

[No. 70, A.]

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CHAPTER 159.

AN ACT to revise, codify and amend chapter 278, laws of 1874, entitled, "An act to incorporate the city of Shawano," and the several acts amendatory thereof.

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

CHAPTER I.

CITY OF SHAWANO — ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Shawano hereinafter described, shall be a city by the name of Shawano, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Shawano, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual successions, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a corporate seal and may change and alter the same at pleasure.

Corporate name.

CITY BOUNDARIES.

SECTION 2. All the territory within the county of Shawano, hereinafter described shall be included and constitute the limits of the city of Shawano, to wit: All that portion of section number twenty-five, township number twenty-seven north, of range number fifteen east, lying and being situate south of Shawano creek and mill pond, and east of Wolf river, and also all that portion of section number thirty-six, township number twenty-seven north, range number fifteen east, lying and being situate east of Wolf river; and also all of section number thirty-one, town-

City boundaries.

ship number twenty-seven north, range number sixteen east, and also all that portion of section number thirty, township number twenty-seven north, of range number sixteen east, lying and being situated south of Shawano creek and mill pond.

WARD BOUNDARIES.

Ward boundaries.

SECTION 3. The said city is hereby divided into three wards, to be called and known as the first, second and third wards, and limited and bounded as follows, to wit: All that portion of said city lying in section number thirty-one, township number twenty-seven north, range number sixteen east, shall be and constitute the first ward. All that portion of said city lying in section number thirty, township number twenty-seven north, range number sixteen east, and in section number twenty-five, township number twenty-seven north, range number fifteen east, shall be and constitute the second ward. All that portion of said city lying in section number thirty-six, township number twenty-seven north, range number fifteen east, shall be and constitute the third ward.

CHAPTER II.

CORPORATE AUTHORITY.

Corporate authority.

SECTION 1. The corporate authority of said city and the exercise of its corporate powers and management of its financial, prudential and municipal concerns, shall be vested in one principal officer, styled the mayor, and one board of aldermen, consisting of two members from each ward, who with the mayor, shall be denominated the common council, and in such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER III.

ELECTIONS AND QUALIFICATIONS OF ELECTORS.

Election and qualification of electors.

SECTION 1. The annual charter elections for city and ward officers shall be held on the first

Tuesday in April of each year at such place in each ward as the common council shall designate.

SECTION 2. In all elections by the people a plurality of votes shall constitute an election. In case two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the council, at such time and in such manner as they may direct.

Plurality of votes shall elect.

SECTION 3. The inspectors and clerks of all general, charter and special elections held in the city of Shawano shall be appointed by the mayor, as provided in section 26, chapter 5, of the revised statutes of 1878, and shall have the same powers and the same qualifications as therein named.

Inspectors of election.

SECTION 4. The city clerk shall give ten days' notice of the time and place of holding all general, charter and special elections, and of the officers to be elected, by publishing the same in the official paper or papers of the city, and by posting up at least three notices of the same in three public places in each ward in the city.

Notice of general elections.

SECTION 5. The polls of all charter or special elections shall be opened at nine o'clock in the forenoon and kept continuously open until five o'clock in the afternoon of the same day.

Opening of polls.

SECTION 6. All elections under the provisions of this charter, except as herein specially provided, shall be conducted in the same manner as the general elections for state and county officers, and the qualifications of voters shall be the same as at such general elections; provided, however, in addition, that all voters shall have been residents of the city for at least thirty days preceding the election at which they wish to vote.

Conduct of election.

SECTION 7. All general elections shall be conducted by the inspectors and clerks as provided in section 3, of this chapter, and as provided by the general statutes of this state.

Conduct of elections.

SECTION 8. The elective officers of said city shall be a mayor, a city clerk, a city treasurer, a city assessor, a police justice, and a city superintendent of streets, to be elected for the city at large, by the qualified electors of said city. The elective officers of each ward of said city shall be two aldermen, a justice of the peace, a supervisor

Elective officers.

and a constable, to be elected by the qualified electors of each ward of said city.

Elective officers shall be freeholders.

SECTION 9. Each elective city officer of said city shall be a qualified elector and freeholder of said city. Each elective ward officer of said city shall be a qualified elector of the ward in which he is elected.

Term of office.

SECTION 10. All officers elected under this act, except aldermen, police justice and justices of the peace shall hold their respective offices for one year, or until their successors are elected and qualified. At the first election held in said city under the provisions of this act, one alderman shall be elected from each ward, whose term of office shall be one year, and one alderman from each ward whose term of office shall be two years. Aldermen elected thereafter shall hold their office for two years.

When terms of officers shall begin.

SECTION 11. The terms of all officers elected or appointed under the provisions of this act shall commence on the second Tuesday of April, of the year for which said officers are elected, except those elected or appointed to fill vacancies, whose terms of office shall commence as soon as they are elected or appointed and qualified. The general laws of this state upon the subject of elections and prescribing punishment for illegal voting, as far as they are consistent with this act, shall apply to said charter elections, and to all elections hereafter held in the city of Shawano. No spirituous or malt liquors shall be sold within said city, or within one mile of the city limits of the said city upon the day of any election held therein, and any person offending against the provisions of this section shall be guilty of a misdemeanor and punished by a fine of fifty dollars or by imprisonment in the county jail for not less than sixty days, or by both such fine and imprisonment.

Appointed officers.

SECTION 12. All other officers necessary to the proper management of the affairs of the city shall be appointed by the mayor subject to approval of a majority of the common council, and the terms of office of all the appointive officers shall expire with that of the mayor who appointed them, unless herein otherwise provided.

SECTION 13. Whenever a vacancy shall occur in the office of mayor, the council shall order a

new election. Vacancies in other offices shall be filled by the council. The person elected or appointed to fill a vacancy shall hold his 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.

In case of vacancy in office of mayor.

SECTION 14. Whenever any officer shall cease to possess the qualifications necessary for his election, or is removed by the common council, his office shall be deemed vacant; and any officer who shall neglect or refuse to qualify within ten days from the time he shall be notified of his election, shall be deemed to have vacated his said office.

Vacancies and removals.

SECTION 15. Whenever an election shall be held under this act, the inspectors of election shall forthwith make their returns, stating the number of votes cast for each person for each and every office to the city clerk. Within one week after an election the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons so elected of their election.

Inspectors to make returns.

SECTION 16. At the first meeting of the common council in each year, after the annual city election, or as soon thereafter as may be practicable, the mayor may appoint a city marshal, a city attorney, a city physician, a chief engineer, and one assistant engineer of the fire department, and such other officers as the ordinances shall prescribe, subject to the approval of a majority of the common council.

City marshal.

SECTION 17. The mayor shall have the authority to remove the city marshal or any of his deputies, the city attorney, the city physician, the city surveyor, and the chief engineer and assistant engineer of the fire department and all other officers appointed by him, for inefficiency or neglect of duty, and to appoint others in place of those removed; but the terms of office of those so appointed shall not commence until their nomination has been approved by a majority of the common council.

Removal of marshal.

SECTION 18. All officers elected or appointed to fill a vacancy shall hold the offices for which they are elected or appointed until the next annual

Duration of office.

charter election, or until their successors are elected and qualified.

CHAPTER IV.

OFFICERS AND THEIR DUTIES.

Officers--their
powers and
duties.

SECTION 1. Every person elected or appointed to 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 common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Shawano 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 common council may 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. All official bonds executed to the city of Shawano, except that of the city clerk, shall be filed and safely preserved by the city clerk, in his office, unless the common council shall otherwise direct. The bonds of the city treasurer and of the city clerk, and of all officers who may be charged with the collection or safe keeping, or the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of Shawano county. A transcript from the records of such bonds in the office of the register

of deeds or clerk, duly certified by such register or clerk, shall be evidence of the due execution and contents of the bonds so recorded, in case of the loss of the originals. The bond of the city clerk shall be filed with the city treasurer.

SECTION 2. The mayor, when present, shall preside over all meetings of the common council, sign all orders upon the treasurer for the payment of money, all ordinances passed and all commissions, licenses and permits granted by the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed and that all officers of the city discharge their respective duties. He shall from time to time communicate to the common council such information and recommend such measures as he may deem advantageous to the city, and at all times give such information respecting city affairs as the common council may require. In case of a riot and other disturbances of apparent necessity, he may appoint as many temporary assistant marshals as he may deem necessary. He shall have power to administer oaths or affirmations, and to take the acknowledgments of deeds and other instruments in writing, and when presiding over any meetings of the common council shall have a vote in case of a tie.

Power and duties of mayor.

VETO.

SECTION 3. The mayor shall have power to veto any ordinance, act or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within three days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of said three days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council to consider such veto and objections; and in case the council shall not, within one week after the receipt of such objection or such filing with the city clerk, re-enact such ordinance or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or res-

Power of veto.

olution so presented to him within three days after the passage thereof, it shall take effect in the same manner as if he signed it.

President of council.

SECTION 4. At the first meeting of the common council in each year after the annual city election, or as soon thereafter as may be, they shall proceed to elect by a ballot, one of their number president, and in the absence of the mayor the president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meeting of the common council, the members present shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

Duties of clerk.

SECTION 5. The clerk shall keep the corporate seal and all papers and records of the city, except as otherwise herein provided, and shall keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; he shall also keep a record of the official bonds of all offices required by this act or the ordinances of the common council, and shall record all contracts made by or with the city, in a book to be kept for that purpose, and copies of all papers filed or recorded in his office, and transcripts from the records of official bonds certified by him under the corporate seal, and from contracts with the city recorded by him as provided by this section, shall be evidence in all courts to the same extent as the originals would be if produced; he shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep and record the same as provided in the general laws of this state for filing and recording chattel

mortgages in town clerks' offices, receiving the same fees allowed by law to town clerks, and all chattel mortgages so filed and recorded, shall be valid and have the same effect as if the same had been filed in the town clerk's office of any town; he shall keep an accurate account with the treasurer, and charge him with all the tax lists delivered to him for collection and all moneys paid into the treasury; it shall be his duty to do and perform any act required to be done by clerks of towns, not inconsistent with the provisions of this act, and he shall have power to administer oaths and affirmations, and take acknowledgments of deeds and other instruments in writing. Whenever the clerk shall be absent from any meeting of the common council, the council shall appoint a clerk *pro tempore*. The city clerk shall receive such compensation as the common council may determine.

SECTION 6. The city treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances or resolutions of said city, or by the laws of this state. All moneys received, raised, recovered or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise under the authority of this act, shall be paid to and received by him, and he shall pay the same out only upon a written order signed by the mayor and countersigned by the clerk by order of the common council. Such order shall specify the amount of money to be paid thereon, the name of the person to whom and the purpose for which, it is to be paid. He shall keep a just and accurate account of all his receipts and disbursements in a book to be provided by the common council for that purpose, which book shall remain the property of the city, and in which he shall note the several sums received by him, the time when, the person from whom and the source from which each sum was received; and said book shall, at all seasonable times, be open to the inspection of the electors of said city. He shall as often as the common council shall require, render to the common council a minute account of his receipts and disbursements, and at the expiration of his term of office, pay over and deliver to his successor all moneys, books, papers and vouchers in his possession be-

Duties of treasurer.

longing to said city. He shall receive as compensation two per cent. on all sums by him received and paid out, except as herein provided and no more. He shall be ineligible for re-election, for one year next succeeding the termination of his office.

Duties of
assessor.

SECTION 7. The assessor shall assess all the taxable property of the city of Shawano, as required by the statutes of the state of Wisconsin, without regard to wards and shall complete and shall return his assessment roll in the manner provided by statute, except as provided in this act. He shall receive such compensation as the common council may determine.

Police justice.

SECTION 8. The police justice of the city of Shawano shall have all the authority, jurisdiction, powers and rights of justices of the peace of this state and such other powers, authority, jurisdiction and rights as are conferred by this act or of the ordinances of said city of Shawano.

Duties of su-
perintendent of
streets.

SECTION 9. The superintendent of streets shall see that all ordinances of the city and laws of the state relating to the obstructing and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the rivers and ponds in said city are duly observed and kept, and to control the persons employed by the city to work on any street, alley, sidewalk or reservoir. He shall have the general supervision over all work let by contract or ordered by the common council, for the making, grading, paving, graveling, claying, building, repairing and cleaning sidewalks, streets, bridges, alleys, public grounds, reservoirs and gutters, unless the common council shall otherwise determine. He shall receive such compensation as the common council may determine.

Duties of mar-
shal.

SECTION 10. The 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 the collection of fines and license moneys; he shall be the keeper of the city lock-up, and shall possess the power of constables at common law, or as given by the laws of this state, and shall receive like fees; he shall have power to appoint one or more deputies, to be approved by the common council, but for whose official acts

he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties; and all writ and process issued by any justice within the county of Shawano, directed to any constable therein, shall be deemed as if also directed to said marshal, and he may serve any criminal process or processes for the violation of any city ordinance in any part of the state. It shall be the duty of the marshal or any constable in the said city of Shawano, and he or they are hereby authorized and required to summarily arrest and take before the police justice of said city any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or of any breach of the peace, by making any improper noise or disturbance, or by firing guns, or fighting, or threatening to fight, or in any other manner disturbing the public peace, or who shall be engaged in violating any ordinance of said city, made for the preservation of the peace and good order therein, and such police justice shall have power to hear, try and determine all such affairs, and any person convicted of any offense specified in this act, where no other punishment is provided by law, or by any ordinance of said city, shall be punished by a fine not less than one dollar nor more than fifty dollars, or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days, in the discretion of the justices, and in all cases the justice shall impose the payment of the costs of prosecution upon the person so convicted as a part of the punishment; and in default of the payment of any such fine or costs, the justice shall commit the defendant to such county jail or lock-up for such number of days, not exceeding fifty nor less than five, as he may think proper; but in case any person shall be committed, for non-payment of any such fine or costs, he shall be discharged upon paying the same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of said jail or lock-up.

SECTION 11. Any person making any arrest under the provisions of this act may, if necessary, commit the person arrested to said jail or lock-up without process, and such person shall be deliv-

Committing
persons to jail
or lock-up.

ered up to such officer by the keeper of said jail or lock-up, on demand and without process; the person so confined shall be taken before the police justice within twenty-four hours (Sunday excepted) after such arrest, and the arresting officer shall make the complaint in every case of summary arrest, unless a formal complaint is filed by some other person, and process duly issued within the time specified after the committal. The marshal and his deputies shall receive in addition to the fees allowed constables such compensation as the common council may determine.

Duties of city attorney.

SECTION 12. The city attorney shall conduct all the law business of the corporation and of all departments thereof, and all other law business in which the city shall be interested when so directed by the common council. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor or by the common council, or by any of its committees, or by any other department of the municipal government. He shall keep a docket of all the cases in which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such cases, and said docket shall at all times be open to the inspection of the mayor or any member of the common council, or any city officer. It shall also be the duty of the city attorney to draft all indentures, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the business of the city; to examine and inspect tax and assessment rolls, and all proceedings in respect to the levy and collection of taxes and assessment; and to perform such other duties as may be provided by the charter and ordinances of the city. He shall receive such compensation as the common council may determine for the time actually spent for the city.

Duties of city physician.

SECTION 13. The city physician shall have charge of all the sick under the care of the city, and render for them such medical and surgical aid as their condition requires, and in his judgment becomes necessary for their restoration to health, and shall discharge such other and further duties concerning the sanitary condition of the city as the common council may order. He shall receive such compensation as the common

council may determine for the time he is employed by the city.

SECTION 14. The chief engineer shall have control of the fire department of the city of Shawano and shall prescribe the duties of the officers and members thereof, and when authorized by the common council, he shall order all the necessary apparatus for the extinguishment of fires. He shall have charge of the fire-engines, and see that they are always in working order; in the absence of the chief engineer the assistant chief shall have full power and control. The chief engineer shall, on the first day of March in each year, make report in detail and under oath, to the common council of all property belonging to the city in possession of the fire department, and of its condition and value. The chief engineer shall from time to time make such recommendations in writing to the common council, designed to promote the efficiency of the fire department, as he shall deem expedient. He shall also keep in a book to be provided for that purpose, a record of all alarms of fire, the cause thereof, the extent of loss and the amount of insurance, and shall incorporate the same in detail in his annual report.

Chief engineer.

SECTION 15. The justices of the peace elected under this act, shall have the same jurisdiction, and perform all duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds shall be approved by a majority of the common council.

Justices of the peace.

SECTION 16. The constables elected under this act shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns, except that the official bond of such constable shall be approved by the mayor and a majority of the common council, and filed with his oath of office in the office of the city clerk.

Constables.

SECTION 17. The supervisors elected under this act shall represent the city in the county board of supervisors of Shawano county, and have the same powers and exercise the same duties as are required by law of other members of that body elected by towns. They shall receive no compensation from the city for duties performed as members of the county board.

Duties of supervisors.

Further duties. SECTION 18. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers appointed by them.

Fixing salaries. SECTION 19. The common council of said city of Shawano, at their last meeting in March in each year, shall by resolution, fix the salaries of city clerk and city assessor for the ensuing year. They shall also fix the per diem to be paid to the superintendent of streets and city marshal, and the respective amounts thus fixed shall not be increased, or diminished, or in anywise changed after being so fixed, for the then ensuing term of such office.

CHAPTER V.

THE COMMON COUNCIL — ITS SPECIAL POWERS.

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

Meetings of council. SECTION 2. The common council shall hold their first annual meeting each year on the second Tuesday of April, and thereafter stated meetings at such times and places as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules of its own government and proceedings, provided such rules are consistent with the provisions of this act. A majority of the aldermen elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open and public, their proceedings shall be recorded in full, and all their papers and records and all election returns shall be deposited with the city clerk and the same may be examined at any time by any person in the presence of the

clerk. The common council shall be judge of the election and qualifications of its own members, and may enforce order at its meetings, and may punish its members or other persons present by fine for disorderly behavior, and the mayor may compel attendance of members upon its sessions and may employ the city marshal and his deputies of said city for that purpose; and the common council may fine or expel any member for neglecting his duty as such member, or by unnecessary absence from the sessions of that body.

SECTION 3. The common council shall have the management and control of the finances (except school moneys), and of all the other property of the city, and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health, and for carrying into effect the power vested in said common council, and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules, by-laws and regulations; and such ordinances, rules and by-laws are hereby declared to be and have the force of laws; provided, that they be not repugnant to the constitution or laws of the United States or of this state, and for this purpose shall have authority, by ordinance, resolution or by-law.

Powers of council defined.

1st. To regulate groceries, taverns, victualing-houses, saloons, gardens, and all other places within said city where spirituous, vinous or fermented liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing-houses, or other houses or places of dealing in, selling or giving away spirituous, vinous or fermented liquors, and to regulate the amount to be paid for such licenses, and to revoke the same for a violation thereof; provided, that the sum to be paid for any license granted, shall not be less than the sum provided for by the statutes of the state of Wisconsin; and provided further, that before such li-

Licenses.

cense shall be granted, all of the requirements of the statutes of the state of Wisconsin regulating the licensing and sale of spirituous, vinous or fermented liquors shall be fully complied with.

Billiard tables,
etc.

2d. To license, tax, regulate, suppress or prohibit the use of billiard tables, pool tables, bagatelle tables, pug tables, nine or ten pin alleys, bowling saloons, ball alleys and shooting galleries.

Shows and
showmen.

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

Gambling and
fraudulent de-
vices.

. 4th. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting.

Riots and dis-
turbances.

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

Cleanse nause-
ous places.

6th. To compel the owner or occupant of any grocery, cellar, tallow chandler 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.

Slaughter-
houses, etc.

7th. To direct the location and management of, and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit, within the limits and the distance of two miles therefrom, distilleries, slaughterhouses, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Incumbering
streets.

8th. To prevent the incumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other materials or substances whatever.

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

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

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

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

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

14th. To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skin, or substance of any kind, and on his default, to authorize the removal thereof by some competent officer, at the expense of such person or persons. Putrid carcasses.

15th. 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, and to prevent unnecessary waste of water. Pounds.

16th. To erect lamps and regulate the lighting thereof; and to provide for lighting streets, public grounds and public buildings, with gas or otherwise. Lighting of streets.

Hacks and hackmen.

17th. To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to prescribe their compensation.

Runners or solicitors.

18th. To restraint and regulate runners and solicitors for boats, vessels, cars, railroads, stages, public-houses or other establishments.

Boards of health.

19th. To establish and regulate boards of health, and define their powers and duties.

Cemetery grounds.

20th. To provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and exempt burial grounds set apart for public use from taxation.

Pest-houses.

21st. To erect or establish one or more pest-houses, hospitals and dispensaries, and control and regulate the same.

Contagious diseases.

22d. To regulate, control and prevent the landing of persons from boats, vessels, cars and stages, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city, and also to make regulations to prevent the introduction of contagious diseases into the city, or their spread therein, and to make quarantine laws or regulations and enforce the same within the city, and not exceeding two miles beyond the city limits.

Nuisances.

23d. To abate and remove all nuisances under the ordinances, the laws of the state, or at common law, and punish the authors thereof by penalties, fine and imprisonment; and to define and declare what shall be deemed nuisances, and authorize and direct the summary abating thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove any nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment, information or otherwise.

Markets.

24th. To establish public markets and to make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Bread.

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

Driving on sidewalks.

26th. To prevent all persons from riding or

driving any ox, mule, cattle or any other animals on the sidewalks in said city, or in any way doing any damage to said sidewalks.

27th. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizens thereof.

Shooting of
fire-arms.

28th. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkenness and 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.

Vagrancy.

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

Meat and fish
markets.

30th. To regulate the place and manner of the weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint a fish inspector, and to regulate by ordinance his duties and fees, and to regulate the measuring and inspection of lumber, shingles, timber, posts, staves and headings, and all building material, and to appoint an inspector.

Hay and fish
inspectors.

31st. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto and to compel such owners 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 thereof by some officers of the city at the expense of such owner or occupant.

Removal of
snow, dirt, etc.

32d. To appoint watchmen, marshals and deputy marshals and to establish and regulate and prescribe their duties not provided for in this act.

Watchmen.

33d. To tax, license and regulate auctioneers, distillers and pawn brokers, and to tax, license, regulate and restrain hawkers and peddlers, keepers or proprietors of gift bookstores, gift concerts and other gift enterprises.

Auctioneers.

34th. To protect monuments in the city, and to

Monuments,
etc.

direct and regulate the planting and preservation of ornamental trees in the streets and public grounds.

Weights and measures.

35th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Gutters.

36th. To provide for and regulate the construction of gutters within said city.

Repair of streets.

37th. To control, regulate, repair, amend and clear the streets and alleys, bridges and side and cross walks and lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and to alter and change the name thereof, and prevent the incumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury; or to regulate the manner of using the streets and pavements in said city, and to protect the same from injury by vehicles used thereon.

Regulate streets, etc.

38th. To control and regulate the streets, alleys and public grounds in said city and to remove and abate any obstructions and encroachments therein.

Lumber yards.

39th. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible materials within the limits of said city.

Engines and boilers.

40th. To provide for the inspection and regulation of stationary steam-engines and others.

Preserve rivers, creeks, etc.

41st. To preserve the river, creek and ponds adjoining said city, and to prevent any use of the same, or act in relation thereto, inconsistent with, or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or other substance, or logs or floating matter; to prevent and remove all obstructions therein and punish the authors thereof.

Vagrants, etc.

42d. To authorize the arrest, fine and imprisonment as vagrants of all persons who, not having visible means to maintain themselves and without employment, are found idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gam-

bling houses; or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places, to beg or receive alms; also keepers, exhibitors or visitors at any gambling table, gambling house, or other place of vice; and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theater or other public entertainment or place where public or private schools are held, either week day or Sunday, or places where religious worship is held.

42d. To declare that it shall be unlawful for any hall, theatre, opera-house, church, school-house, or building of any kind whatever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons assembled, in case of alarm. Fire-escape

44th. To regulate or prohibit the carrying or wearing by any person, under his clothes or concealed about his person, of any pistol, sling shot, or knuckles, bowie knife, dirk knife or dirk or dagger, or any other dangerous or deadly weapon; and to provide for the confiscation or sale of such weapon. Concealed weapons.

45th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of the state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof. Ordinances.

SECTION 4. All laws, or ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in the official paper or papers of said city, once before the same shall be in force, and they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded the publication thereof shall be proved by the affidavit of the foreman or publishers of such news- Laws and ordinances—how passed.

paper, and the said affidavit shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication; such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed books containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or order. No law, ordinance, regulation or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor, of a majority of all the aldermen present at a regular or special meeting of the common council, and the vote of each alderman shall be recorded by the city clerk when requested as hereinafter provided.

When to take effect.

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

Rescinding votes.

SECTION 6. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there shall be present as large a number of aldermen as were present when such vote was taken.

Committees for reference.

SECTION 7. All ordinances, petitions and communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred. Action upon any report of a committee made to the common council shall be deferred to the next regular meeting of the same, by request of one-third of the aldermen present.

Annual meeting for unfinished business.

SECTION 8. The council shall meet on Tuesday two weeks previous to the holding of the charter election for the purpose of disposing of its unfinished business of the year, and settling with the city treasurer and city clerk, and shall

not thereafter, during its 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 term.

SECTION 9. If required by any member present at any meeting of the common council, the vote upon any ordinance, resolution or question pending before such meeting, except the appointment of officers, shall, when taken, be taken by the yeas and nays of all the members present, and a record of such votes shall be entered at large in the minutes.

Vote on ordinance to be taken by yeas and nays.

CHAPTER VI.

TAXATION.

SECTION 1. All property in said city, real, personal and mixed, except such as may be exempt by the laws of this state, shall be subject to taxation for all purposes authorized by law, and the same shall be assessed annually by the assessor elected under this act. In making such assessments and his returns thereon, and in making reassessments or assessing property omitted for previous years, the said assessor shall have the same powers and be subject to the same duties as town assessors, and shall in all things be governed by the general laws of this state in relation to the assessment of taxes, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of the assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may from time to time deem advisable.

Taxation.

SECTION 2. Real estate exempt from taxation by the laws of this state shall be subject to special taxes for sidewalks, sewers and street improvements on the same.

All real estate subject to taxation.

SECTION 3. All taxes and assessments, general or special, levied under this act, shall be and remain liens upon the tenements upon which they may be assessed, from the time of the final completion of the tax roll, and on all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for collection thereof until such tax shall be paid;

Taxes to remain liens.

and no transfer of such real or personal property shall affect such lien.

Omission to assess shall not invalidate.

SECTION 4. Any omission to assess any real estate in the city to the owner, or as unknown, shall not affect the validity of the tax, provided, that such assessment rolls may be so made as to conform to this act, and the same are hereby declared to be matters of convenience, and not material to the validity of the taxes to be levied upon such assessment.

In case of omission from the roll.

SECTION 5. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had it not been omitted, and such tax shall be collected as other taxes for the current year. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the quality and justice of the tax itself, the common council shall cause the tax so set aside or declared void to be levied in such manner as they shall by ordinance direct; provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax so assessed, shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes are collected under this act.

One week's notice shall be given by assessor.

SECTION 6. When the assessor shall have completed the assessment roll for the city, he shall give one week's notice thereof in the official paper or papers, and state in said notice that during three days in the last week of July, he will be at the common council room in said city, for the purpose of hearing the complaint of persons who

may feel themselves aggrieved by such assessment, and he shall make such alterations thereto as justice and equity may require.

SECTION 7. Within one week after the time limited for hearing such objections, the assessor shall return the said assessment roll to the board of review of the city. The board of review may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same, so that when completed the valuations of all property shall be just and equitable.

Return of assessment roll by assessor.

SECTION 8. The board of review shall consist of the mayor, city clerk and assessor, who shall meet at the common council room on the first Monday of August in each year, and shall proceed in all respects as town boards are by law required to proceed. After the corrections and revisions of the assessment roll by the board of review, the same shall be filed with the city clerk.

Board of review.

SECTION 9. All changes of the assessment rolls by the board of review shall be duly recorded by the city clerk.

Changes in assessment roll shall be duly recorded.

SECTION 10. Annually upon the receipt of notice from the county clerk of Shawano county of the amount of taxes apportioned to said city, by the county board of supervisors, the common council, as soon as practicable thereafter, shall, by resolution, levy the amount of taxes apportioned to said city by the county board, and in addition levy such tax or taxes authorized by law, not exceeding the percentage named in this act, for city purposes, and all special taxes as may be sufficient for the several purposes for which taxes are herein authorized to be levied, particularly specifying in the resolution the purposes for which the same are levied.

County clerk shall levy taxes apportioned.

SECTION 11. After the common council have levied the taxes as provided in the preceding section, the city clerk shall make out from the assessment roll a tax roll, showing a complete statement of the several amounts of taxes levied for state, county, county school, city school, city, special, highway or other purposes. All special and highway taxes shall be placed in separate columns. He shall, upon a uniform percentage, calculate and carry out opposite to each valuation in said tax roll the amount required to be raised

Complete statement to be made out.

upon such valuation to realize in the city the whole amount of state, county, county school, city school, city and other taxes, except special taxes, highway taxes and taxes to pay judgments as are to be levied uniformly upon all the taxable property in said city. Judgment taxes shall be carried out in a separate column. In computing the taxes thus to be carried out he shall reject the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

City clerk to deliver same to city treasurer.

SECTION 12. Upon completing said roll the clerk shall, on or before the second Monday in December of each year deliver the same to the city treasurer. To the tax roll so delivered shall be annexed a warrant under the hands of the mayor and clerk of said city and the corporate seal of the city, which warrant shall be substantially in the form prescribed by the general laws of the state, to be delivered to the town treasurers.

Warrant to be prima facie evidence of correctness.

SECTION 13. The said tax roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Respecting the annulling or remission of taxes.

SECTION 14. After the tax roll is completed and placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property except in the following specified cases:

1st. When a clerical error has been made in descriptions or transfer of the property from the original assessment lists or books to the tax roll or in the extension of the tax.

2d. When improvements by the erection of buildings have been assessed on lots or lands when none had been made at the time fixed by law for making the assessment.

3d. When the taxes are manifestly illegal and void by reason of the exemptions of the property from taxation by law.

Public notice shall be given in paper.

SECTION 15. Upon the receipt of any tax roll and warrant by the city treasurer he shall give public notice in the official paper or papers of the city that the tax roll for that year (specifying what tax roll) has been delivered to him for collection, and that he will receive payment for taxes at his office until the first day of February next

ensuing the date of said notice, at two per cent. fees. After that date he shall collect five per cent. as fees on all taxes collected by him. All fees for collecting taxes shall be added by the treasurer to the amount of tax and collected with the same; and if the taxes due are not paid on or before the second Monday in February next ensuing the date of the tax roll and warrant, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons or corporations charged with said tax giving at least six days' notice of the time and place of such sale, and describing in the notice the goods and chattels seized, by posting up not less than three written notices in as many public places in said city. And in case of distress and sale made by the city treasurer of goods and chattels for the payment of any tax, he shall receive, in addition to the fees hereinbefore authorized, such fees as are allowed constables on sales of goods upon execution, which shall be added to the amount of tax for which said goods or chattels are sold.

SECTION 16. The city treasurer shall collect the fees hereinbefore prescribed, and shall keep, in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make a report to the common council, duly certified upon oath, of all fees or other moneys received and paid out by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

City treasurer shall collect the fees.

SECTION 17. The treasurer shall, on or before the third Monday of January in each year, pay to the county treasurer the state tax assessed upon the property in said city.

State tax when paid.

SECTION 18. All the directions hereby given for assessing lands and personal property, levying and collecting taxes, shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the

Directions given only directory.

tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

General laws to remain in force.

SECTION 19. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided.

Order in which taxes are to be paid.

SECTION 20. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes, then judgments, then all special taxes in the order in which they were levied; then taxes for highway purposes, then for fire purposes, then taxes for street and other public improvements, lastly county taxes. Delinquent taxes shall be received by the county treasurer in payment of county taxes.

Money in which taxes are payable.

SECTION 21. The city treasurer shall receive nothing but the lawful currency of the United States for taxes, licenses or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment of city dues; provided, however, he may receive county orders for county tax, city orders for city tax, city school orders for city school tax and highway orders for highway tax.

Delinquent tax list to be made out.

SECTION 22. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Shawano county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall add to said taxes remaining unpaid, five per cent. upon all the delinquent lands or lots so returned by the city treasurer to the treasurer of Shawano county, and shall make return of said taxes with said five per cent. added, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner, as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall extend to and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

SECTION 23. The county treasurer shall sell all

delinquent lands and lots returned from the city of Shawano at the same time and in the same manner as other delinquent lands are sold in the county.

County treasurer to sell lands.

SECTION 24. The common council of said city shall have the power, and they are hereby authorized to extend the time for the collection of taxes in said city from time to time, not exceeding thirty days at any one time, until the fifteenth day of March next, after the date of the tax warrant then in the hands of the city treasurer; provided, that no such extension shall be construed to extend the time for paying over to the proper officer, the money payable by the city for state and school taxes.

Extension of time for collection of taxes.

CHAPTER VII.

POLL AND HIGHWAY TAXES.

SECTION 1. The common council of said city shall have and are hereby granted, power to tax annually, each male person or inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, except those exempt by law, a poll tax of one dollar and fifty cents, to be appropriated to the improvement of streets, roads and cross walks within the corporate limits of said city, which amount shall be collected by and paid to the city treasurer as hereinafter provided.

Poll tax.

SECTION 2. The clerk of said city shall, on or before the first Monday in May of each and every year, make and present to the common council a list of the names of all male persons between the ages of twenty-one and fifty years, who may be residents of said city on such first Monday in May, or who shall have voted at the last annual charter election. The names on said list shall be arranged by wards, so as to conform to the wards provided for in this act, and so that the names of the residents of each ward shall appear in said list in a group by themselves; but any mistake in grouping said names shall in no respect interfere with or prejudice the collection of the amount which the common council may have directed to be collected. The common council shall thereupon correct such list, if it shall be necessary, by adding

Poll list to be made out.

or striking out names, so that the said list shall contain the names of every male person between the ages of twenty-one and fifty years, who are residents of said city, except those exempt by law, and may also strike from said list the name of any person who, in its judgment, may be unable to pay the said tax. When said tax list shall have been corrected, as herein provided, the clerk of said city shall attach said list to the highway tax roll for that year, and said poll tax shall be paid as hereinafter provided.

Amount of highway tax to be levied.

SECTION 3. The common council of said city shall on or before the third Monday in April of each year determine the amount of highway tax to be levied and expended on the streets of said city for the ensuing year, and the common council are hereby granted and empowered to levy a highway tax as hereinbefore mentioned on the assessed valuation of said city for the previous year which said tax shall not exceed five mills on the dollar of such assessed value of said city, which said highway tax may be paid in labor or in money as hereinafter provided.

Highway tax roll to be made out and by whom.

SECTION 4. The highway tax roll of each year shall be made out by the city clerk and to which he shall attach a list of names of persons as provided in section one and two of this chapter, and deliver the same to the city treasurer on or before the second Monday in May of each year and to each of such highway tax rolls the city clerk shall attach a warrant under the hands of the mayor and clerk and the corporate seal of the city, commanding the treasurer to collect from the persons therein named the amount of tax levied against them and from the owners or occupants of real estate therein named the amount of tax set down against said real estate, and to make due returns as provided in this act.

How poll tax shall be payable.

SECTION 5. Such poll tax or highway tax may be paid in labor at the rate of ten hours for one day's labor at such rate of compensation as shall have been fixed by the common council for such year, and not otherwise. The common council shall at the time of levying the poll and highway tax for the year, fix by resolution the rate of compensation to be allowed on such poll or highway taxes for labor, teams, wagons, carts and plows used in paying the same, provided, that the com-

compensation for taxes shall not be less than one day's work for each person taxed. The city treasurer shall notify the superintendent of streets in writing of all persons who shall desire to pay their highway or poll taxes in labor and the amount of taxes against them. The superintendent of streets shall give at least two days' notice to each person so taxed and residing within said city who may desire to pay such tax in labor, of the time and place where such labor may be performed, and the teams and utensils to be provided, and shall inform such persons of the rate of compensation fixed by the common council. If any person so notified shall fail to appear in person or by proxy and work such tax at the time and place designated by the superintendent of streets such person shall be precluded from afterwards paying such tax in labor and the same in each case shall be paid in money. The superintendent of streets shall give to each person paying his poll or highway tax in labor a receipt, and the person receiving the same shall present it to the city treasurer, who shall give his receipt and mark the poll or highway tax of the person presenting the receipt of the superintendent of streets as paid. The superintendent of streets shall also notify the city treasurer in writing of all persons who have paid the poll or highway tax assessed against them in labor.

SECTION 6. The superintendent of streets is hereby expressly forbidden to pay any poll or highway tax for any person or corporation, by labor, during his term of office.

Superintendent of streets forbidden to pay tax.

SECTION 7. On or before the second Monday in November of each year, the city treasurer shall certify and return to the city clerk all unpaid highway taxes on real estate as appears from the highway tax roll; and the city clerk, when he makes out the general tax roll for the city shall insert in a separate column opposite the description of the real estate so taxed, the amount of delinquent highway taxes returned by the city treasurer and the same shall be collected therewith in the same manner as other taxes on real estate are collected.

Return of unpaid taxes.

SECTION 8. All moneys collected for poll or highway taxes shall be expended upon the streets in the wards of said city where said persons live

Highway taxes to be expended on streets.

or the real estate is located as the common council shall direct.

Treasurer shall collect all highway taxes.

SECTION 9. The city treasurer shall collect all highway taxes on personal property, which the owner thereof may refuse to pay, in the same manner as he is required by law to collect taxes on personal property, and for that purpose shall have all the power conferred by law for collecting taxes.

Poll tax payable in money or labor.

SECTION 10. All poll taxes levied by authority of this act shall be paid to the city treasurer in money or commuted for by performing full ten hours' labor upon the streets or causing the same to be done to the satisfaction of the superintendent of streets, who shall receipt for the same. Any person who shall refuse to pay any poll tax assessed against him as heretofore provided, shall forfeit and pay to the city treasurer in addition to the tax a penalty of three dollars, besides costs of prosecution. Whenever any person shall refuse to pay the poll tax assessed against him the city treasurer shall commence suit for the same and the penalty incurred by the person refusing to pay the tax, in the name of the city as provided by law in other cases. And in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment and costs, he shall be imprisoned in the county jail not to exceed ten days. If the city treasurer refuse or wilfully neglects to comply with the provisions of this section, he shall be liable on his official bonds for the whole amount of poll tax and penalty due from any person or persons whom he shall refuse or wilfully neglect to prosecute.

CHAPTER VIII.

OPENING OF STREETS AND ALLEYS.

Opening streets, alleys, etc.

SECTION 1. The common council shall have power to lay out streets and alleys and to widen the same, as follows: Wherever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside for the public use, for the purpose of laying out streets or alleys, or the enlarging of the same, the courses and dis-

tances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be; or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in the official paper four weeks successively, at least once in each week.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Shawano for the appointment of twelve jurors to view said premises and determine whether it will be necessary to take the same for the purpose specified in said petition.

What notice shall state.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which such premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council whether in their judgment it is necessary to take said premises for the purpose specified in such application.

Appointment of jurors.

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

Constable to serve precept.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting,

In case jurors are disqualified.

or shall refuse to act, the judge or court commissioner shall appoint others in their place and a memorandum of such substitution shall be endorsed on the precept.

Nature of oath jurors shall take.

SECTION 6. The said judge or court commissioner, or any justice of the peace shall thereupon administer an oath to said jurors, before entering upon the discharge of their duties, that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them; which oath shall be filed in the office of the city clerk.

Jurors to proceed in body to premises.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oath to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited in the precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or such future time as shall be necessary to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited such damages to the common council; and after the jurors shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation, as above; and all the jurors before entering upon the discharge of

their duties in the premises, shall severally take an oath, before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

SECTION 8. If there should be any building in whole or in part upon the land to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner aside from the value of the land, and the injury to him in having such building taken from him to remove.

In case there is a building on premises.

SECTION 9. 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 parties interested shall be given by publication in the official paper or papers of said city, three successive weeks once in each week; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such buildings to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

In case owner shall refuse.

SECTION 10. If the owner shall 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 common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner or deposited for his use.

In case owner refuse to take the building at its value.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners, the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively

Jurors to view and examine premises.

in consequence of the taking thereof which shall be awarded to such owners respectively as damages. In the estimates of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owners of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section 8, of this chapter.

In case lands or buildings belong to different parties.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate, in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award to be signed by jurors.

SECTION 13. The award of said jurors shall be signed by them, and returned together with the testimony taken and the precept to the common council, within the time limited in such precept.

How appeals may be taken.

SECTION 14. Any person whose property is taken or against whom the assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Shawano county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section 2, of chapter 6, of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

Land shall not be appropriated until damages are paid.

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

SECTION 16. The damages assessed shall be paid, or tendered or deposited as herein required, within one year from the confirmation of such assessment and report; and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

Damages to be paid within one year.

SECTION 17. The city may pay or tender or deposit, as herein required, at any time within one year from the confirmation of such assessment and report the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate such lands for the purposes required.

Damages may be paid any time within the year.

SECTION 18. When the whole of any tract or lot or other premises under lease or other contract shall be taken by virtue of this act, all 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.

Contracts may cease when premises are taken.

SECTION 19. When only part of a tract or parcel of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of the report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved; payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or reserved for or in respect to the same.

In case only a part of land is taken.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under legal disabilities, the judge of the circuit court of Shawano county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

In case owner labor under legal disability.

SECTION 21. Whenever any public grounds,

Survey to be made.

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

Vacating or changing streets.

SECTION 22. No street or alley, or part thereof, shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley in the block in or along which such street or alley runs; but the boundaries of streets may be changed upon petition to the council by the parties interested.

Shall not apply to unplatted lands.

SECTION 23. The forgoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Directions only directory.

SECTION 24. All the foregoing directions given in this chapter shall be only directory, and no error, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CHAPTER IX.

IMPROVEMENT OF STREETS.

Laying out streets.

SECTION 1. Opening, grading, working, graveling, claying, planking, replanking, paving and repaving of streets and alleys to the center thereof shall be chargeable to and payable by the lots fronting on such street or alley; but no street or alley shall be opened, graded, graveled, clayed, planked or paved, unless upon the petition of a majority of the resident owners of the lots or parts of lots chargeable with the expense thereof, or by a two-thirds vote of the aldermen elect. The cost and expense of establishing grades, surveying streets, alleys or gutters, and of cleaning out gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters may be ordered by the common council and built at the expense of the lots or parts of lots benefited thereby and fronting upon or abutting to the street along which said gutter shall be constructed; provided, that in all cases where im-

provements or work of any kind are charged by virtue of this section upon lots as aforesaid all such improvements across streets, alleys and public grounds shall be made and paid out of the general fund of the city.

SECTION 2. Whenever the common council shall determine to make any of the improvements mentioned in the preceding section, it shall cause plans and specifications of such improvements to be filed with the city clerk for the inspection of all parties interested. Upon the filing of such plans and specifications, the clerk shall immediately give one week's notice, by publication in the official paper or papers, to the several owners and occupants of the lots or parts of lots chargeable with the expense of such improvements to do the work according to the plans and specifications on file within a time specified in such notice, which shall in no case be less than fifteen days after said one week's notice. If the improvement shall not be completed within the time specified, the clerk shall immediately advertise for proposals for doing the same; such advertisement shall be published in the official city paper not less than one week. It shall state the nature of the improvement, the time within which it must be completed, that plans and specifications thereof may be seen at the clerk's office, and shall also state when and up to what time bids will be received. All bids shall be opened in a general or special meeting of the common council. The council may authorize the clerk or any appropriate committee of its body to enter into contract for the making and completion of the improvement. All contracts shall be let to the lowest reasonable responsible bidder. Upon the completion of the work done under contract as provided in this section, and the acceptance thereof in writing by the superintendent of streets and committee on streets, the contractor shall be entitled to a certificate therefor, which shall be signed by the mayor and superintendent of streets and countersigned by the city clerk, and which shall state the amount due for work done by such contractor, the nature thereof, and a description of the lot or parcel of land upon which the same is chargeable; said certificate may be transferred by indorsement thereon; and if the amount

Plans of improvements to be made.

thereof is not paid before the time of making out the annual assessment roll, the certificate may be filed with the city clerk, and amount thereof shall be assessed upon the said lots or lands respectively, as a special tax, and shall be collected for the benefit of the holder of the said certificate, as other taxes on real estate are collected under this act. If notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate such assessment.

CHAPTER X.

BUILDING AND RECONSTRUCTING SIDEWALKS.

Sidewalks.

SECTION 1. The common council shall have power and they are hereby authorized to compel the building, repairing and reconstruction of sidewalks in said city of Shawano, to control and regulate the material used and the construction of the same, and to levy special taxes on the adjoining property for the building, repairing or reconstruction of the same in the manner hereinafter provided.

Building sidewalks along a block.

SECTION 2. Whenever one-third of the resident owners of real estate or lots bordering on any one side of any street or part of street in said city not less than one block in length, shall desire to have a sidewalk built along the line of such real estate or lots they shall make out in writing and sign a petition to the common council in which shall be stated the points where they desire such sidewalk to commence and terminate, and request the common council to order that such sidewalks be built.

Sidewalks to be built at expense of owner.

SECTION 3. On receipt of such petition the common council at either a regular or special meeting, if it shall deem the building of such sidewalk necessary, shall, by resolution, order such sidewalk built at the expense of the owners of the real estate or lots bordering on the side of the street which said sidewalk is to be built, and shall prescribe the manner of its construction and the materials of which it shall be composed and the time in which it shall be completed. Whereupon the superintendent of streets shall notify in writing, the owners of the real estate and lots along the line of the proposed sidewalk by deliv.

ering to or leaving the same at the residence of each such person (if they reside within said city), requiring such person therein named to build such sidewalk to the approval of the superintendent of streets and in the manner directed by the common council along the line of the real estate or lot owned by such person within thirty days. In case any person heretofore mentioned does not reside within said city, such notice may be served by delivering the same to such person, if to be found, or to his agent if he have one, or in lieu of such personal service, such notice may be published once in the official paper of said city.

SECTION 4. If the owner or owners of any real estate or lots shall refuse or neglect to construct any sidewalk as provided in section 3, of this chapter, the common council shall order the superintendent of streets to procure the material, and to build said sidewalk, and the cost of the same shall be paid out of the general fund of said city, and the common council shall levy a special tax against the real estate or lots along the line of said sidewalk so built by the city sufficient to pay all expenses of building the same. Said special tax shall be collected as other city taxes are collected, and shall be and remain a lien upon said real estate or lots the same as other taxes until paid.

In case owner refuses to repair sidewalk.

SECTION 5. Whenever the common council shall deem it necessary to rebuild or reconstruct any sidewalk in said city, they shall proceed in a like manner as is provided in this chapter for building new sidewalks, except that no petition from the owners of real estate or lots along the line of said sidewalk shall be necessary.

In case it is necessary to rebuild sidewalk.

SECTION 6. Whenever the superintendent of streets shall deem it necessary to repair any sidewalk in said city, or the common council shall have ordered the same done, when it is out of order, said superintendent of streets shall order the owner or occupant of the real estate or lot or lots adjoining said sidewalk to repair the same at his own proper cost and expense, in a reasonable time to be prescribed by the superintendent of streets. If such walk is not repaired in the time and manner prescribed by the superintendent of streets and to his satisfaction, he shall cause the same to be repaired in a proper manner, and if

Duty of superintendent in ordering repairs of sidewalks.

the owner or owners of the real estate adjoining said sidewalk so repaired shall refuse to pay the superintendent of streets the cost of the repairs he shall report the same, together with the costs of said repairs, to the common council of said city, who shall pay the same out of the general fund and levy a special tax on each parcel of real estate or lot or lots in front of which said sidewalk shall have been so repaired, sufficient to pay the cost of repairing the same, which shall be collected as provided in section 4, of this chapter.

City not liable for defective sidewalks.

SECTION 7. The city of Shawano shall not be liable for any damages for injuries that may happen by reason of any defective sidewalk or crossing in said city, unless the superintendent of streets shall have first had actual notice of such defect and reasonable time thereafter to have repaired the same.

Expense of cross walks.

SECTION 8. The expense of building, reconstructing and repairing of all cross walks on the line of all streets in said city shall be paid by the city at large out of the general or highway fund.

CHAPTER XI.

FINANCES.

Control of finances.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the city 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 purposes for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, not otherwise appropriated. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

How funds to be used.

SECTION 2. All money raised by virtue of any tax levied upon the property of said city shall be used for the purpose for which such tax was levied, and for no other purpose whatever, and any officer misappropriating any such moneys shall be deemed guilty of malfeasance in office. But nothing herein shall be construed to prohibit

or prevent the common council from auditing and paying all just demands and claims against said city which it would be legally bound to pay from the corporate fund thereof.

SECTION 3. 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 moneys received for licenses shall be paid into the city treasury. Forfeitures.

SECTION 4. The common council of said city, by a two-thirds vote of all the aldermen elect, and not otherwise, shall have power to appropriate a sum not exceeding two hundred dollars to any public purposes they may deem proper. Appropriations.

SECTION 5. When the common council shall think best they may select some bank, banks, or banking association within the city, with which all funds in the treasury of the city, or which shall be thereafter collected or received by the treasurer, shall be deposited; provided, however, that such bank, banks or banking associations so selected, shall, before receiving such funds, give security to any amount fixed by said council, and in the same manner as is now required by the treasurer of said city, conditioned upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council. Depository for funds.

SECTION 6. The city treasurer shall daily deposit with the bank, banks or banking associations so selected, all moneys collected or received by him during the day, it or they giving proper vouchers therefor. From the time of so depositing such funds the said treasurer shall be relieved from all liability to the city arising from the failure of the bank, banks or banking associations safely to keep said funds. Such funds shall be drawn out only by the check of said treasurer countersigned by the city clerk. Treasurer to deposit in bank.

SECTION 7. The common council may, before or after selecting a depository or depositories, contract with such bank, banks or banking associations, that it or they shall pay to the city such interest upon said funds so to be deposited as they may mutually agree upon. The council may at any time direct all sums so deposited to be paid into the city treasury, or to such other bank or banks as they may select under the law. Respecting depository.

Orders.

SECTION 8. It shall be the duty of the 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 supplying of all funds to meet any deficiency in the treasury.

Treasurer to report lack of funds.

SECTION 9. 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 council shall take such action as will enable the city to preserve its credit.

Power to audit accounts.

SECTION 10. The common council shall have the power to audit, adjust and allow all claims and demands of every nature against the city, except such claims or demands as are payable out of the school fund.

Claims to be itemized.

SECTION 11. No account or claim shall be allowed by the common council until it shall be made out in items, and shall be accompanied by an affidavit of the person claiming to have done the service or made the disbursements therein charged, that the several items of the account or claims are correct, and that the services therein charged have been rendered, and the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be endorsed on or annexed to such account or claim, and presented therewith. Any member of the common council, when such account or claim shall be presented to it, may administer the oath required in this section, and said common council may examine the claimant on oath as to the items on such account or claim.

Appeal may be taken.

SECTION 12. When the claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Shawano, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city with sufficient surety to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such

appeals, and the payment of all costs that shall be adjusted against the appellant by the court.

SECTION 13. The city clerk upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do and shall make out a brief return of the proceedings in the case before the said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court the county of Shawano; and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon said appeal shall not exceed the amount allowed by said council, exclusive of interest on such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of the costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Notice to be given.

SECTION 14. The determination of the common council disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council, as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city.

Determination to be final.

SECTION 15. No action shall hereafter be maintained by any person against the city of Shawano upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

Claim to be first presented to council.

SECTION 16. The common council shall, at least three days before the annual election in each year caused to be published in one or more newspapers in said city, a full and correct statement of the receipts and expenditures from the date of the

Annual statement to be published.

last annual report, together with the sources from which the former are derived, and their mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards for the same period, together with such other information as may be necessary to a full understanding of the financial concerns of the city.

Salaries. SECTION 17. The salaries of all city officers of said city shall be paid monthly.

City may hold real and personal property. SECTION 18. The said city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation; provided, that no debt shall be incurred in any such purchase which can not be paid out of the revenue of the fiscal year.

Deeding property. SECTION 19. When the city of Shawano deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Shawano, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor may execute deed when authorized. SECTION 20. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose describe the real estate and interest to be conveyed, and order and direct him so to do, to execute a deed or lease of such real estate or interest therein, belonging to said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of said city, and be duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Ordinance to be attached to deed. SECTION 21. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, with said deed or lease and such copy so attached and record thereof shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

Regarding expenditures of money. SECTION 23. No money shall be expended for any special or extraordinary purpose, except as provided in this act, unless said expenditure shall have been authorized by a vote in favor thereof

of a majority of the qualified electors of said city voting at a general or special election. The ballots cast upon such question shall contain the words, "for the appropriation," or "against the appropriation," either written or printed, or partly written and partly printed, and shall be deposited in a separate box. Said ballots shall be canvassed and a statement made and the result declared in the same manner as is provided in this act for the canvass of votes upon the election of officers of said city.

SECTION 23. The council shall examine, audit and adjust the accounts of the clerk, treasurer, and other officers and agents of the city, at such times as they shall deem proper, and also at the last regular meeting, as provided in section 8, chapter 5. The common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his account 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, or his bondsmen who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make full record of all such settlements and adjustments.

City officers' accounts to be examined.

CHAPTER XII.

JUDICIAL.

SECTION 1. There is hereby created and established a municipal court in the said city of Shawano, to be styled the police court of the city of Shawano. The person elected police justice of or in said city, shall hold and preside over said police court, and he shall have power to administer oaths and affirmations and to take and certify acknowledgments and proofs of the execution of deeds and other instruments in writing relating to real estate, or other matters required by law to be

Municipal court.

acknowledged or recorded, or both. As a judicial officer and court, the said police court and justice thereof shall have and possess, within the corporate limits of said city, all the authority, jurisdiction, powers and rights of justices and justices' courts of this state, and the powers of said police justice, within said corporate limits shall be co-equal and co-ordinate over and of all civil and criminal actions under the laws of the state, with that of the several justices of the peace of Shawano county, and he shall have exclusive jurisdiction of all actions and causes for the violation of any ordinance, by-law, rule, resolution or regulation of said city under this act, and he shall receive the same fees as a justice of the peace, under the laws of this state, receives for his services, but the said city shall not be liable for his fees, except such as shall accrue in prosecutions or actions brought for the violation of the provisions of this act, or the ordinances, by-laws, rules or regulations of said city.

Appeals.

SECTION 2. Appeals and writs of *certiorari* may be taken from the decisions or judgments of the said police justice, in the same manner and with the same effect and force as from judgments of justices of the peace under the laws of this state. In all actions and prosecutions in said police court, except as hereinafter provided, the practice and proceedings shall conform, so far as may be, to the practice and proceedings in like cases in justices' courts under the laws of this state; provided, however, that no action or prosecution brought to recover a fine or penalty for the violation or any ordinance, by-law, rule, resolution or regulation of said city, shall be removed from said police justice.

Police justice.

SECTION 3. The first police justice under the provisions of this act shall be elected on the first Tuesday of April, 1885, and shall hold his office for two years, and until his successor shall be elected and qualified. In case of the sickness, absence or other temporary inability of the police justice to discharge the duties of the office, the mayor of said city may, in writing designate any justice of the peace in the city of Shawano, to act as such police justice, and the justice so designated shall, while such inability continues, possess all the powers, right, and authority of the police

justice, and while so acting as such police justice, shall be styled acting police justice of the city of Shawano.

SECTION 4. In case a vacancy shall occur in the office of police justice, the common council shall fill such vacancy; and if any person who shall have been elected police justice and shall have qualified as such, shall fail to properly, efficiently and thoroughly discharge the duties of his office, as provided in this act, the common council of said city, by ordinance or resolution, may remove such persons from the office of police justice, and declare the office vacant, and fill such vacancy so caused; and such police justice so removed shall within five days after his removal by the common council, deliver to the clerk of said city all books, dockets, records and papers in his possession or under his control pertaining to said office of police justice, under a penalty of one hundred dollars in case of neglect or refusal to so deliver the same; provided, however, that no such removal shall take place unless the mayor and at least four aldermen shall concur, and vote in the affirmative upon the passage of such ordinance or resolution of removal. When any books, dockets, records, or papers are delivered to the clerk as herein specified, he shall safely keep the same until they are demanded of him by the successor, duly qualified, of the person removed, and then he shall deliver such books, dockets, records and papers to such successor.

How vacancy shall be filled.

SECTION 5. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulation under which the penalty or forfeiture, stating the chapters and sections 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.

Actions to be by summons.

SECTION 6. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance, or regulation, the first process shall be a summons, unless oath be made for a war-

Process to be by summons.

rant, as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

Form of summons.

SECTION 7. When the action is commenced by summons, such summons may be substantially in the following form:

County of Shawano, }
 City of Shawano. } ss

The State of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Shawano:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned police justice, in and for said city, at my office in said city, on the _____ day of _____, 18—, at _____ o'clock in the _____ noon, to answer to the city of Shawano in a plea of debt to the damage of said city, one hundred dollars or under.

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

C. D., Police Justice.

When made returnable.

SECTION 8. 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 the 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.

Complaint.

SECTION 9. When the action is commenced by summons, the complaint may be substantially in the following form:

The City of Shawano }
 against } In Police Justice Court,
 A. B. } Before C. D.,
 Police Justice.

“The plaintiff complains against —, the defendant, for that on the — day of —, 18—, at the said city, did violate (section — of chapter —, of this act, or section —, of an ordinance or by-law, or regulation of said city, describing it by its title,) which said — is now in force. By reason of such violation, an action hath accrued to the city of Shawano 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.

SECTION 10. In all cases where oath is made for a warrant the complaint shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially as follows:

The City of Shawano) In Police Justice Court,
against) Before C. D., Police
A. B.) Justice.

County of Shawano,)
State of Wisconsin,) ss.

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

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

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated 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 police justice, he shall issue a warrant substantially in the following terms:

State of Wisconsin,)
County of Shawano,) ss.
City of Shawano.)

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal of the city of Shawano, 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 said section —, of chapter —, of this act (or section — of an ordinance, or by-law, or regulation of said city, describing it by its title) which said — is now in full force, as the complainant believes; therefore you are commanded to arrest

the body of the said A. B. and bring him before me forthwith to answer to the city of Shawano on the complaint aforesaid.

C. D., Police Justice.

Prima facie evidence.

SECTION 11. A printed copy of an ordinance, by-law or regulation, passed by the common council and published in a newspaper, or in a pamphlet, or 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.

Trial of case by justice.

SECTION 14. Upon the return of the warrant with the accused, the police justice shall proceed summarily to try the cause, unless it be adjourned by consent or for cause. If the case be adjourned, the accused shall recognize with sufficient sureties, and in such sum as the court may order and approve for his appearance on the adjourned day, or such defendant may be left in charge of the officer or committed to the common jail of the county of Shawano. The complaint made as aforesaid shall be the only complaint required, and the plea of "not guilty" shall put in issue all the subject matter embraced in the action.

How complaint and warrant may be amended.

SECTION 13. The complaint and warrant, or either of them, may be amended and actions adjourned in the same manner and upon the same conditions and restrictions as complaints and warrants are amended, and actions are adjourned in criminal actions in justice's court under the general laws of this state, and in all cases either party shall enjoy the right of trial by jury, as in justice's court, unless the same is duly waived, and a failure to demand a jury shall, in all cases, be deemed a waiver; except that no trial by jury shall be allowed in any action or prosecution brought for a violation of this act or of any ordinance, by-law, rule, regulation or resolution of said city. In purely civil actions adjournments may be had upon the same conditions and subject to the same restrictions as adjournments in like actions are had in justice's courts under the general laws of the state.

Findings of court.

SECTION 14. In all actions brought to recover a fine or penalty for violating any of the provisions of this act, or of any ordinance, by-law, or

regulation of said city, the finding of the court shall be, "guilty" or "not guilty." If not "guilty," the defendant shall be discharged by order of the court, and the police justice shall enter a judgment for costs against the city, but such costs shall be presented, audited, allowed and paid in the same manner as is provided by this act for the payment of other claims against the city. If the finding of the court shall be "guilty," the court shall render judgment thereon against the defendant for the amount of the fines, penalty or forfeiture prescribed in this act, or in the ordinance, by-laws, regulation or resolution, for the violation of which the defendant shall have been found guilty, or for such proportion thereof, not less than the minimum so prescribed, as in his discretion will best promote good order and the public good in said city, and for costs of suit, and in such case shall also adjudge that in default of payment of any such judgment, the defendant be imprisoned in the county jail of Shawano county or the city lock-up for such time, not exceeding fifty days, as shall be prescribed in this act, or in the ordinance, by-law, regulation or resolution for the violation of which the defendant shall have been found guilty.

SECTION 15. In case the finding of the court be "guilty," as provided in the preceding section, the judgment of the court shall be substantially in the following form: Form of judgment.

"The court having found the defendant, X. Y., guilty, as charged in the complaint, it is now here adjudged by the court that the said defendant, X. Y. pay a fine of _____ dollars, and the costs of this suit, taxed at _____ dollars, and _____ cents; in all the sum of _____ dollars, and _____ cents, fine and costs, and that in default of payment of the said sum, _____ dollars and _____, fine and costs, the said defendant, X. Y., be imprisoned in the county jail of Shawano county or in the city lock-up for the term of _____ days from the _____ day of _____, 18— (inserting here the date of the rendition of the judgment)."

SECTION 16. Upon the rendition of such judgment against the defendant, and upon the non-payment thereof, the police justice shall forthwith issue a commitment, which shall be substantially in the following form. Form of commitment.

Shawano County, }
 City of Shawano. } ss.

The state of Wisconsin, to the marshal of said city, and to the keeper of the common jail of said county, or the city lock-up:

Whereas, at the police court of said city, held at my office in said city, for the trial of X. Y. for the offense hereinafter stated the said X. Y. was convicted of having on the — day of —, 18—, at the said city of Shawano, in said county of Shawano, violated (here state the offense as stated in the warrant), and upon conviction the said court did adjudge that said X. Y. should pay a fine of — dollars and the costs of suit taxed at — dollars and — cents; in all, the sum of — dollars and — cents, fine and costs, and that in default of payment of said sum of — dollars and — cents, fine and costs, the said X. Y. should be imprisoned in the common jail of said Shawano county or the city lock-up, for the term of — days, from the — day of —, A. D. 18—; and whereas, there has been and is default in the payment of the said sum of — dollars and — cents, fine and costs; now, therefore, you the said marshal, are commanded forthwith to convey and deliver the said X. Y. to the said keeper; and you, the said keeper, are hereby commanded to receive the said X. Y. into your custody in said jail, and him there safely keep until the expiration of said — days, or until he shall be thence discharged by due course of law.

Given under my hand the — day of —, A. D. 18—.

— —, Police Justice.

To be sent to
 the circuit
 court for ap-
 peal.

SECTION 17. Any person convicted of a violation of any of the provisions of this act, or of any ordinance, by-law, regulation or resolution of said city may appeal from the judgment of conviction to the circuit court of Shawano county; provided, such person shall, within twenty-four hours after the rendition of such judgment, enter into a recognizance to said city in the sum of two hundred and fifty dollars, with one or more sufficient sureties, to be approved by the police justice, conditioned to appear before said circuit court at the next regular term, and from term to term thereafter, and to abide the judgment of the said circuit court therein; and the police justice shall

make a special return of the proceedings had before him, and shall cause the complaint, warrant and return, together with the recognizance or recognizances, to be filed in the office of the clerk of said circuit court on or before the first day of the term thereof next to be holden in said county, and the complainant and witnesses may also be required to enter into recognizances, with or without sureties, in the discretion of the police court, to appear at said circuit court at the time last aforesaid, and to abide the order of the court therein.

SECTION 18. All appeals taken under the provisions of this act shall be conducted in the circuit court in the same manner as appeals from justices' courts under the general laws of this state, and the judgment of such court shall be carried into execution as hereinbefore provided, as near as may be.

How appeals to be conducted in circuit court.

SECTION 19. Whenever any suit or action shall be commenced against said city, the service in such case shall be made by serving the summons or other process on the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof.

How service is to be made.

SECTION 20. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or resident of said city, in any action or proceeding in which said city is a party or interested.

Shall not work incompetency.

SECTION 21. Witnesses and jurors shall attend before the court 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.

SECTION 22. The police justice shall, on the Monday two weeks preceding the annual election in each year, file with the city clerk a report showing the amount of fines and penalties received by him during the time covered by such report, and the amount of such fines and penalties paid by him to the treasurer of said city, and the dates of payment of the same, and with such report he shall file the precepts showing such payment received by him from the treasurer during the time covered by such report. And the clerk shall lay such report before the common council

Annual report of justices.

at the next regular meeting after the same shall have been filed; and all fines and penalties, by whomsoever received or collected, shall be paid over to the city treasurer within ten days after the same shall have been collected or received.

CHAPTER XIII.

SCHOOLS.

Schools.

SECTION 1. The territory embraced within the limits of the city of Shawano as prescribed by this act or which may hereafter be attached, shall constitute and be called, "The school district of the city of Shawano," and the management of school matters shall remain the same as has heretofore existed under the general laws of the state.

CHAPTER XIV.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Regulate construction of buildings.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the 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 prevent the carrying on of manufactories dangerous in causing and promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the occupants and owners of buildings to have scuttles in the roof, and stairs, or ladders leading to the same; to authorize the mayor, aldermen, firewardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and compel all 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 to provide penalties for the violation of any resolution or ordinance passed under this section.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed thirty able bodied men between the ages of eighteen and fifty years, but no company shall have less than fifteen active, able bodied members, and they may elect their own officers, and form their own by-laws not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work, poll tax, and from serving on juries, and from military duty, in the city of Shawano, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of seven years, in either of such companies, shall be forever thereafter exempt from poll tax and military duty, except as in cases before mentioned.

Purchase fire-engines.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of April in each year, at such place as may be

Annual meeting.

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

Firewardens.

SECTION 5. The mayor shall appoint two firewardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store or barn or inclosure for the purpose of inspecting the same.

Penalty for refusing to obey lawful order of proper officers.

SECTION 6. Whenever any person shall refuse to obey any lawful order of any engineer, firewarden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally the marshal, constable or watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack companies.

SECTION 7. The common council shall have power to organize a sack company or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Shawano, and are hereby vested with all the power and au-

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

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Duty of treasurer.

SECTION 9. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday in May of each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member or either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Clerk or secretary to be elected annually.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for cause cease to be a member

City clerk to keep record of members.

of either of said companies the clerk shall note the fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Shawano a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Chief engineer.

SECTION 11. The chief engineer shall have control of the fire department of the city of Shawano and to prescribe the duties of the officers and members thereof, and when authorized by the common council he shall order all the necessary apparatus for the extinguishment of fires. He shall have charge of the fire engines, and see that they are always in working order; in the absence of the chief engineer, the assistant chief shall have full power and control. The chief engineer shall on the first day of March in each year make report in detail and under oath to the common council of all property belonging to the city in possession of the fire department and of its condition and value. The chief engineer shall from time to time make such recommendations in writing to the common council, designated to promote the efficiency of the fire department, as he shall deem expedient. He shall also keep in a book to be provided for that purpose, a record of all alarms of fire, the cause thereof, the extent of loss and the amount of insurance, and shall incorporate the same in detail in his annual report. The chief engineer shall receive such compensation as the common council may determine.

CHAPTER XV.

MISCELLANEOUS.

Sidewalks.

SECTION 1. Every corporation, association or society owning, and each and every owner of any lot, part of lot, or parcel of land in said city, upon, along, in front of, or adjoining which there shall have been or shall hereafter be placed, constructed or laid, any walk or sidewalk for the use or accommodation of the public to walk upon, shall at all times keep and maintain said walk or sidewalk,

or cause the same to be kept and maintained, in a safe, convenient and effective condition, for the use of any person or persons desirous to walk thereon; and any person who may have been or shall hereafter be injured by reason of the unsafe or defective condition of such walk or sidewalk, shall have the right to maintain an action in any court of record against such owner or owners, for all damages or injury of every nature resulting to such person or persons by reason of the neglect of such owner to maintain, or caused or cause to be maintained, such walk or sidewalk in a safe, convenient and effective condition; provided, that no action shall be maintained against such owner, unless the same be commenced within sixty days from the time such injury shall have happened to the person so claiming such damages.

SECTION 2. It is hereby declared to be the true meaning and intent of this act, in the provisions relating thereto, that the said city of Shawano shall not, in any case be liable to any person or persons for damages resulting from the defective, unsafe or dangerous condition of any walk or sidewalk mentioned in the foregoing section, or for any neglect in the keeping and maintaining of the walk or sidewalk of said city in a safe, convenient or effective condition, and the only cause of action to which the said city of Shawano shall be liable, or which shall be maintained in any court against said city, in connection with, or relating to the damages resulting from the failure to keep the walks or sidewalks in said city, in a safe, convenient or effective condition, shall be by reason of the failure of any person or persons to collect a judgment recovered against such owner, or owners, or corporation, or society for any such damages, resulting from such injuries, as hereinbefore stated.

City shall not be liable for damages.

SECTION 3. Whenever an execution upon any judgment recorded by any person or persons, against any such owner or owners of any lot, part of lot or parcel of land mentioned in the next two preceding sections, for damages resulting from the unsafe, defective or dangerous condition of any walk or sidewalk, shall have been returned, as provided by law, unsatisfied, and no fraud, collusion or misrepresentations shall have been

Execution returned unsatisfied.

practiced by any of the parties thereto, or for and on their behalf, an action may then be commenced in any court of record against said city for the said damages resulting from the unsafe, defective or dangerous condition of such walk or sidewalk, and said city may interpose a defense to the merits of said cause of action, in the same manner as said owner or owners shall have made, or may have made, or any other defense which may be sufficient in law or equity to defeat said claim; and the said judgment against said owner or owners, shall in no way be effectual or operate as a bar to any defense the said city may interpose; provided, that it shall be a sufficient and complete defense to any such action commenced against said city to maintain collusion, fraud or misrepresentation by any of the parties to said judgment, or by any person or persons for and on their behalf; and, provided further, that no such action shall be maintained against said city unless commenced within six months after the return of execution unsatisfied, or within one year after the recovery of such judgment against such owner or owners; nor shall such action in any event be maintained unless the person or persons claiming such damages, shall have in the first instance filed with the city clerk, a statement of the claim, together with the name of the person or persons against whom the claim is made, and the circumstances out of which it arose, duly verified on the oath of the claimant or claimants, within sixty days after the happening of the occurrence by which the injury was done and damage resulted.

Regarding defective sidewalks.

SECTION 4. In case of injury or damage by reason of insufficient, defective or dangerous condition of drains, sewers, gutters or ditches, bridges, and such portion of streets as are not included in sidewalks, produced or caused by the wrong, neglect of duty, default or negligence of any person or corporation, such person or corporation shall be primarily liable for all damages for such injury, in suit for the recovery thereof, by the person sustaining such damages, and the city shall not be liable therefor, until all legal remedies shall have been exhausted, to collect such damages from such person or corporation; provided, that this section shall apply to and hold as liable all persons who may have produced or

caused such wrong, neglect of duty, default or negligence, while holding contract relations with said city, or any department therein, as well as all persons who at the time shall not hold contract relations with said city.

SECTION 5. No action shall lie or be maintained against the city of Shawano on contract until the claimant shall have presented to the common council a statement of the claim and the amount thereof, and the circumstances out of which it arose, duly verified on the oath of the claimant, and the council shall have allowed a regular meeting to have passed without an adjustment with the claimant or such claim or demand.

No action shall lie unless statement of account be presented.

SECTION 6. No action in tort, other than is hereinbefore provided, shall lie or be maintained against the city of Shawano, unless a statement in writing, signed by the person injured or claiming to be injured, of the wrong and circumstances thereof, and the amount of damages claimed shall be presented to the common council within sixty days after the occurring or happening of the tort alleged; provided, that this section shall not apply or qualify any of the provisions of sections 1, 2, 3, of this chapter.

How action in tort shall lie.

SECTION 7. If any election by the people or common council shall not be held, from any cause, at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, said city corporation shall not be dissolved, but such election or organization may be had on any subsequent day by order of the common council thereof; and if any of the duties enjoined by this act, or the ordinances or by-laws of said city, to be done by an officer or agent at a specified time, and if the same is not then done or performed, the common council may appoint another time at which the said act or acts may be done.

Failure to hold election.

SECTION 8. No member of the common council shall be competent to hold any other office or appointment of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act, order, resolution or ordinance of the common council, or be directly or indirectly interested in any contract the expense or consideration whereof, is to be paid under any

Emoluments not available to city council.

ordinance or other action or direction of the common council.

Officers of the peace.

SECTION 9. The mayor, aldermen, city marshal and his deputies and the sheriff and his deputies of Shawano county, and all constables of the city of Shawano, shall be officers of the peace, and suppress in a summary manner all riots, affrays or disorderly conduct within the city, and for such purpose may command the assistance of all bystanders and citizens or other persons, and if either or any of said officers or persons by them commanded shall refuse or neglect to aid or assist such officers in maintaining the peace, or in the service of any process, or arresting offenders without process when so required, upon conviction shall be deemed guilty of a misdemeanor, and shall be fined not less than ten nor more than two hundred dollars and costs of suit, and in default of payment shall be committed to the common jail of Shawano county or the city lock-up until paid, but such imprisonment shall be limited by the court, and in no case shall be less than ten days.

Service of process.

SECTION 10. Service of process for the commencement of any action against said city shall be made by leaving a copy of the same with the mayor, and it shall be his duty forthwith to inform the common council thereof, and take such other proceedings as the nature of the case shall require or as by ordinance or resolution of the common council in such cases directed.

Use of jails.

SECTION 11. The use of the jail of Shawano county shall be granted to said city for the confinement of offenders, and every such offender who 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.

Tax levy.

SECTION 12. The board of county supervisors may levy taxes within said city in the manner provided by the general laws of this state, and cause the same to be certified to the city clerk, and the said city clerk shall thereupon proceed to calculate and carry out the same, together with all taxes levied under the provisions of this act or of any other law, in a tax roll to consist of but one book or volume, and in the manner provided by law for the levy of taxes in towns. And in

all other respects not herein provided for, the taxes upon such tax roll shall be collected in the manner now provided, or as may be hereinafter provided by law, for the collection of taxes in towns.

SECTION 13. If any person having been an officer in said city shall neglect or refuse for ten days after notification and request to deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or appertaining to the office he may have held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

Penalty for failure to deliver.

SECTION 14. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy in the manner hereinbefore provided.

Vacancy.

SECTION 15. The regular committees of the common council shall be as follows: On finance, streets, ordinances, fire department and licenses, and shall be appointed by the mayor at the first meeting after the annual election or as soon thereafter as convenient.

Regular committees named.

SECTION 16. The common council may, by a two-thirds vote thereof, upon due notice, expel any member thereof or remove any officer or agent of the city for incompetency, misconduct or neglect in the discharge of official duties.

Expulsion of members.

SECTION 17. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be sufficient for the complaint in the action generally to allege that the defendant is indebted to the plaintiff in the amount of such penalty or forfeiture, or in such other manner as may be provided by law in actions to recover penalties or forfeitures, stating the clause of this act, or by-law or ordinance under which the penalty or forfeiture is

Actions brought in corporate name of city.

claimed, and to give special matter in evidence under it.

Repairing side-walks. }

SECTION 18. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises.

Poor laws.

SECTION 19. The laws of the state for the relief and support of the poor in towns, shall apply to said city of Shawano, and the common council shall appoint at least three of its number, who shall organize and act as a poor board, with the mayor as president thereof; such board shall be governed by such rules as the common council may prescribe, and in respect to the poor of the city, shall have the same powers, be subject to the same liabilities and governed by the same law as supervisors of towns.

Amount of expenditures.

SECTION 20. The common council may expend for the improvement of any highway or highways leading into said city, not to exceed four hundred dollars in any one year.

Width of streets.

SECTION 21. Every individual or company of individuals or body corporate owning a lot or tract of land within the corporate limits of the city of Shawano, who may desire to subdivide or plat such tract, lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plats to correspond in width and general direction with the streets of the city.

Not invalidate.

SECTION 22. This act shall not invalidate any legal act done by the common council of the city of Shawano or by its officers, nor divest their successors under this act of any rights of property or otherwise, or any liability which may have accrued to or against said corporation prior to the passage of this act, and all ordinances, rules and regulations now in force in said city, not contravening the provisions of this act, shall be and remain in force until altered or repealed by the common council. The present offices of said city of Shawano shall hold their respective offices until the officers specified in this act shall have been elected and qualified.

Violations of ordinance.

SECTION 23. The common council shall have authority by ordinance to provide that any and all persons who shall be found guilty of the viola-

tion of any city ordinance for drunkenness, vagrancy, mendicancy, street begging, or for being an inmate or frequenter of a house of ill-fame, or for disorderly conduct, and shall neglect or omit to pay any fine or costs, imposed therefor, shall work out such fine and costs upon the public streets of said city, or shall do any other work that such city may have or wish to be done, and the compensation therefor, to be fixed by the common council, shall be deducted from such fine and costs thereon; and the common council may pass the necessary ordinances to carry out the provisions of this section.

SECTION 24. All fire-engines, hose, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders, and other apparatus and implements shall be exempt from attachment or execution issued in any action or any judgment wherein the said city shall be a party.

City property exempt.

SECTION 25. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Individual property not to be sold on execution.

SECTION 26. Every practicing physician in said city who shall have a patient laboring under any malignant or infectious or pestilential disease shall forthwith make report thereof to the mayor of said city, and for neglecting to do so shall be considered guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum of fifty dollars, to be recovered for the benefit of said city.

Duty of physicians.

SECTION 27. The common council, at their first meeting in each year, or as soon thereafter as may be, shall provide that all printing authorized or required by it to be done for the city may be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper, printed and published in the city of Shawano in the English language, unless the bids of such publishers shall be deemed exorbitant or unless such publishers should fail to bid. All ordin-

Printing to be let to lowest bidder.

ances and other proceedings required by this act, or by the resolutions or ordinances of the common council to be published shall be published in the newspaper so selected, and said paper shall be the official newspaper of said city. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by law which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit or the affidavit of his or their foreman of the length of time the same has been published; and such affidavits shall be conclusive evidence of the publication of such notice, ordinance, by law or resolution, and the clerk shall file the same in his office.

No compensation shall be paid to mayor or alderman.

SECTION 28. No compensation or salary shall be paid the mayor or any alderman of said city for any purpose or under any pretext whatever for any official duty he or they may perform for said city.

Pardons.

SECTION 29. The mayor shall have the power to grant pardons or commutations after conviction, for all offenses against the ordinances of the city or of this act, upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting, with the reasons therefor.

Shall not overdraw funds.

SECTION 30. The common council shall not contract indebtedness or incur liability or appropriate money in any one year, payable out of any fund authorized to be raised in said city, to a greater amount than the amount of such fund so authorized to be raised in any such year, and every member of the common council who shall vote to contract any indebtedness or incur any liability or to appropriate any money payable out of any fund in excess of the amount of such fund authorized to be raised in such year, shall forfeit and pay the sum of fifty dollars for each and every offense.

Resignations.

SECTION 31. Any officer of said city may resign his office by filing his written resignation with the city clerk; and such resignation shall take effect and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council, and not otherwise.

Ornamental trees.

SECTION 32. The common council of the city of Shawano 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 or streets 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 expense of the same. They shall also have the power to determine the lines on which the trees shall be set, the places where they shall be set, the kind and size of the trees to 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. Said council shall also have full power and authority to do all other needful acts as to them may seem just and proper to give to this section full scope and effect.

SECTION 33. The city may purchase tax sale certificates of the county and take deeds upon the same in its own name for any land returned by it to the county for non-payment of taxes, and land so deeded shall not be taxable until sold by the city.

City may purchase tax sale certificates.

SECTION 34. The council shall have 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 said 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.

Power to change name of streets.

SECTION 35. If the common council of said city at any time shall revise its existing ordinances and by-laws, and shall thereafter publish the same in book or pamphlet form for use and distribution, such publication shall be deemed and held to be a legal and sufficient publication of said ordinances and by-laws, respectively, anything in this act to the contrary notwithstanding.

Revision of ordinances and by-laws.

SECTION 36. This act shall be deemed a public act and may be read in evidence without further proof, and judicial notice thereof shall be taken in all courts and places; and all ordinances, orders, rules, resolutions or regulations and by-laws of said city, when printed and published as in this act provided, shall be received and read in evidence in all courts and places without further proof. Also the book in which the ordinances of said city

Public act.

are recorded at length by the city clerk shall be received and read in evidence in all courts and places without further proof.

Does not repeal.

SECTION 37. No general law of this state, contravening the provisions of the city charter, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Repealing section.

SECTION 38. All acts heretofore passed relating to the charter of the city of Shawano, or any amendment thereto, and chapter 278, laws of 1874, are hereby repealed.

SECTION 39. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1885.

[No. 425, A.]

[Published April 8, 1885.]

CHAPTER 160.

AN ACT to amend section 6, chapter 54, of the laws of 1885, entitled, "An act to incorporate the city of Viroqua."

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

Section 6 amended.

SECTION 1. Section 6, of chapter 54, of the laws of 1885, is hereby amended by inserting the word "clerk" in the second line after the word, "treasurer," and when so amended shall read as follows: Section 6. The elective officers of said city shall be a mayor, treasurer, clerk, assessor, marshal, two justices of the peace, one police justice and two constables for the city at large, and two aldermen for each ward and one supervisor for each ward who shall represent said ward on the county board of Vernon county. All other officers necessary for the proper management of the affairs of said city shall be elected by the common council. The treasurer, assessor, marshal, supervisors, clerk, justices of the peace, police justice, and constables shall be qualified voters and residents of the city of Viroqua, and the mayor and aldermen shall be qualified voters and freeholders