twenty-eight north, of range number eighteen west, and the south half of the southwest quarter and the south half of the southeast quarter of section number thirty-six, in township number twenty-eight north, of range number nineteen west, in the county of Saint Croix, and state of Wisconsin, shall be included

City boundaries.

in and constitute the limits of the city of River Falls.

WARD BOUNDARIES.

Ward bound-
aries.

SECTION 3. The said city shall be divided into four wards, the boundaries of which for the present, and until changed as hereinafter provided, shall be as follows, to wit: All that portion of said city lying north of the north line of township number twenty-seven north, in the county of St. Croix, shall constitute the first ward. All that portion of said city lying south of the north line of township number twenty-seven north, and north of the quarter line running east and west through section number one in township number twenty-seven north, of range number nineteen west, and of section number six in township number twenty-seven north, of range number eighteen west, and east of the north branch of the Kinnickinnic river, shall constitute the second ward. All that portion of said city lying south of the north line of township number twenty-seven north, and west of the north branch of the Kinnickinnic river, shall constitute the third ward. All that portion of said city lying south of the quarter line running east and west through section number one in township number twenty-seven north, of range number nineteen west, and section number six in township number twenty-seven north, of range number eighteen west, to the junction of said quarter-line with the center of Kinnickinnic river, thence following the center of said stream down to its intersection with the west line of said section one, shall constitute the fourth ward. But the common council shall have power to change said lines of divisions as they may deem convenient or proper, when duly authorized by an affirmative vote of the electors of said city.

COMMON COUNCIL.

Common
council.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of one member from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are here-

inafter mentioned or may be created under this act.

ELECTIVE OFFICERS.

SECTION 5. The elective officers of said city shall be a mayor, treasurer, assessor, and one justice of the peace to be elected by the city at large, and from each ward, one alderman, one justice of the peace, one supervisor to represent his ward in the county board of supervisors of his county and one constable. All other necessary officers shall be appointed by the common council. All elective officers, except justices of the peace, shall, unless elected to fill vacancy, hold their respective offices for one year, or until their successors are elected and qualified; provided, however, the council shall have power, for due cause, satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city, except a justice of the peace, due notice and opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The term of office of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected and the term of office of all appointed officers shall expire with that of the members of the body appointing them.

Elective officers.

SECTION 6. The council shall at their first meeting after the charter election, appoint a city clerk, a marshal, and a street commissioner and such other officers as they may deem necessary to appoint. Should the common council fail to appoint any officers at such meeting it may appoint such officers at a subsequent meeting. The common council shall at such first meeting, fix the compensation of any officer of the city whose salary or fees have not been otherwise provided for.

Officers to be elected.

ANNUAL ELECTIONS.

SECTION 7. The qualified voters of the city of River Falls shall hold an election on the first Tuesday in April of each year, for election of city and ward officers herein designated, and shall be presided over by the inspectors of election, appointed under the general laws of this state, who

Annual elections.

shall see the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; 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 city clerk of the city of River Falls, and the other to the county clerk of the county in which his election district is situated. The mayor of the city and members of the common council shall constitute a board of canvassers, who shall, within three days after such election, meet at the council chamber and canvass such returns; and after the aforesaid returns shall have been canvassed by said board, the mayor shall notify by a certificate the persons elected to the respective offices. The poll shall be kept open in the respective election districts from nine o'clock in the forenoon until five in the afternoon, but an adjournment may be made from twelve o'clock, noon, to one o'clock in the afternoon, by notice thereof given at the opening of the polls. Said election shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state; for the purpose of holding city and general elections in said city, the city shall be divided into two election districts, one of said districts to comprise all that portion of the city lying in St. Croix county, and to be known as the first election district, and the other election district to comprise all that part of the city lying in Pierce county, and to be known as the second election district, and the common council shall designate a polling place in the First ward for the first election district, and a polling place in the Second ward for the second election district; at all city elections there shall be three ballot boxes for the second election district, one for each ward there voting, with the number of the ward plainly marked thereon and the votes of the electors of each ward shall be deposited in the ballot box for such ward; and a separate poll list shall be kept of the voters of each ward. There shall be three inspectors of election, one from each ward, and three clerks,

one from each ward. Each inspector shall have the immediate charge of the ballot box of his ward, and the clerk from such ward shall keep the poll list of such ward, but such inspectors shall act together in any question which may arise. At general elections one ballot box only shall be kept for such general election in such second election district.

QUALIFIED ELECTORS.

SECTION 8. All persons who are qualified electors of the state of Wisconsin, and who shall have resided in any ward in said city ten days prior to an election, shall be deemed qualified electors for such ward at such election. Each ward officer shall be a qualified elector in the ward in which he is elected, and each city officer shall be a qualified elector in the city.

Qualified electors.

SPECIAL ELECTIONS.

SECTION 9. Special elections to fill vacancies or for any other purpose, shall be held and conducted by inspectors of election, as provided by this act, and the returns thereof shall be made in the same manner and form as of annual elections; provided, however, that in case a special election is to be held in the city other than for ward purposes, the common council may order a single poll for the entire city, and appoint the place where the election is to be held, and the inspectors of election and the clerks therefor.

Special elections.

SECTION 10. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the council may be *viva voce*, except as hereinafter provided. 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 council, at such time and in such manner as it may direct.

Elections shall be by ballot.

SECTION 11. In the event of a vacancy in the office of mayor, justice of the peace or aldermen, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common coun-

In case of vacancy.

cil. The person appointed or elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

What is deemed
vacation in
in office.

SECTION 12. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the second Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. 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.

OFFICERS—THEIR POWERS AND DUTIES.

Officers—their
powers and
duties.

SECTION 13. Every person elected or appointed to fill any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables, and such other officers as the council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of River Falls a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum, and such conditions as the council shall deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time require new or additional bonds from the treasurer or other officer of the city; and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace elected under

this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws, except that their official bond shall be approved by the council. The justices of the peace elected by the city at large shall also have civil and criminal jurisdiction co-extensive with the limits of the counties of Pierce and St. Croix, in this state, and shall also have jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, to which the city may be a party, cognizable before a justice of the peace; he shall be entitled to receive for his services the same compensation and fees as is allowed by law to justices of the peace for similar services, and no other. All constables elected under this act shall have and exercise the same powers and duties and be subject to the same liabilities as constables of towns. Any justice of the peace elected under this act may hold his office in any part of said city within the county in which he resides.

SECTION 14. The mayor shall, when present, Duties of mayor. preside over the meetings of the council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the council information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote in the council only in case of a tie. When presiding over the council his style shall be, "Mr. President."

SECTION 15. At the first meeting of the council Election of president. after its election in each year, it shall proceed to elect by ballot one of its members president, and in the absence of the mayor the said president shall preside over the meetings of the council, and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case both the mayor and president

shall be absent at any meeting of the common council, it 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 duties of mayor shall be styled acting mayor, and any acts performed by him shall have the same force and validity as if performed by the mayor; but the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council.

Duties of city clerk.

SECTION 16. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the council, at whose meetings it shall be his business to attend, and copies of all papers filed in his office, and transcripts from the records of the council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the council, and shall keep a full and accurate account thereof in books provided for that purpose. 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. The salary of the city clerk shall not exceed two hundred dollars per annum, payable quarterly.

Duties of treasurer.

SECTION 17. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of the state. He 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 council shall direct. He shall report to the council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties, and be

subject to the same liabilities as treasurers in towns. No person having been city treasurer for two years in succession shall be eligible to a reelection until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The treasurer shall receive for his compensation the same fees that are allowed to town treasurers by law.

SECTION 18. The assessor shall assess all the taxable property of the city of River Falls as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as may be determined by the common council.

Duties of
assessor.

SECTION 19. The city marshal shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines, and shall receive such compensation as the council may determine. He shall possess all the powers of constable of towns in Pierce and St. Croix counties, and may serve all lawful process directed to him, or to the sheriff, or any constable of the said counties, and be subject to the same liabilities. He shall execute and return all writs and process to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or law of the state, may pursue and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city, or laws of this state, and within reasonable time bring such person before competent authority, for examination, and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved and affirmed by the council, but for whose official act he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Duties of mar-
shal.

SECTION 20. The common council shall have

Power of council.

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 where the compensation is not fixed by the statutes or this charter. The council shall, at least ten days before the annual charter election in each year, fix by resolution, the salary which shall be paid to the clerk, treasurer, marshal and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected; neither shall extra compensation be granted except by unanimous vote of the council, which vote shall be approved by the mayor.

Official newspaper.

SECTION 21. The council, at the first meeting after its election, or as soon thereafter as practicable, shall designate a newspaper, printed in said city, in which shall be published all ordinances and other matters required by this act, or the by-laws or ordinances of the city to be published in a newspaper.

Duties of city printers.

SECTION 22. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, as stated in such affidavit.

Penalty for failure to deliver to successor.

SECTION 23. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects 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 possession of such books, papers and effects in the manner prescribed by the laws in this state.

Shall not be interested in any job.

SECTION 24. No alderman shall be a party to or interested in any job or contract with the city;

and any contract in which an alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the council may sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same, or either or any one of them. Provided, however, that this section shall not prevent the council from leasing any of the public grounds of the city in such manner and to such parties as it may see fit to do.

SECTION 25. The mayor, or acting mayor, sheriffs of Pierce and St. Croix counties, and each and every alderman, justice of the peace, marshal, constable, and watchman, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all by-standers, and if need be, of all citizens; and if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Suppression of riots.

COMMON COUNCIL.

SECTION 26. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of River Falls do ordain," etc. The council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Common council duties.

SECTION 27. The council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally, or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members and enforce its rules; to punish by fine and imprisonment, by a vote of two-thirds of its members, any member for disorderly or

Shall hold stated meetings.

contemptuous conduct, and by a vote of two-thirds its members may expel any member for cause.

GENERAL POWERS OF COUNCIL.

Powers of
council

SECTION 28. The common council shall have the control and management of the finances, and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of the trade, commerce and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law, provided they are not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws:

Licenses may
be granted.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard or pool tables and bowling saloons, and to provide for the abatement and removal of nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing-houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state.

Gambling.

2d. 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 any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

Prevent riots
and distur-
bances.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain dis-

orderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

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

Cleanse nauseous places.

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use or occupation of the same, where the offal or filth thereof shall discharge into the waters of the creeks or river, and to establish rates for and license venders of gunpowder and to regulate the storage, keeping and conveying of the same or other explosive materials.

Location and management of slaughter-houses.

Gunpowder.

6th. To provide for the making, grading, improving and repairing the streets of the city of River Falls, and to provide for the making, constructing and repairing gutters and sidewalks in said city, and to prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or other materials or substances whatever.

Grading and repairing streets.

7th. To prevent horse-racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Horse racing.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same.

Restrain cattle.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances of said city.

Dogs.

10th. To prevent persons from bringing, depositing or having within said city or placing in the waters adjacent to said city, any putrid carcass or other unwholesome or nauseous substance, and to require the removal of the same by any person who shall have upon his premises any such substances or putrid or unsound beef, pork, hides or skins of any kind, and on default to authorize the

Putrid carcasses and nauseous substances.

removal by some competent officer, at the expense of such person or persons.

Public pounds,
water-works
etc.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, of the city; to regulate and to license hacks, cabs, drays, carts and the charges of hackmen, cabmen, draymen, and cartmen in the city, and to erect lamps and to provide for lighting the streets, public grounds and public highways, with gas or otherwise.

Boards of
health.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Bread.

13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Cattle on side-
walks.

14th. To prevent all persons from riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing any damage to such sidewalks.

Shooting of
fire-arms.

15th. To prevent shooting off fire-arms or fire-crackers and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizens thereof.

Drunkenness.

16th. 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.

Runners and
solicitors.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

Police.

18th. To make rules and ordinances for the government and regulation of the police of the city.

Public markets.

19th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations. To license and regulate butchers' stalls, shops, and stands for the sale of game, poultry, meats, fish and other provisions.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Weighing and
selling hay.

21st. To compel the owners of buildings or grounds or the occupants, where the same are occupied, to remove dirt or rubbish from the sidewalks, streets or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default to authorize the removal or destruction of the objectionable substance by some officer of the city at the expense of such owner or occupant.

Removal of
dirt and rub-
bish.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Infectious dis-
eases.

23d. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise, and other property at public auctions, and to grant licenses for the sale of goods, wares and merchandise and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses; provided, it shall not be lawful to charge less than five dollars, nor more than five hundred dollars for any such license for one year; and provided, also, that nothing in this section shall prohibit or affect in any manner, sales at auction in cases specified in section 1585, of the revised statutes.

Public auctions
and vendues.

24th. To appoint watchmen and prescribe their duties.

Watchmen.

25th. To provide by ordinance for a standard of weights and measures and for the punishment of any person using or keeping any false weights and measures.

Weights and
measures.

26th. The common council shall have jurisdiction over the streams within the limits of said city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time, and may also, by ordinance or resolu-

Jurisdiction
over streams.

tion, prevent any deterioration of the said waters, or any nuisance being cast therein by which the health of the inhabitants of the city, or the purity of the water shall be impaired, as it shall deem expedient.

Appropriations
—how made.

SECTION 29. No appropriation shall be made, nor shall any debt be created or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same be in force; and all ordinances shall be published in the official newspaper, printed at the city of River Falls, before the same shall be in force, and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper; the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be *prima facie* evidence of such publication.

Shall not bar
or hinder suits.

SECTION 30. 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 therefor, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Examine and
audit accounts.

SECTION 31. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, street commissioner and all other officers or agents of the city at such times as it deems proper; and also at the end of each year and before the time for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer or 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 the common council shall have power, by an affirmative vote of two-thirds of its members, upon reasonable notice, for cause, to remove from office any officer of the city elected by the common council, or whose appointment shall have been confirmed by it.

OPENING OF STREETS, ALLEYS, ETC

SECTION 32. The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire-engine house, or any building in the construction of water-works, or for flowing the same, for supplying the city with water, or any other lawful municipal purpose, or for erecting hospitals or pest-houses for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter, or any act amendatory thereof, or by any act of the legislature, and may take the same, and whether within or without the city, by conveyance from the owner, upon a bargain and sale, or upon a donation thereof, or in manner as follows: Whenever it shall, in the opinion of the common council, be necessary, said council shall declare, by resolution, that it is necessary to take any such lots or lands for any of the purposes above set forth, giving description of the premises, defining separately each parcel thereof separately owned,

Opening streets
and alleys, etc.

and the purpose for which they are to be taken. The common council shall, thereupon, cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners of the same, if the place of residence of such owner or owners is known, or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of the state, or their place of residence, after due diligence by the city attorney of said city, cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners, or the owner or owners whose residence cannot be ascertained, by causing the same to be published for six weeks in the official paper of the city, at least once in each week, and by causing such notice to be mailed, postpaid, to the address of such owners within five days from the time of the first publication of such notice, when the post-office address of such owner is known.

Notice shall be signed by city clerk.

SECTION 33. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further, that at a time and place therein named, not less than ten days after 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 court for said counties of Pierce or St. Croix, for a jury to enquire and determine whether it is necessary to take the land or any part thereof described in such resolution for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet to discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereafter mentioned, and no other notice thereof shall be necessary.

Proof of service of summons to be made and proceedings in court defined.

SECTION 34. At the time fixed in said notice for the appointment of such jurors the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be made in the same manner as is now required to make proof of the service of a summons in civil actions

in courts of record in this state, shall appoint twelve competent persons, having the qualification of jurors in and for the counties of Pierce and St. Croix and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be disqualified; provided, that if the owner of the land sought to be taken shall, before said judge shall appoint such persons, demand in writing that the jury be taken from any other county in such judicial circuit, then said judge shall appoint such jury from persons having the qualifications of jurors in such other county in the circuit as shall be designated by such land owner in his demand for the inquiry to be made respecting his lands. The same rights of challenge peremptorily or for favor, or cause, may be exercised by the city attorney, and by such land owner whose land is sought to be taken, or by his agent or attorney, as a party to a civil action in the circuit court is entitled to have, and the judge shall decide the same in like manner, and replace the name of any jurors successfully challenged, by the name of some other competent person until a jury of twelve be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county or by any public officer of said city. The jurors so chosen shall, before entering upon the performance of their duty, take an oath before such judge faithfully and impartially to discharge their duty as such jurors, and a true verdict give, whether it is necessary to take such land or any part thereof, mentioned in such resolution for the purpose therein specified.

SECTION 35. If any of the jurors 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.

In case juror be disqualified from acting.

SECTION 36. The said jurors shall forthwith, under the direction of said judge, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any

Shall proceed in a body to view the premises.

party interested, which testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Unanimous
verdict to be
returned.

SECTION 37. After having made such view and heard such testimony as shall have been produced, the said jury shall, under direction of said judge, deliberate apart, and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for the county in which said land is situated, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall, on application, furnish a certified copy of the same, or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had, as hereinbefore provided, for the first jury, except that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no other notice thereof shall be necessary to any party; and the like steps shall be taken in case of any further disagreement until a verdict shall be found.

In case neces-
sity for taking
the premises be
established.

SECTION 38. Should the necessity for the taking of the premises, or any part thereof mentioned in the resolution of the council, be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and appraised the damages to the owner or owners of the premises so found necessary to be taken by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court for the county in which said land is situated, briefly setting forth the fact that the necessity for taking such premises has been established by the

verdict of a jury, and praying the appointment of three commissioners to appraise the damages of each and all of the several owners of such lands, and showing the amount of land, giving the metes and bounds thereof the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served on each owner in the cases when required, and in the manner provided in section 32, of this act. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of, or persons interested in the land so found necessary to be taken, and fix the time and place for the first meeting of said commissioners.

SECTION 39. If there should be any building standing, in whole or in part, upon the lands to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

In case there is a building on lands.

SECTION 40. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a 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 commissioners. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the commissioners, and to allow such building to be taken with the land appropriated, or their intention to remove such building at the rate set thereon by the commissioners to remove. If the owner shall agree to re-

Ten days' notice to be given.

move such building, he shall have such time for this purpose as the common council shall allow.

In case owner refuse to take the building.

SECTION 41. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited for him in the city treasury.

Oath of commissioner.

SECTION 42. The commissioners shall take and subscribe the oath prescribed by the twenty-eighth section of the fourth article of the constitution, before entering on the discharge of their duties. A majority of them may adjourn the proceedings before them from time to time, in their discretion. They shall cause notice to be given to each party interested of the time and the place where they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party, or his authorized agent or attorney, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting. If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state, such notice shall be published in a newspaper as aforesaid for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file a proof of such notices, or of the appearance of such parties before them, either personally or by attorney with their report. But it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment.

Commissioners to view the premises.

SECTION 43. The commissioners shall view the premises described in the petition, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of such compensation to be made to each of such owners therefor; and in fixing the amount of such compensation, said commissioners shall not

make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits which the parties in interest may derive from the construction of the proposed improvement for which such real estate may be taken, but special benefits to the real estate adjoining the lands so taken, shall be allowed in deduction of any damages sustained by the owner to such adjoining real estate. In case of any building on the land, and proceedings shall have been taken as provided in sections 39, 40, 41, the said commissioners shall include the value of such building as estimated by them, 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. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the city.

SECTION 44. 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 interest respectively, may be awarded to them by the commissioners, less the benefits resulting to them respectively from the proposed improvement.

SECTION 45. Whenever the commissioners shall have completed their duties and filed the report of their proceedings and determination as before provided, the common council may, if it shall deem it expedient by resolution or ordinance, order such improvement to be made, and the land which has been so found necessary to be taken therefor to be taken and used; and in such case the city shall be absolutely liable to the owner or owners or parties entitled thereto for all compensation that be established against said city there-

In case property belongs to different parties.

Improvement ordered made if found expedient.

for; and the council may also in that case make an assessment of the compensation to be paid thereof, with the costs of proceedings or such part thereof as they shall determine to be just, upon the lands found by them to be directly benefited by such improvement in such proportion to the benefits enjoyed as they shall determine. If the council shall not deem it expedient to make such improvement, they may by resolution order all further proceedings to be discontinued.

In case of dissatisfaction in regard to amount.

SECTION 46. Any person being dissatisfied with the amount of compensation for property taken or the amount assessed as benefits shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits by serving on the mayor or city clerk a notice of appeal therefrom, and giving a bond to the city in not less than one hundred dollars, to be approved by the mayor, acting mayor or city clerk, to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of compensation or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city by giving notice to the opposite party without giving bond. Upon filing such notice with the clerk of the circuit court the appeal shall be considered an action pending in court for trial there as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by jury, unless a trial by jury be waived by both parties; costs shall be allowed to the successful party in accordance with the conditions of said bond.

Report of commissioners to be recorded by clerk.

SECTION 47. The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed in the judgment book of such court, and at any time after the making of such award the city may set apart in its treasury, to the order of the owner or owners of the lands so taken, or pay the same to such owner or owners, or to the clerk of said court for the use of such owner or owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the land for the purposes for which it was condemned, and may

obtain from either of said judges, upon twenty-four hours' notice, a writ of assistance to put its officers or agents into possession of the same. If such city be in possession or put in possession of such land, pending an appeal, the owners or parties entitled thereto, shall be entitled to receive the money paid into court or set apart in the city treasury on account of the award appealed from, without prejudice to the appeal taken, but if the city shall have appealed, such money shall only be so withdrawn by leave of court, upon filing a bond in such sum and with such surety as shall be approved by the court or judge to repay the amount by which such award shall be abated on such appeal, with costs. If any defect of title to or incumbrance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding or any person not a party shall petition to the said court, setting up a claim adverse to the title set out in said premises and to the money or any part of it to be paid as a compensation for the property so taken, the court shall hear and determine the right of the parties to said money, and for that purpose may order a reference or an issue to be tried by a jury. Either party may except to the decisions of the court and appeal to the supreme court in like manner as in actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party.

SECTION 48. When the whole of any lot or tract of land or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, 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.

In case premises are under lease.

SECTION 49. When only part of the lot or tract of land or other premises so under lease, or other contract, shall be taken or used for any of the purposes aforesaid, all the covenants, contracts or agreements respectively touching 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, and in respect to the

In case only a part is used.

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.

In case of an infant or legal disability.

SECTION 50. When any known owner of lands or tenements affected by any proceedings under this charter shall be an infant or labor under disability, the judge before whom the proceedings are pending, may, upon the application of the council, or such party by his next friend appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by this charter shall be served on such guardian.

Other commissioners to be appointed to fill vacancy.

SECTION 51. The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notice to be given to any party in interest as he deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

Cause the survey to be made.

SECTION 52. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Power to change the names of streets.

SECTION 53. The council shall have the power to change the name of any street and to vacate any plat or portion thereof that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in the official city paper for at least two weeks prior to the meeting of the council.

May lay out roads.

SECTION 54. Roads or streets may be laid out by the council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Directions only; directory.

SECTION 55. All the foregoing directions given in this chapter, shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act,

not affecting substantial justice, shall in any way affect the validity of the proceedings.

CITY IMPROVEMENTS.

SECTION 56. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains, sidewalks and cross walks in the manner hereinafter mentioned and direct and control the persons employed therein and provide for the payment of the costs, charges and expenses incurred thereby out of the city moneys. All work to be done for the city may, at the discretion of the council, be let to the lowest responsible bidder, the council having first given notice of the time and place of letting a contract for the same by publication in a newspaper printed in the city, not less than ten days prior to such letting; provided, that if the estimated cost of such work shall be less than one hundred dollars, notice may be given by posting written notices of the time and place of letting, not less than ten days prior thereto, in three public places in the city; and provided further, that in all cases of advertising such letting of contracts as herein provided, the common council shall have power to reject any bids offered, if the same shall not appear to the council to be reasonable in amount or to be offered by responsible bidders; and the common council may in all cases require that a bond shall be given for the performance of the contract, in such form as the council may desire. The common council may order any such work to be done without letting a contract when it shall seem that the interests of the city are best subserved thereby.

City improve-
ments.

SECTION 57. The council shall have power to purchase such instruments, tools and approved machinery as may be required for properly surveying, making, grading and repairing the streets and alleys in said city, and doing such other work as is mentioned in the foregoing section, and it shall also have power to purchase any material necessary therefor.

Power to purchase instru-
ments, tools,
etc.

SECTION 58. The council shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant waters

Stagnant
waters.

remaining thereon, in the official paper for two weeks, to abate such nuisance by draining or filling such lot within a reasonable time, therein to be specified, and if such nuisance shall not be abated or removed within the time so specified, the council shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Powers and duties of street commissioner.

SECTION 59. The general powers and duties of the street commissioner shall be the same as overseers of highways in towns, except as otherwise herein provided. It shall be the duty of the street commissioner to see that all ordinances of the city, relating to the streets, alleys, public grounds, reservoirs, gutters, sewers, waters of the river and water-courses in said city, are duly observed and kept, and direct and control the persons employed therein; and he shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in said city, unless the council shall otherwise provide. Such street commissioner shall be under the direction and control of the council, and he shall make no orders, or give any directions for the improvements of streets, unless such improvements have previously been authorized by the council, or a committee of the council acting under authority. Whenever any places occur in any street, whereby the life or property of persons using the street becomes endangered, the street commissioner shall proceed at once to repair such street to a safe and passable condition.

Setting out ornamental trees.

SECTION 60. The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in front of the same, and to protect and preserve them, and, in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same. It shall also have power to determine the lines on which the trees shall be set, the kind and size of the trees to be set, the places where they shall be set, and the manner of protecting them, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal

when they have hitherto been set out. It shall also have power to provide for and direct the trimming of shade trees to proper proportions, and to do all other needful acts as to them may seem just and proper to give this section proper effect.

FINANCES AND TAXATION.

SECTION 61. All funds in the city treasury, except school, state and county funds, shall be under the control of the council, and shall be drawn out upon the order of the mayor and countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer 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. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

Finance and taxation.

SECTION 62. No debt shall be contracted against the city or orders be drawn on the city treasury unless the same shall be authorized by a majority of the common council, and the vote authorizing the same, in case it exceeds fifty dollars, shall be entered by ayes and nays 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 for the payment of indebtedness now existing.

No debt should be contracted against city unless authorized.

SECTION 63. 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 received 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 vote of three-fourths of all the alderman elect.

Penalties shall be paid into city treasury.

SECTION 64. 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 assessor elected under this act shall have and possess the same powers, and per-

All property shall be subject to taxation.

form the same duties as are or may hereafter be conferred upon township assessors, except so far as they be altered by this act; provided, however, that the common council may prescribe the form of assessment roll, and more fully define the duties of assessor.

Abstract of
assessment
roll to be trans-
mitted.

SECTION 65. Before the annual meeting of the boards of supervisors of the counties of Pierce and St. Croix, and by the times required by law for the return of the assessments from the respective towns, the city clerk shall transmit an abstract of the assessment rolls of such part of the city as shall lie in each county to the county clerk of such county, who shall lay the same before the county board of supervisors of the county at its annual meeting. The board of supervisors of each of said counties shall consider such part of the city as shall lie in such county as a town in equalizing the assessments of the respective towns, as required by law, but in such equalization shall regard the assessment roll of such part of the city as lies within its county as an entire roll, disregarding any division of such city into wards. Each of said boards of supervisors may levy a tax or taxes upon such part of the city as lies within its county, as now is or may hereafter be provided by law in relation to towns, 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 and town clerks; and in all transactions of the boards of supervisors of each of said counties the portion of the city lying in each county shall be regarded as a town, except as herein otherwise provided.

Poll tax.

SECTION 66. The common council shall have power to tax annually each male inhabitant of the city between the ages of twenty-one and fifty years, except such as may be exempted by the general laws of the state from poll tax, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax; such tax when so levied and collected to be paid into the city treasury, and to be used only for the improvement of streets, walks and crossings in said city; such tax to be collected with other taxes levied in said city.

Annual tax
levy author-
ized.

SECTION 67. The common council shall annually, not later than the second Thursday in November of each year, by resolution, levy such taxes upon

the taxable property of the city as will, in its opinion, be required to defray the general expenses of said city for the year next ensuing; provided, that such tax levy shall not exceed seven mills on each dollar of the taxable property of the city, as shown by the last assessment roll of said city, unless the said city shall have, at a general or special election, authorized the council to levy a larger sum.

SECTION 68. The city clerk shall make the tax roll of the city in the same manner and form and at the same time as required by the revised statutes of this state.

City clerk to make the tax roll.

SECTION 69. The city treasurer, upon the receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like power, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act, and he shall receive the same compensation for his services. The county treasurers of each of the counties of Pierce and St. Croix shall sell all delinquent lands and lots returned from the city of River Falls, in his county, at the same time and in the same manner as other delinquent lands are sold in the county, and in making settlement with city treasurer of said city, he shall be governed by the same rules which apply to towns in his county.

City treasurer to collect the taxes.

SECTION 70. All lands lying within the city limits, which are used, occupied, reserved and held exclusively for agricultural purposes, shall be taxed as farming lands.

Lands to be taxed as farming lands.

SECTION 71. All the directions hereby given for the assessing of lands and the levying, collection and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

Directions given only directory.

SECTION 72. In addition to the amount herein limited for taxes for general city purposes; special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common coun-

Special taxes may be levied.

cil, and afterwards submitted to a vote of the people and approved by them. Whenever the common council shall recommend such a tax they shall specify the amount to be raised and the object thereof and cause notice thereof and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

Prompt pay-
ment of orders
to be provided
for.

SECTION 73. It shall be the duty of the common council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest for the supplying of all funds to meet any deficiency in the treasury; provided, that the common council shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the current year. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council, thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the common council shall take such action as will enable the city to preserve its credit.

All just de-
mands against
city to be
settled.

SECTION 74. The common council shall settle all just claims and demands against the city, and shall settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city, for the information of the citizens at least five days, previous to the annual election; and the common council shall meet on Monday, one week previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during their term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

Actions to be
brought in cor-
porate name of
city.

SECTION 75. All actions to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the

section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All fines and penalties collected by any justice in such cases, shall be paid over to the city treasurer. Each justice shall report to the council on the first Monday in January, April, July and October in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

SECTION 76. In all prosecutions of any violations of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant, as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

First process to be served by summons.

SECTION 77. When the action is commenced by summons, such summons may be substantially in the following form:

Form of summons.

Counties of Pierce and St. Croix, }
 City of River Falls. } ss

The State of Wisconsin, to the sheriff or any constable of said counties, or to the marshal of the city of River Falls.

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at his office in said city, on the—— day of——, 18—, at —— o'clock in the —— noon, to answer to the city of River Falls to the damage of said city, two hundred dollars or under.

Given under my hand, at the said city, this —— day of ——, 18—.

C. D., Justice of the Peace.

SECTION 78. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons, and triable before justices of the peace.

When made returnable.

Form of complaint.

SECTION 79. When the action is commenced by summons, the complaint may be substantially in the following form:

| | | |
|---------------------|---|-----------------------|
| City of River Falls | } | In Justice Court. |
| against | | Before C. D., |
| A. B. | | Justice of the Peace. |

The plaintiff complains against the defendant, for that the defendant on the — day of —, 18—, at the said city, did violate section — of this act, or section — of an ordinance or by-law, or regulation of said city, (describing it by its title,) which said — is now in force. By reason of such violation, an action has accrued to the city of River Falls, to recover of the defendant the sum of — dollars, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of warrant.

SECTION 80. In all cases where oath is made for a warrant, the complaint shall be made on oath and no other affidavit shall be necessary, which said last mentioned complaint may be substantially in the following form:

| | | |
|-------------------------|---|-----------------------|
| The City of River Falls | } | In Justice Court, |
| against | | before A. B., |
| A. B. | | Justice of the Peace. |

Counties of Pierce and St. Croix—ss.

— being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of River Falls, in said county, that A. B., on the — day of —, 18—, at said city, did violate section — of this act, or section — of an ordinance or by-law or regulation of said city, (describing it by its title), which said — is now in force, as this complainant verily believes, and prays that the said A. B. may be arrested, and held to answer to said city of River Falls therefor.

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

It shall be sufficient to give the number of the section of this act, or the section of the ordinance, by-law or regulation violated or particular part thereof, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths.

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following terms:

Counties of Pierce and St. Croix, }
 City of River Falls, } ss.

The state of Wisconsin, to the sheriff or any constable of said counties and to the marshal of the city of River Falls, greeting:

Whereas, ——— has this day complained to me, in writing, on oath, that A. B., on the ——— day of ———, 18—, at said city, did violate section ——— of this act, or section ——— of an ordinance or by-law or regulation of said city (describing it by its title), which said ——— is now in full force, as the complainant believes. Therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of River Falls on the complaint aforesaid.

C. D., Justice of the Peace.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with security to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Pierce or St. Croix county, and shall be received and kept therein the same as in criminal actions except as modified by this act or the ordinances, by-laws or regulations of said city. The complaint, made as aforesaid, shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter embraced in the action.

SECTION 81. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in pamphlet or in book form, purporting to be published by authority of the common council shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Printed copy to be good evidence.

SECTION 82. Witnesses and jurors shall attend before the justices of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Attendance of witnesses and jurors.

Right of trial
by jury.

SECTION 83. In city prosecutions, both plaintiff and defendant shall enjoy the right of trial by jury, as in civil actions in justices' courts, and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture presented in the act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty; and for cost of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in case of tort, in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Counties of Pierce and St. Croix, }
City of River Falls, } ss.

Form of ex-
ecution.

The state of Wisconsin, to the sheriff or any constable of said counties, or to the marshal of the city of River Falls, and to the keepers of the common jails of said counties, greeting:

Whereas, the said city of River Falls, on the— day of —, 18—, recovered a judgment before the undersigned justice of the peace in and for said city against — for the sum of — dollars together with the sum of — and — cents costs of suit for the violation of (section — of this act or section of an ordinance, or by-law, or regulation) of said city (describing it by its title) you are hereby commanded to levy distress of the goods and chattels of the said — excepting such as the law exempts, and make sale thereof according to law, to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me within twenty days; and for want of such goods and chattels whereon to levy, to take the body of said —, and him to convey and deliver to the keeper of the common jail in Pierce or St. Croix county, and said keeper is hereby commanded to receive and keep in custody in said jail the said — for

the term of —, unless the said judgment, together with all the costs and fees, are sooner paid, or he is discharged by due course of law.

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

C. D., Justice of the Peace.

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

SECTION 84. In any case the defendant may appeal from such judgment to the circuit court of the county in which the judgment is taken; provided that such defendant within twenty-four hours enter into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Appeals—how taken.

SECTION 85. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof, after the day of the judgment of the justice shall be rendered, unless continued for cause.

Each appeal shall be tried.

SECTION 86. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and his or their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

In case judgment of justice be approved.

SECTION 87. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the summons with the mayor, or clerk of said city, and it shall be the duty of the said mayor or clerk so served,

How action against city shall be commenced.

forthwith, to inform the city attorney thereof, or to take proceedings as by ordinance or resolution of the common council of said city may be, in such cases provided. Judgment against said city shall be collected in the same manner as judgments against towns.

City officers not eligible for surety on bonds.

SECTION 88. No alderman, or other city officer, shall be accepted as surety upon any bond, note or obligation executed to the city, nor shall any officer required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

FIRE DEPARTMENT.

Fire department.

SECTION 89. The 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 be erected, repaired or moved, and to direct that and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within said fire limits, to or on any other lot or lots within such fire limits, 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 damage.

Regulate construction of buildings.

SECTION 90. The council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, boilers and apparatus to be used in 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 time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and to prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs and stairs, or ladders, leading

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 by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient and enforce the provisions of this act and the ordinances under it by suitable penalties.

SECTION 91. The council shall have power to authorize the formation of a fire-engine, hook and ladder and hose companies, provide for the due and proper regulations of the same, and to disband any such companies at any time, and to prohibit their meetings as such when disbanded, which companies shall be officered and governed by their own by-laws, provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in cases of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Formation of
fire companies.

SECTION 92. The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of the city; and the moneys arising therefrom shall be expended under the direction of the council of said city for fire purposes; provided that the electors of said city shall have authorized said levy at a general or special meeting.

Fire tax.

SECTION 93. The council shall have the power to organize sack companies, to consist of not more than thirty members each. Such companies shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said companies either collectively or individually, are hereby authorized

Sack com-
panies.

and empowered to act as special police in and for said city, and are hereby vested with all the power and authority which now is, are 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 all the property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Such companies may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said companies shall not be entitled to receive 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 companies shall severally take an oath or affirmation that they shall faithfully discharge the duties of their said office, and when any member shall cease to be a member thereof, by resignation, expulsion or otherwise, a notice thereof shall be given to the city clerk, and he shall preserve a list of all members of each of said companies.

SCHOOLS.

Schools.

SECTION 94. This act shall not affect the school districts having parts of their territory lying within the limits of the city of River Falls as now organized, and in any alteration or change of said districts, the city council shall have the same power and exercise the same duties as the supervisors of the respective towns in relation thereto.

MISCELLANEOUS PROVISIONS.

Shall not be an incompetent witness.

SECTION 95. 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 said city shall be a party in interest.

In case of failure to hold election at specified time.

SECTION 96. If any election by the people or council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for ar-

resting, suspending or absolving said corporation; but such election or organization may be had on any subsequent day by order of the 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, be not then done or performed, the council may appoint another time at which the said acts may be done or performed.

SECTION 97. When any suit or action shall be commenced against said city, the service of process therein may be made by leaving a copy thereof by the proper officer with the mayor; and it shall be the duty of the mayor forthwith to inform the council thereof, or take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

Suits—how commenced.

SECTION 98. When a judgment shall be recovered against the city of River Falls, or against any city or ward officer, in an action prosecuted by or against such officer in his name of office, where the same should be paid by the city, no execution shall be awarded or issued upon such judgment except as herein provided; but the same, unless reversed, shall be levied and collected as other city taxes, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged upon the delivery of a proper voucher therefor, but if any payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution on special application therefor. Nor shall any real or personal property of any inhabitant of said city or any individual or corporation be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

In case of judgments against city.

SECTION 99. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into, nor shall any compensation be paid to the mayor or any alderman for their services.

No compensation shall be paid to mayor or alderman.

SECTION 100. Every license issued by the authority of this act, or the ordinances of the city,

Signing licenses.

shall be signed by the city clerk, and sealed with 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 council, and the appellant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which shall be approved by the council; provided, that the sum paid for any such license shall not be less than the amount fixed by the laws of the state, and that all licenses shall be granted to expire on the first day of May next following in each year.

Meeting of supervisors to be announced.

SECTION 101. It is hereby made the duty of the common council of the city of River Falls and boards of supervisors of the towns of River Falls, Kinnickinnic and Troy, to meet together at some convenient place, on or before the first Monday of May, 1885, upon notice given by either of said parties, and if possible to agree upon some just, fair and equitable settlement and adjustment and division of property, money, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city out of the territorial limits of said towns, and to make a just apportionment of such liabilities as between the different parts of said towns and of said city.

In case a settlement cannot be agreed upon.

SECTION 102. If the common council of said city and said boards of supervisors, or either of them, cannot agree upon a settlement of the matters between said towns and said city, as provided in the preceding section then it is hereby made the duty of the circuit judge in and for the eighth judicial circuit of the state of Wisconsin, upon application made to him by either of said bodies, five days' notice of such application having been previously given to the other bodies interested, to appoint three commissioners who shall reside outside of the territory of each of said towns and city, who shall have power and it is made their duty as soon as may be after their appointment and filing with the clerk of the circuit court of Pierce county, of their oaths to faithfully and

fairly to adjust and settle all matters in dispute between said city and each of said towns, or such of them as may not have agreed upon a settlement as aforesaid, to faithfully and fairly adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned; to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city, or any part thereof in common with said towns or either of them; make a full adjustment of all matters between said city and each of said towns arising or growing out of the formation of said city out of the territorial limits of said towns, and especially of the indebtedness of said towns, and any part which said city ought to pay. And in order to make such settlement, adjustment and division as herein contemplated, said board of supervisors or said commissioners shall use as a basis of settlement, and shall be governed by, the tax rolls of the several towns for the year 1884. The said commissioners shall, as soon as possible, make their awards in writing and file the same as follows: Any award made between the city and towns of Troy or Kinnickinnic, respectively are to be filed in the office of the clerk of the circuit court of St. Croix county; any award which may be made between the town of River Falls and the city may be filed in the office of the clerk of the circuit court of Pierce county. Such awards when made and filed are to be final and conclusive between the parties.

SECTION 103. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside the city which comprises a part of the several towns as aforesaid, from which such city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found upon such settlement that there is any amount due any portion of said city from any portion of territory outside of said city limits, which was an organization from which said city was formed, that portion of said territory so owing said part of said city shall pay the amount to the city treasurer. And in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect

Amounts to be
paid into city
treasury.

the same in the manner now provided by the laws of this state for the collection of debts against towns, cities and vilages.

Use of jails.

SECTION 104. The use of the jails of Pierce and St. Croix counties, 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 such county, for whose custody, safe keeping and delivery the said sheriff 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 the violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Town elections authorized to be held in city limits.

SECTION 105. Whenever the town board of supervisors of the town of River Falls, in the county of Pierce, may deem it for the convenience and interest of the legal voters of said town, they are hereby authorized and empowered to select a place for the polls of any general or special election or town meeting, at any suitable place within the limits of the city of River Falls; provided, that such poll shall not be nearer to any poll of any election in any ward of said city than three hundred feet, and notice of such elections and the place where the same is to be held shall be given as provided by the laws of this state.

Town supervisors may hold meetings within city limits.

SECTION 106. It shall be lawful for the supervisors of said town to hold their meetings for the transaction of town business at any proper place within the city of River Falls, and the town board may authorize and empower the town clerk and town treasurer of said town to keep the books and papers in their respective offices at some suitable place within the limits of said city; provided, that the said city shall not be chargeable with nor liable for any of the expenses arising or growing out of any of the provisions of this or the preceding section; and provided further, that the place of meeting and the places for the town clerk and the treasurer of the town mentioned in this and the preceding section shall not be at any place or places of meeting of the common council or of officers of the city without consent first being obtained of the common council.

First city elections when and where held.

SECTION 107. The first city election of the city of River Falls for the election of city and ward

officers, shall be held in the respective election districts of said city on the first Tuesday of April, 1885. Five days' notice of the time and place of holding such elections shall be given by posting notices in writing in three public places in said city, signed by O. S. Powell, John W. Barrett and Allen P. Weld, who are hereby appointed a board of canvassers to canvass the returns of the several wards in said city, and are authorized to select places in each election district for holding such elections; and the polling places so selected by them shall be polling places for the judicial elections to be held on the first Tuesday in April, 1885, for such several wards. At the time of opening the polls in each election district the electors present shall choose *viva voce* from the qualified electors present, three inspectors of election and two or more clerks of election, who, before entering upon their duties, shall take the oath required of inspectors and clerks of election; such elections shall be conducted as herein provided for city elections. After the polls of such elections are closed, said inspectors and clerks shall make duplicate returns of such election, one of which they shall forthwith transmit to the said board of canvassers, and one of which is to be retained by said inspectors and filed by them in the office of the city clerk when such officer is qualified to act, said board of canvassers shall immediately, after the polls of the election are closed, meet at the polling place in the second ward of the city and canvass the returns of the several wards of the city immediately upon the receipt of the returns from all of the wards, and they shall make out duplicate statements to be subscribed by them, showing the whole number of votes cast for each office and the number of votes cast for each person voted for and a certificate of the result of the election; they shall file one of such statements in the office of the town clerk of River Falls within three days after such election, and shall retain the remaining statement until the city clerk is elected and qualified, when such statement shall be filed in his office. Before proceeding to canvass such returns the said board of canvassers shall each take and subscribe an oath to support the constitution of the United States and of the state of Wisconsin, and to faith-

fully canvass the returns of such election. If any one of said canvassers shall fail to act for any reason the remaining canvassers may appoint a suitable person to act in his stead. Such canvassers shall immediately after the completion of such canvass make out certificates of election of each officer elected and shall forthwith notify him of such election.

SECTION 108. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1885.

[No. 321, A.]

[Published March 20, 1885.]

CHAPTER 106.

AN ACT to amend chapter 221, of the laws of 1882, entitled, "An act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and to amend the same;" also to amend chapter 78, of the laws of 1883, entitled, "An act to amend the fourth sub-division of section 23, of chapter 7, and chapters 2 and 9, of chapter 221 of the laws of 1882, entitled, "An act to reduce the act incorporating the city of Janesville and the several acts amendatory thereof, into one act, and to amend the same" by striking out sections 2, 3, 4, 5 and 6 of said chapter 78.

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

Section two of
chapter two of
chapter 221
amended.

SECTION 1. Section 2, of chapter 2, of chapter 221 of the laws of 1882, is hereby amended by inserting after the word, "attorney," in the fifth line of said section, the word, "two," and by adding to the word, "commissioner," in the same line, the letter, "s," so that the said section when amended shall read as follows: Section 2. The municipal government of said city shall consist of a common council, composed of the mayor, and two aldermen from each ward. The other officers of the corporation shall be a clerk, treasurer, city attorney, two school commissioners at large, two